

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

As Engrossed: S2/22/12

# A Bill

SENATE BILL 75

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE ECONOMIC  
10 DEVELOPMENT COMMISSION FOR THE FISCAL YEAR ENDING  
11 JUNE 30, 2013; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE ECONOMIC DEVELOPMENT  
15 COMMISSION APPROPRIATION FOR THE 2012-2013  
16 FISCAL YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Economic Development Commission for the 2012-2013 fiscal year, the following  
24 maximum number of regular employees.  
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
30	(1) U055U	AEDC DIRECTOR	1	\$135,611
31	(2) U105U	AEDC DEP DIR FINANCE & ADMIN	1	\$116,326
32	(3) U059U	AEDC DEPUTY DIRECTOR	1	\$116,326
33	(4) N062N	AEDC BUSINESS DEV DIVISION DIR	1	GRADE N908
34	(5) N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
35	(6) N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
36	(7) N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907



1	(8)	N084N	AEDC MRKT & COMMUNICATIONS DIR	1	GRADE N907
2	(9)	N083N	AEDC STRATEGIC PLANNING DIRECTOR	1	GRADE N907
3	(10)	N173N	ENERGY OFFICE DEPUTY DIRECTOR	1	GRADE N903
4	(11)	G013C	AEDC DIR ARKANSAS ENERGY OFFICE	1	GRADE C128
5	(12)	G014C	AEDC DIR OF COMMUNITY DEVELOPMENT	1	GRADE C128
6	(13)	P002C	AEDC DIRECTOR FILM COMMISSION	1	GRADE C128
7	(14)	G015C	AEDC SMALL/MINORITY BUSINESS DIR	1	GRADE C128
8	(15)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
9	(16)	D012C	DATABASE SPECIALIST	1	GRADE C127
10	(17)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
11	(18)	G048C	AEDC STRATEGIC PLANNING ASST DIR	1	GRADE C126
12	(19)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
13	(20)	G062C	AEDC PROJECT/REGIONAL MANAGER	16	GRADE C125
14	(21)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
15	(22)	G104C	AEDC AREA/PROGRAM REPRESENTATIVE	22	GRADE C122
16	(23)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
17	(24)	R014C	PERSONNEL MANAGER	1	GRADE C121
18	(25)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
19	(26)	E023C	TRAINING PROJECT MANAGER	4	GRADE C120
20	(27)	G148C	ENERGY PROGRAM MANAGER	2	GRADE C119
21	(28)	G147C	GRANTS COORDINATOR	1	GRADE C119
22	(29)	A066C	INTERNAL AUDITOR	1	GRADE C119
23	(30)	A063C	RESEARCH & STATISTICS SUPERVISOR	1	GRADE C119
24	(31)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(32)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
26	(33)	D064C	WEBSITE DEVELOPER	1	GRADE C118
27	(34)	A082C	ACCOUNTANT II	2	GRADE C117
28	(35)	G188C	BUSINESS & INDUSTRIAL ENERGY SPEC	1	GRADE C117
29	(36)	G180C	GRANTS ANALYST	6	GRADE C117
30	(37)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
31	(38)	A081C	AUDITOR	1	GRADE C117
32	(39)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
33	(40)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
34	(41)	R033C	BENEFITS ANALYST	1	GRADE C115
35	(42)	D077C	HELP DESK SPECIALIST	1	GRADE C115
36	(43)	V015C	PURCHASING SPECIALIST	1	GRADE C115

1	(44)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114
2	(45)	C056C	ADMINISTRATIVE SPECIALIST III	<u>11</u>	GRADE C112
3			MAX. NO. OF EMPLOYEES	103	

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5 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,  
6 for the Economic Development Commission – State Operations for the 2012-2013  
7 fiscal year, the following maximum number of part-time or temporary  
8 employees, to be known as "Extra Help", payable from funds appropriated  
9 herein for such purposes: eleven (11) temporary or part-time employees, when  
10 needed, at rates of pay not to exceed those provided in the Uniform  
11 Classification and Compensation Act, or its successor, or this act for the  
12 appropriate classification.

