

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/20/03

A Bill

SENATE BILL 380

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF ECONOMIC
17 DEVELOPMENT APPROPRIATION FOR THE
18 2003-2005 BIENNIUM.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Economic Development for the 2003-2005 biennium, the following
26 maximum number of regular employees whose salaries shall be governed by the
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
29 Provided, however, that any position to which a specific maximum annual
30 salary is set out herein in dollars, shall be exempt from the provisions of
31 said Uniform Classification and Compensation Act. All persons occupying
32 positions authorized herein are hereby governed by the provisions of the
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
34 or its successor.
35

36 Maximum Annual



02212003MAH1226.MAH191

1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2003-2004	2004-2005
4	(1)	9900	ADED DIRECTOR	1	\$108,798	\$111,172
5	(2)	9813	ADED DEPUTY DIRECTOR	1	\$92,959	\$95,110
6	(3)	9910	AEDC ENERGY DIR OF ESTABLISH INDUST	1	\$86,436	\$88,479
7	(4)	9817	DIR OF MINORITY BUSINESS PROGRAMS	1	\$86,436	\$88,479
8	(5)	9814	ADED DIRECTOR MARKETING	1	\$86,436	\$88,479
9	(6)	9812	ADED DIR INDUST FINANCE	1	\$86,436	\$88,479
10	(7)	9811	ADED DEPUTY DIR ECONOMIC DEV PLANNIN	1	\$86,436	\$88,479
11	(8)	9810	ADED DIR ECONOMIC DEVELOPMENT	1	\$86,436	\$88,479
12	(9)	9793	ED DEPUTY DIRECTOR TRAINING	1	\$86,436	\$88,479
13	(10)	9816	POL C COMPLIANCE ASST COORD	1	\$81,968	\$83,925
14	(11)	9755	ADED ENVIRONMENTAL CONSULTANT	1	\$81,968	\$83,925
15	(12)	9754	ADED ADMR/EVAL/PLAN & MGMT SYSTEM	1	\$64,570	\$66,197
16	(13)	7355	ADED INVESTMENTS MANAGER/ASIA	1	\$64,570	\$66,197
17	(14)	906Z	ADED RESEARCH MANAGER	1	GRADE 25	
18	(15)	977Z	STATE ENERGY DEPUTY DIRECTOR	1	GRADE 25	
19	(16)	R379	STATE ECONOMIC DEVELOPER III	19	GRADE 25	
20	(17)	R080	STATISTICAL ANALYSIS MANAGER	1	GRADE 24	
21	(18)	D100	DP SENIOR PROJECT LEADER	1	GRADE 23	
22	(19)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
23	(20)	A032	AGENCY FISCAL MANAGER	2	GRADE 22	
24	(21)	E051	TRAINING PROJECT MANAGER	3	GRADE 22	
25	(22)	R127	ENERGY CONSERVATION PROGRAM ADMR	2	GRADE 22	
26	(23)	A008	ACCOUNTING SUPERVISOR II	1	GRADE 21	
27	(24)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
28	(25)	E049	INDUSTRIAL COORDINATOR	13	GRADE 21	
29	(26)	N293	DEVELOPMENT SPECIALIST	1	GRADE 21	
30	(27)	R348	COMMUNITY DEVELOPMENT CONSULTANT	5	GRADE 21	
31	(28)	A038	FINANCIAL ANALYST	1	GRADE 20	
32	(29)	D121	USER SUPPORT ANALYST	2	GRADE 20	
33	(30)	N333	MEDIA SPECIALIST	1	GRADE 20	
34	(31)	R004	STATE ENERGY PROGRAM COORDINATOR	2	GRADE 20	
35	(32)	R266	MANAGEMENT PROJECT ANALYST II	7	GRADE 20	
36	(33)	R150	RESEARCH PROJECT ANALYST	2	GRADE 19	

1	(34)	R168	GRANTS COORDINATOR II	2	GRADE 19
2	(35)	A111	ACCOUNTANT	1	GRADE 18
3	(36)	D128	P C SUPPORT SPECIALIST	1	GRADE 18
4	(37)	N328	INFORMATION OFFICER II	1	GRADE 18
5	(38)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
6	(39)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	2	GRADE 17
7	(40)	R010	ADMINISTRATIVE ASSISTANT II	9	GRADE 17
8	(41)	R190	PERSONNEL OFFICER II	2	GRADE 17
9	(42)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
10	(43)	R148	RESEARCH ASSISTANT	1	GRADE 15
11	(44)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
12	(45)	K153	SECRETARY II	<u>5</u>	GRADE 13
13			MAX. NO. OF EMPLOYEES	110	

14

15 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 16 Economic Development for the 2003-2005 biennium, the following maximum number
 17 of part-time or temporary employees, to be known as "Extra Help", payable
 18 from funds appropriated herein for such purposes: sixty-five (65) temporary
 19 or part-time employees, when needed, at rates of pay not to exceed those
 20 provided in the Uniform Classification and Compensation Act, or its
 21 successor, or this act for the appropriate classification.

22

23 SECTION 3. APPROPRIATION - BUSINESS DEVELOPMENT PROGRAM. There is hereby
 24 appropriated, to be payable from the funds and fund accounts as set out
 25 herein, to the Department of Economic Development for the biennial period
 26 ending June 30, 2005, the following:

27 (a) For the Business Development Program, the sum of \$4,490,790 for the
 28 2003-2004 fiscal year and \$4,490,790 for the 2004-2005 fiscal year.

29 (1) Program Description. Business Development partners with various
 30 constituencies to generate opportunity through the efficient use of available
 31 resources to support the growth and retention of existing businesses, to
 32 foster entrepreneurship and to recruit new and higher paying jobs to
 33 Arkansas. This will include the promotion of a regional concept in the
 34 establishment of new business and industry.

35	(2) Appropriation payable from:	FISCAL YEARS
36		<u>2003-2004</u> <u>2004-2005</u>

1	(A) General Revenue:		
2	Department of Economic		
3	Development Fund Account	\$ <u>4,365,503</u>	\$ <u>4,365,503</u>
4	TOTAL General Revenue	\$ 4,365,503	\$ 4,365,503
5	(B) Federal Funds as designated by		
6	the Chief Fiscal Officer of the		
7	State	\$ 10,000	\$ 10,000
8	(C) Appropriated Cash Funds	\$ 16,500	\$ 16,500
9	(D) Other Funds	\$ 23,567	\$ 8,500
10	(3) Performance Targets:		
11	(A) Average salaries of new jobs		
12	proposed - Percentage above		
13	state average	5	5
14	(B) Average cost/benefit ratio for		
15	projects involving ADED		
16	incentives.	2:1	2:1
17	(C) Number of job opportunities		
18	announced by all businesses in		
19	Arkansas seeking assistance from		
20	ADED. (Using a three-year moving	Number of jobs in	
21	average.) (2001+2002+2003)/3	(2002+2003+2004)/3	
22	(D) Funding committed to Arkansas		
23	businesses (includes funds from		
24	federal & state sources and tax		
25	credits). (Using a three-year	Funds committed in	
26	moving average.) (2001+2002+2003)/3	(2002+2003+2004)/3	
27	(E) Number of trade shows and trade		
28	missions attended, which		
29	facilitate promotion of Arkansas.	24	24
30	(F) Number of marketing assists		
31	provided to Arkansas businesses.		
32	(Using a three-year moving	Number of Marketing assists in	
33	average.) (2001+2002+2003)/3	(2002+2003+2004)/3	
34	(G) Number of businesses receiving		
35	international trade assistance		
36	from ADED.	76	77

1	(H) Number of small or minority		
2	businesses receiving assistance		
3	from ADED.	500	500
4	(I) Number of site visits to existing	1500	1500
5	businesses and industries		

6
 7 SECTION 4. APPROPRIATION - COMMUNITY DEVELOPMENT PROGRAM. There is hereby
 8 appropriated, to be payable from the funds and fund accounts as set out
 9 herein, to the Department of Economic Development for the biennial period
 10 ending June 30, 2005, the following:

11 (a) For the Community Development Program, the sum of \$40,563,837 for the
 12 2003-2004 fiscal year and \$40,563,837 for the 2004-2005 fiscal year.