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14 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby  
15 appropriated, to the Economic Development Commission, to be payable from the  
16 Arkansas Economic Development Commission Fund Account, for personal services  
17 and operating expenses of the Economic Development Commission – State  
18 Operations for the fiscal year ending June 30, 2013, the following:

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20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2012-2013</u>
22	(01) REGULAR SALARIES	\$4,813,135
23	(02) EXTRA HELP	20,000
24	(03) PERSONAL SERVICES MATCHING	1,337,971
25	(04) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	1,641,526
27	(B) CONF. & TRAVEL	141,486
28	(C) PROF. FEES	1,280,000
29	(D) CAP. OUTLAY	100,000
30	(E) DATA PROC.	0
31	(05) ECONOMIC INFRASTRUCTURE/REGIONALISM	
32	GRANTS	1,000,000
33	(06) FAR EAST TRADE/IND RECRUITMENT	150,000
34	(07) INDUSTRY TRAINING PROGRAM	1,000,000
35	(08) FOR STATE MATCHING OF FEDERAL FUNDS	<u>228,500</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$11,712,618</u>

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SECTION 4. APPROPRIATION - COMMUNITY ASSISTANCE (CDBG) - FEDERAL.

There is hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Economic Development Commission – Community Assistance - Federal for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$323,924
(02) PERSONAL SERVICES MATCHING	97,327
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	60,600
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	70,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS/AIDS - CDBG	30,000,000
(05) STORM RECOVERY GRANTS	90,475,898
(06) FLOOD RECOVERY GRANTS	4,747,501
(07) ARRA OF 2009	<u>4,632,783</u>
TOTAL AMOUNT APPROPRIATED	<u>\$130,433,033</u>

SECTION 5. APPROPRIATION - STATE ENERGY PLAN - FEDERAL. There is

hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Economic Development Commission – State Energy Plan - Federal for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$374,103
(02) PERSONAL SERVICES MATCHING	117,259
(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	93,273
2	(B) CONF. & TRAVEL	11,788
3	(C) PROF. FEES	108,085
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(04) ENERGY CONSERVATION GRANTS AND AID	151,952
7	(05) ARRA OF 2009	<u>50,507,241</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$51,363,701</u></u>

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10 SECTION 6. APPROPRIATION - ENERGY EFFICIENCY ARKANSAS - CASH. There is  
 11 hereby appropriated, to the Economic Development Commission, to be payable  
 12 from the cash fund deposited in the State Treasury as determined by the Chief  
 13 Fiscal Officer of the State, for personal services and operating expenses of  
 14 the Economic Development Commission for the fiscal year ending June 30, 2013,  
 15 the following:

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17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2012-2013</u>
19	(01) REGULAR SALARIES	\$44,672
20	(02) PERSONAL SERVICES MATCHING	13,712
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	43,900
23	(B) CONF. & TRAVEL	2,000
24	(C) PROF. FEES	2,102,955
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(04) ENERGY EFFICIENCY ARKANSAS GRANTS	<u>100,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,307,239</u></u>

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30 SECTION 7. APPROPRIATION - INCENTIVE PLANS - CASH. There is hereby  
 31 appropriated, to the Economic Development Commission, to be payable from cash  
 32 funds as defined by Arkansas Code 19-4-801 of the Economic Development  
 33 Commission, for expenses of assisting industries in the negotiation of  
 34 financial incentive plans of the Economic Development Commission for the  
 35 fiscal year ending June 30, 2013, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2012-2013</u>
3	(01) FINANCIAL INCENTIVE PLANS - EXPENSES	<u>\$8,620</u>

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5 SECTION 8. APPROPRIATION - TRADE AND INTERNATIONAL INVESTMENT DIVISION  
 6 - CASH. There is hereby appropriated, to the Economic Development  
 7 Commission, to be payable from cash funds as defined by Arkansas Code  
 8 19-4-801 of the Economic Development Commission, for marketing expenses of  
 9 the Economic Development Commission for the fiscal year ending June 30, 2013,  
 10 the following:

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12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2012-2013</u>
14	(01) TRADE AND INTERNATIONAL INVESTMENT	
15	MARKETING EXPENSES	<u>\$9,625</u>

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17 SECTION 9. APPROPRIATION - EXISTING BUSINESS RESOURCE PROGRAM - CASH.  
 18 There is hereby appropriated, to the Economic Development Commission, to be  
 19 payable from cash funds as defined by Arkansas Code 19-4-801 of the Economic  
 20 Development Commission, for Existing Business Resource Program expenses of  
 21 the Economic Development Commission for the fiscal year ending June 30, 2013,  
 22 the following:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2012-2013</u>
26	(01) EXISTING BUSINESS RESOURCE EXPENSES	<u>\$30,150</u>

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28 SECTION 10. APPROPRIATION - PETROLEUM VIOLATION ESCROW - CASH. There  
 29 is hereby appropriated, to the Economic Development Commission, to be payable  
 30 from cash funds as defined by Arkansas Code 19-4-801 of the Economic  
 31 Development Commission, for operating expenses and grants to approved  
 32 projects from funds received from settlements with petroleum companies and  
 33 other miscellaneous cash funds of the Economic Development Commission for the  
 34 fiscal year ending June 30, 2013, the following:

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36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2012-2013</u>
2	(01) ENERGY CONSERVATION GRANTS AND AID	<u>\$404,489</u>

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4 SECTION 11. APPROPRIATION - TECHNOLOGY ACCELERATION PROGRAM. There is  
5 hereby appropriated, to the Economic Development Commission, to be payable  
6 from the Technology Acceleration Fund, for investment incentives to enhance  
7 the economy of the state through technology development of the Economic  
8 Development Commission for the fiscal year ending June 30, 2013, the  
9 following:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2012-2013</u>
13	(01) TECHNOLOGY ACCELERATION PRGM	<u>\$30,000,000</u>

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15 SECTION 12. APPROPRIATION - SUPER PROJECTS. There is hereby  
16 appropriated, to the Economic Development Commission, to be payable from the  
17 Economic Development Superprojects Project Fund, for Super Projects of the  
18 Economic Development Commission for the fiscal year ending June 30, 2013, the  
19 following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2012-2013</u>
23	(01) SUPER PROJECTS	<u>\$200,000,000</u>

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25 SECTION 13. APPROPRIATION - NON-PROFIT GRANTS. There is hereby  
26 appropriated, to the Economic Development Commission, to be payable from the  
27 Arkansas Economic Development Commission Fund Account, the following:

28 (A) for grants to cities, counties, planning and development districts,  
29 and other eligible entities for land acquisition, improvements, construction,  
30 renovation, major maintenance, and purchase of equipment, industrial site  
31 development costs including; construction, renovation, and equipment  
32 acquisition, development of intermodal facilities, including port and  
33 waterway projects, rail spur construction, and road and highway improvements,  
34 environmental mitigation projects, and construction and improvement of water  
35 and sewer systems, in a sum not to exceed.....\$60,000.

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1 SECTION 14. APPROPRIATION - REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP  
 2 ACT GRANTS. There is hereby appropriated, to the Economic Development  
 3 Commission, to be payable from the cash fund deposited in the State Treasury  
 4 as determined by the Chief Fiscal Officer of the State, for Regional Economic  
 5 Development Partnership grants as authorized under the provisions of Arkansas  
 6 Code 15-4-3401 through 15-4-3412, in a sum not to  
 7 exceed.....\$250,000.

8  
 9 SECTION 15. FUNDING TRANSFER. Immediately upon the effective date of  
 10 this Section, the Chief Fiscal Officer of the State shall transfer on his or  
 11 her books and those of the State Treasurer and the Auditor of the State the  
 12 sum of two hundred fifty thousand dollars (\$250,000) from unobligated and  
 13 unallocated monies in the General Improvement Fund to the cash fund deposited  
 14 in the State Treasury as determined by the Chief Fiscal Officer of the State  
 15 to provide funds for the Regional Economic Development Partnership grants  
 16 appropriated in Sections 14 and 15 of this act.