13 (1) Program Description. The Community Development Program increases
 14 communities' capacity for action through strategic planning and the
 15 development of projects that improve the local economy and quality of life
 16 for current and future generations.

17	(2) Appropriation payable from:	FISCAL YEARS	
18		<u>2003-2004</u>	<u>2004-2005</u>
19	(A) General Revenue:		
20	Department of Economic		
21	Development Fund Account	\$ <u>535,767</u>	\$ <u>535,767</u>
22	TOTAL General Revenue	\$ 535,767	\$ 535,767
23	(B) Federal Funds as designated by		
24	the Chief Fiscal Officer of the		
25	State	\$ 38,998,050	\$ 38,998,050
26	(C) Other Funds	\$ 636,650	\$ 350,000

27	(3) Performance Targets:		
28	(A) Increase in the number of		
29	communities participating in the		
30	ACE process.	119	131
31	(B) Increase in the number of		
32	communities that demonstrate the		
33	use of a strategic planning		
34	process to evaluate needs prior		
35	to submitting a CDBG grant		
36	request.	6	7

1	(C) Percentage of CDBG funds		
2	distributed to locations with a		
3	population of 5,000 or less.	75	75
4	(D) Percentage of CDBG projects		
5	distributed through need based		
6	funding formulas.	70	70
7	(E) Percentage of CDBG projects		
8	identified as priority needs		
9	within the consolidated plan		
10	submitted to HUD that were		
11	funded.	100	100
12	(F) Number of Energy Office outreach		
13	activities completed per year,		
14	including educational seminars,		
15	demonstrations, etc.	27	28

16
 17 SECTION 5. APPROPRIATION - ADMINISTRATION AND SUPPORT PROGRAM. There is
 18 hereby appropriated, to be payable from the funds and fund accounts as set
 19 out herein, to the Department of Economic Development for the biennial period
 20 ending June 30, 2005, the following:

21 (a) For the Administration and Support Program, the sum of \$5,015,207 for
 22 the 2003-2004 fiscal year and \$5,015,207 for the 2004-2005 fiscal year.

23 (1) Program Description. The Administration and Support Program provides
 24 the ancillary services necessary for the Business Development and Community
 25 Development programs to achieve their goals and objectives. This program
 26 includes traditional administrative support as well as research, planning,
 27 technology, marketing and communications services.

28	(2) Appropriation payable from:	FISCAL YEARS	
29		<u>2003-2004</u>	<u>2004-2005</u>
30	(A) General Revenue:		
31	Department of Economic		
32	Development Fund Account	\$ <u>4,598,999</u>	\$ <u>4,598,999</u>
33	TOTAL General Revenue	\$ 4,598,999	\$ 4,598,999
34	(B) Federal Funds as designated by		
35	the Chief Fiscal Officer of the		
36	State	\$ 368,787	\$ 368,787

1	(C) Appropriated Cash Funds	\$	500	\$	500
2	(D) Other Funds	\$	1,526	\$	1,500
3	(3) Performance Targets:				
4	(A) Percentage of agency performance				
5	targets met.		100		100
6	(B) Percentage of staff and budget				
7	in administration compared to				
8	total agency budget.		20		20
9	(C) Agency information technology				
10	budget as a percentage of total				
11	agency budget.		5		5
12	(D) Number of legacy information				
13	systems maintained through				
14	contractual services.		0		0
15	(E) Number of prior year audit				
16	findings repeated in subsequent				
17	audit.		0		0
18	(F) Percentage of advertising funds spent in				
19	support of the Business				
20	Development goals.		90		90
21	(G) Percentage of advertising funds spent in				
22	support of the Community				
23	Development goals.		10		10

24

25 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

27 PROVISION - FOREIGN OFFICES. If at any time during the ~~2001-2003~~ 2003-2005

28 biennium, the Director determines that market conditions warrant, the

29 Arkansas Department of Economic Development ~~Commission~~ is hereby authorized

30 to transfer appropriation, after receiving the approval of the Chief Fiscal

31 Officer of the State and prior review and approval by the Legislative Council

32 or Joint Budget Committee, between any of the three Foreign Offices (European

33 Trade, Far East Trade/Industrial Recruitment and Latin American Trade

34 Development) in Section 3 of this Act for the purpose of responding to

35 changes in the world markets. Determining the maximum number of employees and

36 the maximum amount of appropriation and general revenue funding for a state

1 agency each fiscal year is the prerogative of the General Assembly. This is
 2 usually accomplished by delineating such maximums in the appropriation act(s)
 3 for a state agency and the general revenue allocations authorized for each
 4 fund and fund account by amendment to the Revenue Stabilization law.
 5 Further, the General Assembly has determined that the Arkansas Department of
 6 Economic Development may operate more efficiently if some flexibility is
 7 provided to the Arkansas Department of Economic Development authorizing broad
 8 powers under this Section. Therefore, it is both necessary and appropriate
 9 that the General Assembly maintain oversight by requiring prior approval of
 10 the Legislative Council or Joint Budget Committee as provided by this
 11 section. The requirement of approval by the Legislative Council or Joint
 12 Budget Committee is not a severable part of this section. If the requirement
 13 of approval by the Legislative Council or Joint Budget Committee is ruled
 14 unconstitutional by a court of competent jurisdiction, this entire section is
 15 void. The provisions of this section shall be in effect only from ~~July 1,~~
 16 ~~2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

17
 18
 19 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 21 PROVISION. If at any time during the ~~2001-2003~~ 2003-2005 biennium, savings
 22 are accomplished in the appropriation provided for "European Trade", "Far
 23 East Trade/Industrial Recruitment", "Latin American Trade", and "Regular
 24 Salaries" in Section 3 of this Act, such appropriation savings may be
 25 transferred to the appropriations made for "Maintenance and General
 26 Operations" in Section 3 of this Act after prior review by the Legislative
 27 Council or Joint Budget Committee. In addition, if at any time during the
 28 ~~2001-2003~~ 2003-2005 biennium, savings are accomplished in the appropriation
 29 provided for "Maintenance and General Operations" in Section 3 of this Act,
 30 such appropriation savings may be transferred to the appropriation for
 31 "European Trade" and "Far East Trade/Industrial Recruitment" and "Latin
 32 American Trade" in Section 3 of this Act, after prior review and approval by
 33 the Legislative Council or Joint Budget Committee. Determining the maximum
 34 number of employees and the maximum amount of appropriation and general
 35 revenue funding for a state agency each fiscal year is the prerogative of the
 36 General Assembly. This is usually accomplished by delineating such maximums

1 in the appropriation act(s) for a state agency and the general revenue
 2 allocations authorized for each fund and fund account by amendment to the
 3 Revenue Stabilization law. Further, the General Assembly has determined that
 4 the Arkansas Economic Development Department may operate more efficiently if
 5 some flexibility is provided to the Arkansas Economic Development Department
 6 authorizing broad powers under this Section. Therefore, it is both necessary
 7 and appropriate that the General Assembly maintain oversight by requiring
 8 prior approval of the Legislative Council or Joint Budget Committee as
 9 provided by this section. The requirement of approval by the Legislative
 10 Council or Joint Budget Committee is not a severable part of this section.
 11 If the requirement of approval by the Legislative Council or Joint Budget
 12 Committee is ruled unconstitutional by a court of competent jurisdiction,
 13 this entire section is void. The provisions of this section shall be in
 14 effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
 15 2005.