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 18 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY  
 20 TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made  
 21 available to support the appropriation for Industry Training Program (ITP)  
 22 herein may be used to acquire capital equipment necessary to enhance the  
 23 capabilities of the Arkansas Industry Training Programs and for expenses  
 24 necessary to assist in carrying on the Existing Worker Training Program.  
 25 When not in use in an AITP managed course of training, the equipment  
 26 purchased under this provision shall be stored at a location to be determined  
 27 by the Executive Director, AEDC.

28 The provisions of this section shall be in effect only from July 1, ~~2010~~  
 29 2012 through June 30, ~~2011~~ 2013.

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 31 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN  
 33 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby  
 34 authorized to enter into contractual arrangements with private and/or public  
 35 companies, corporations, individuals or organizations for the purpose of  
 36 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed



1 restrictive in its language so as to preclude the use of standard  
2 Professional Services Contracts for the operation of the foreign offices  
3 and/or payment of such contracts from the special line items as established  
4 by legislative appropriation for the operation of said foreign offices.

5 The provisions of this section shall be in effect only from July 1, ~~2010~~  
6 2012 through June 30, ~~2011~~ 2013.

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8 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE  
10 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall  
11 structure its annual update to the Five Year Consolidated Plan and the new  
12 Five Year Consolidated Plan to reflect the legislative intent for a priority  
13 to be placed on the use of Community Development Block Grant (CDBG) funds for  
14 Multi-use facilities that will offer combined facilities for programs  
15 commonly offered in separate facilities such as senior centers, public health  
16 centers, childcare centers and community centers. AEDC shall report the  
17 methodology for complying with this priority to the Legislative Council.

18 The provisions of this section shall be in effect only from July 1, ~~2010~~  
19 2012 through June 30, ~~2011~~ 2013.

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21 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC  
23 PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make  
24 additional efforts to increase non-traditional public participation in its  
25 annual update to the Five Year Consolidated Plan and the new Five Year  
26 Consolidated Plan. These efforts shall be in addition to current public  
27 notification methods. Notification should be considered through direct mail-  
28 out to mayors and county judges, contacts with planning and development  
29 districts, contact with the Department of Rural Services, submissions to  
30 grant notification publications, and publication on AEDC's web page. AEDC is  
31 encouraged to develop additional innovative public awareness strategies.

32 The provisions of this section shall be in effect only from July 1, ~~2010~~  
33 2012 through June 30, ~~2011~~ 2013.

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35 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL

1 DEVELOPMENT. From the funds appropriated for Community Development Grants  
2 within the Community Development Program in this Act for Community  
3 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall  
4 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the  
5 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed  
6 with the federal Department of Housing and Urban Development. Funds  
7 allocated to the Rural Development Set-Aside are to be used exclusively for  
8 grants to rural communities as defined in the Consolidated Plan.

9 The provisions of this section shall be in effect only from July 1, ~~2010~~  
10 2012 through June 30, ~~2011~~ 2013.

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12 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT  
14 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all  
15 applications for grant funds from the Rural Development Set-Aside and shall  
16 certify to the Department of Rural Services those applications eligible for  
17 grant funds under AEDC and federal guidelines. The Department of Rural  
18 Services alone shall decide which grant applications will be funded, and AEDC  
19 shall disburse grant funds from the Rural Development Set-Aside to those  
20 applicants receiving final approval by the Department of Rural Services. AEDC  
21 and the Department of Rural Services shall promulgate rules and regulations  
22 governing the application for and disbursement of grant funds from the Rural  
23 Development Set-Aside, and an annual report of the disposition of these grant  
24 funds shall be made to the Legislative Joint Auditing Committee.

25 The provisions of this section shall be in effect only from July 1, ~~2010~~  
26 2012 through June 30, ~~2011~~ 2013.

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28 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
30 PROVISION - FOREIGN OFFICES. If at any time during the fiscal year, the  
31 Director determines that market conditions warrant, the Arkansas Economic  
32 Development Commission is hereby authorized to transfer appropriation, after  
33 receiving the approval of the Chief Fiscal Officer of the State and prior  
34 approval by the Legislative Council or Joint Budget Committee, between the  
35 Foreign Offices in the State Operations Section of this Act for the purpose  
36 of responding to changes in the world markets.

1 Determining the maximum number of employees and the maximum amount of  
2 appropriation and general revenue funding for a state agency each fiscal year  
3 is the prerogative of the General Assembly. This is usually accomplished by  
4 delineating such maximums in the appropriation act(s) for a state agency and  
5 the general revenue allocations authorized for each fund and fund account by  
6 amendment to the Revenue Stabilization law. Further, the General Assembly  
7 has determined that the Arkansas Economic Development Commission may operate  
8 more efficiently if some flexibility is provided to the Arkansas Economic  
9 Development Commission authorizing broad powers under this Section.  
10 Therefore, it is both necessary and appropriate that the General Assembly  
11 maintain oversight by requiring prior approval of the Legislative Council or  
12 Joint Budget Committee as provided by this section. The requirement of  
13 approval by the Legislative Council or Joint Budget Committee is not a  
14 severable part of this section. If the requirement of approval by the  
15 Legislative Council or Joint Budget Committee is ruled unconstitutional by a  
16 court of competent jurisdiction, this entire section is void.

17 The provisions of this section shall be in effect only from July 1,  
18 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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20 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
22 PROVISION. If at any time during the fiscal year, savings are accomplished  
23 in the appropriation provided for "Far East Trade/Industry Recruitment",  
24 "Latin American Trade", and "Regular Salaries" in the State Operations  
25 Section of this Act, such appropriation savings may be transferred to the  
26 appropriations made for "Maintenance and General Operations" in the State  
27 Operations Section of this Act after prior approval by the Legislative  
28 Council or Joint Budget Committee. In addition, if at any time during the  
29 fiscal year, savings are accomplished in the appropriation provided for  
30 "Maintenance and General Operations" in the State Operations Section of this  
31 Act, such appropriation savings may be transferred to the appropriation for  
32 "Far East Trade/Industry Recruitment" and "Latin American Trade" in the State  
33 Operations Section of this Act, after prior approval by the Legislative  
34 Council or Joint Budget Committee.

35 Determining the maximum number of employees and the maximum amount of  
36 appropriation and general revenue funding for a state agency each fiscal year

1 is the prerogative of the General Assembly. This is usually accomplished by  
2 delineating such maximums in the appropriation act(s) for a state agency and  
3 the general revenue allocations authorized for each fund and fund account by  
4 amendment to the Revenue Stabilization law. Further, the General Assembly  
5 has determined that the Department of Economic Development may operate more  
6 efficiently if some flexibility is provided to the Department of Economic  
7 Development authorizing broad powers under this Section. Therefore, it is  
8 both necessary and appropriate that the General Assembly maintain oversight  
9 by requiring prior approval of the Legislative Council or Joint Budget  
10 Committee as provided by this section. The requirement of approval by the  
11 Legislative Council or Joint Budget Committee is not a severable part of this  
12 section. If the requirement of approval by the Legislative Council or Joint  
13 Budget Committee is ruled unconstitutional by a court of competent  
14 jurisdiction, this entire section is void.

15 The provisions of this section shall be in effect only from July 1,  
16 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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18 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
20 PROVISION. After receiving approval from the Chief Fiscal Officer of the  
21 State and prior approval by the Legislative Council or Joint Budget  
22 Committee, the Director of the Arkansas Economic Development Commission is  
23 authorized to transfer appropriation from any line item appropriation  
24 authorized in the Community Assistance (CDBG) - Federal Section of this Act  
25 to any other line item authorized in the Community Assistance (CDBG) -  
26 Federal Section of this Act.