16
 17 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 19 FORWARD. The unexpended balances of appropriation provided for the
 20 expenditures of federal funds as provided for in Section 5 of this Act on
 21 ~~June 30, 2002~~ June 30, 2004, shall be carried forward and made available for
 22 expenditures for the same purpose for the fiscal year ending ~~June 30, 2003~~
 23 June 30, 2005. The provisions of this section shall be in effect only from
 24 ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

25
 26 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 28 PROVISION. After receiving approval from the Chief Fiscal Officer of the
 29 State and prior review and approval review by the Legislative Council or
 30 Joint Budget Committee, the Director of the Arkansas Department of Economic
 31 Development Commission is authorized to transfer appropriation from any line
 32 item appropriation authorized in Section 5 of this Act to any other line item
 33 authorized in Section 5 of this Act and any line item appropriation
 34 authorized in Section 4 of this Act to any other line item authorized in
 35 Section 4 of this Act. Determining the maximum number of employees and the
 36 maximum amount of appropriation and general revenue funding for a state

1 agency each fiscal year is the prerogative of the General Assembly. This is
2 usually accomplished by delineating such maximums in the appropriation act(s)
3 for a state agency and the general revenue allocations authorized for each
4 fund and fund account by amendment to the Revenue Stabilization law.
5 Further, the General Assembly has determined that the Arkansas Economic
6 Development Department may operate more efficiently if some flexibility is
7 provided to the Arkansas Economic Development Department authorizing broad
8 powers under this Section. Therefore, it is both necessary and appropriate
9 that the General Assembly maintain oversight by requiring prior approval of
10 the Legislative Council or Joint Budget Committee as provided by this
11 section. The requirement of approval by the Legislative Council or Joint
12 Budget Committee is not a severable part of this section. If the requirement
13 of approval by the Legislative Council or Joint Budget Committee is ruled
14 unconstitutional by a court of competent jurisdiction, this entire section is
15 void. The provisions of this section shall be in effect only from ~~July 1,~~
16 ~~2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

17
18 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 FLEXIBILITY RESTRICTIONS. The flexibility provided to the Arkansas
21 Department of Economic Development Commission by Section 23 and Section 24 of
22 this Act shall be used only when necessary to carry out the Community
23 Development Block Grant Program. The provisions of this section shall be in
24 effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
25 2005.

26
27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POOL
29 POSITIONS. There is hereby established a pool of thirteen (13) positions
30 entitled State Economic Developer III to be assigned to the Arkansas
31 Department of Economic Development Commission which will be used to
32 reclassify personnel from State Economic Developer I and/or State Economic
33 Developer II. To obtain a position from the pool, the Arkansas Department of
34 Economic Development Commission must seek a review by the Legislative Council
35 or Joint Budget Committee, obtain approval from the Office of Personnel
36 Management and must surrender the position being reclassified to the pool.

1 This will ensure that the total positions available to be filled does not
2 exceed the number authorized in the Agency's appropriation Act. If the agency
3 requests continuation of a "Growth Pool" position(s) as established herein
4 during the next biennium, the position(s) must be requested as a new
5 position(s) in the agency's biennial budget request. The provisions of this
6 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
7 ~~30, 2003~~ June 30, 2005.

8
9 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
11 FORWARD. At the close of the fiscal year ending ~~June 30, 2002~~ June 30, 2004,
12 any unexpended appropriation provided for the Century Tube Scholarship
13 Program shall be carried forward and made available for the same purposes for
14 the fiscal year ending ~~June 30, 2003~~ June 30, 2005. The provisions of this
15 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
16 ~~30, 2003~~ June 30, 2005.