27 Determining the maximum number of employees and the maximum amount of  
28 appropriation and general revenue funding for a state agency each fiscal year  
29 is the prerogative of the General Assembly. This is usually accomplished by  
30 delineating such maximums in the appropriation act(s) for a state agency and  
31 the general revenue allocations authorized for each fund and fund account by  
32 amendment to the Revenue Stabilization law. Further, the General Assembly  
33 has determined that the Department of Economic Development may operate more  
34 efficiently if some flexibility is provided to the Department of Economic  
35 Development authorizing broad powers under this Section. Therefore, it is  
36 both necessary and appropriate that the General Assembly maintain oversight

1 by requiring prior approval of the Legislative Council or Joint Budget  
2 Committee as provided by this section. The requirement of approval by the  
3 Legislative Council or Joint Budget Committee is not a severable part of this  
4 section. If the requirement of approval by the Legislative Council or Joint  
5 Budget Committee is ruled unconstitutional by a court of competent  
6 jurisdiction, this entire section is void.

7 The provisions of this section shall be in effect only from July 1, ~~2010~~  
8 2012 through June 30, ~~2011~~ 2013.

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10 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas  
13 Economic Development Commission within this Act relating to the appropriation  
14 in the Community Assistance (CDBG) - Federal Section shall be used only when  
15 necessary to carry out the Community Development Block Grant Program and  
16 shall require approval by the Arkansas Legislative Council or Joint Budget  
17 Committee.

18 Determining the maximum number of employees and the maximum amount of  
19 appropriation and general revenue funding for a state agency each fiscal year  
20 is the prerogative of the General Assembly. This is usually accomplished by  
21 delineating such maximums in the appropriation act(s) for a state agency and  
22 the general revenue allocations authorized for each fund and fund account by  
23 amendment to the Revenue Stabilization law. Further, the General Assembly  
24 has determined that the Department of Economic Development may operate more  
25 efficiently if some flexibility is provided to the Department of Economic  
26 Development authorizing broad powers under this Section. Therefore, it is  
27 both necessary and appropriate that the General Assembly maintain oversight  
28 by requiring prior approval of the Legislative Council or Joint Budget  
29 Committee as provided by this section. The requirement of approval by the  
30 Legislative Council or Joint Budget Committee is not a severable part of this  
31 section. If the requirement of approval by the Legislative Council or Joint  
32 Budget Committee is ruled unconstitutional by a court of competent  
33 jurisdiction, this entire section is void.

34 The provisions of this section shall be in effect only from July 1,  
35 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

36

1 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
3 PROVISION - INDUSTRY TRAINING. If during the fiscal year, the Industry  
4 Training Division effects savings in Item (07), State Operations Section of  
5 this Act, such savings may be transferred to item (02), Extra Help or item  
6 (04), Maintenance and General Operations, of the State Operations Section of  
7 this Act, after obtaining approval of the Chief Fiscal Officer of the State  
8 and after prior review by the Legislative Council or Joint Budget Committee.  
9 In addition, if any savings are effected in the fiscal year in item (04),  
10 Maintenance and General Operations, of the State Operations Section of this  
11 Act, such savings may be transferred to item (07), Industry Training Program,  
12 of the State Operations Section of this Act, after obtaining approval of the  
13 Chief Fiscal Officer of the State and after prior approval by the Legislative  
14 Council or Joint Budget Committee.

15 Determining the maximum number of employees and the maximum amount of  
16 appropriation and general revenue funding for a state agency each fiscal year  
17 is the prerogative of the General Assembly. This is usually accomplished by  
18 delineating such maximums in the appropriation act(s) for a state agency and  
19 the general revenue allocations authorized for each fund and fund account by  
20 amendment to the Revenue Stabilization law. Further, the General Assembly  
21 has determined that the Department of Economic Development may operate more  
22 efficiently if some flexibility is provided to the Department of Economic  
23 Development authorizing broad powers under this Section. Therefore, it is  
24 both necessary and appropriate that the General Assembly maintain oversight  
25 by requiring prior approval of the Legislative Council or Joint Budget  
26 Committee as provided by this section. The requirement of approval by the  
27 Legislative Council or Joint Budget Committee is not a severable part of this  
28 section. If the requirement of approval by the Legislative Council or Joint  
29 Budget Committee is ruled unconstitutional by a court of competent  
30 jurisdiction, this entire section is void.

31 The provisions of this section shall be in effect only from July 1, ~~2010~~  
32 2012 through June 30, ~~2011~~ 2013.

33  
34 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
36 PROVISION - INDUSTRY TRAINING PROGRAM. During the fiscal year any savings

1 accomplished in line item (02) of the State Operations Section of this Act,  
2 Extra Help, may be transferred to line item (04) of the State Operations  
3 Section of this Act, Maintenance and General Operation after prior approval  
4 by the Legislative Council or Joint Budget Committee.

5 Determining the maximum number of employees and the maximum amount of  
6 appropriation and general revenue funding for a state agency each fiscal year  
7 is the prerogative of the General Assembly. This is usually accomplished by  
8 delineating such maximums in the appropriation act(s) for a state agency and  
9 the general revenue allocations authorized for each fund and fund account by  
10 amendment to the Revenue Stabilization law. Further, the General Assembly  
11 has determined that the Department of Economic Development may operate more  
12 efficiently if some flexibility is provided to the Department of Economic  
13 Development authorizing broad powers under this Section. Therefore, it is  
14 both necessary and appropriate that the General Assembly maintain oversight  
15 by requiring prior approval of the Legislative Council or Joint Budget  
16 Committee as provided by this section. The requirement of approval by the  
17 Legislative Council or Joint Budget Committee is not a severable part of this  
18 section. If the requirement of approval by the Legislative Council or Joint  
19 Budget Committee is ruled unconstitutional by a court of competent  
20 jurisdiction, this entire section is void.

21 The provisions of this section shall be in effect only from July 1, ~~2010~~  
22 2012 through June 30, ~~2011~~ 2013.

23

24 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
26 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to  
27 time on his or her books and those of the State Treasurer and the Auditor of  
28 the State the sum not to exceed thirty million dollars (\$30,000,000) from  
29 Federal Funds as determined by the Chief Fiscal Officer of the State to the  
30 Technology Acceleration Fund to provide funds for the appropriation herein.

31

32 SECTION 29. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
33 authorized by this act shall be limited to the appropriation for such agency  
34 and funds made available by law for the support of such appropriations; and  
35 the restrictions of the State Procurement Law, the General Accounting and  
36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

1 Procedures and Restrictions Act, or their successors, and other fiscal  
2 control laws of this State, where applicable, and regulations promulgated by  
3 the Department of Finance and Administration, as authorized by law, shall be  
4 strictly complied with in disbursement of said funds.

5  
6 SECTION 30. LEGISLATIVE INTENT. It is the intent of the General  
7 Assembly that any funds disbursed under the authority of the appropriations  
8 contained in this act shall be in compliance with the stated reasons for  
9 which this act was adopted, as evidenced by the Agency Requests, Executive  
10 Recommendations and Legislative Recommendations contained in the budget  
11 manuals prepared by the Department of Finance and Administration, letters, or  
12 summarized oral testimony in the official minutes of the Arkansas Legislative  
13 Council or Joint Budget Committee which relate to its passage and adoption.  
14

15 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly, that the Constitution of the State of Arkansas prohibits  
17 the appropriation of funds for more than a one (1) year period; that the  
18 effectiveness of this Act on July 1, 2012 is essential to the operation of  
19 the agency for which the appropriations in this Act are provided, with the  
20 exception that Section 14 and Section 15 in this Act shall be in full force  
21 and effect from and after the date of its passage and approval, and that in  
22 the event of an extension of the legislative session, the delay in the  
23 effective date of this Act beyond July 1, 2012, with the exception that  
24 Section 14 and Section 15 in this Act shall be in full force and effect from  
25 and after the date of its passage and approval, could work irreparable harm  
26 upon the proper administration and provision of essential governmental  
27 programs. Therefore, an emergency is hereby declared to exist and this Act  
28 being necessary for the immediate preservation of the public peace, health  
29 and safety shall be in full force and effect from and after July 1, 2012,  
30 with the exception that Section 14 and Section 15 in this Act shall be in  
31 full force and effect from and after the date of its passage and approval.

32  
33 */s/ Joint Budget Committee*  
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35  
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