17
18 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~CAPITAL~~
20 ~~EQUIPMENT~~ INDUSTRY TRAINING PROGRAM EXPENSES. In addition to training
21 expenses, funds made available to support the appropriation for INDUSTRY
22 TRAINING PROGRAM EXPENSES herein shall be used to acquire capital equipment
23 necessary to enhance the ~~quick-start~~ capabilities of the Arkansas Industry
24 Training Programs and for expenses necessary to assist in carrying on the
25 Existing Worker Training Program. When not in use in an AITP managed course
26 of training, the equipment purchased under this provision shall be stored at
27 a location to be determined by the Executive Director, ~~AEDC~~ ADED. The
28 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,
29 2003 through ~~June 30, 2003~~ June 30, 2005.

30
31 SECTION 14. 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 Department of Economic Development ~~Office~~ is
34 hereby authorized to enter into contractual arrangements with private and/or
35 public companies, corporations or organizations for the purpose of operating
36 foreign offices. Payment for such contractual arrangements for operations

1 may be made from the special line items established by legislative
2 appropriation for the operation of foreign offices. At such time as any of
3 the foreign offices are being operated under such a contractual arrangement,
4 no Overseas Program personnel as authorized by Arkansas Code 15-4-211 shall
5 be employed concurrently with a contractual arrangement with a company,
6 corporation or organization. Arkansas Code 15-4-211 shall not be deemed
7 restrictive in its language so as to preclude the use of standard
8 Professional Services Contracts for the operation of the foreign offices
9 and/or payment of such contracts from the special line items as established
10 by legislative appropriation for the operation of said foreign offices. The
11 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,
12 2003 through ~~June 30, 2003~~ June 30, 2005.

13

14 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
16 PROVISION - INDUSTRY TRAINING. If during either year of the ~~2001-2003~~ 2003-
17 2005 fiscal biennium, the Industry Training Division effects savings in Item
18 (06), INDUSTRY TRAINING PROGRAM EXPENSES, of Section 11 of this Act, such
19 savings may be transferred to item (02), Extra Help or item (05), Maintenance
20 and General Operations, of Section 11 of this Act, after obtaining approval
21 of the Chief Fiscal Officer of the State and after prior review by the
22 Legislative Council or Joint Budget Committee. In addition, if any savings
23 are effected in either year of the ~~2001-2003~~ 2003-2005 fiscal biennium in
24 item (05), Maintenance and General Operations, of Section 11 of this Act,
25 such savings may be transferred to item (06), Industry Training Program
26 Expenses, of Section 11 of this Act, after obtaining approval of the Chief
27 Fiscal Officer of the State and after prior review and approval by the
28 Legislative Council or Joint Budget Committee. Determining the maximum number
29 of employees and the maximum amount of appropriation and general revenue
30 funding for a state agency each fiscal year is the prerogative of the General
31 Assembly. This is usually accomplished by delineating such maximums in the
32 appropriation act(s) for a state agency and the general revenue allocations
33 authorized for each fund and fund account by amendment to the Revenue
34 Stabilization law. Further, the General Assembly has determined that the
35 Department of Economic Development may operate more efficiently if some
36 flexibility is provided to the Department of Economic Development authorizing

1 broad powers under this Section. Therefore, it is both necessary and
 2 appropriate that the General Assembly maintain oversight by requiring prior
 3 approval of the Legislative Council or Joint Budget Committee as provided by
 4 this section. The requirement of approval by the Legislative Council or
 5 Joint Budget Committee is not a severable part of this section. If the
 6 requirement of approval by the Legislative Council or Joint Budget Committee
 7 is ruled unconstitutional by a court of competent jurisdiction, this entire
 8 section is void. The provisions of this section shall be in effect only from
 9 ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

10
 11 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CDBG
 13 REVIEW PROCESS. The Community Development Block Grant (CDBG) Program
 14 administered by the Arkansas Department of Economic Development will be
 15 reviewed quarterly by the CDBG subcommittee of Legislative Council. The
 16 subcommittee will consist of Legislative Council members and other
 17 legislative members designated by the Legislative Council chairmen. The
 18 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,
 19 2003 through ~~June 30, 2003~~ June 30, 2005.

20
 21 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
 23 FACILITIES. The Arkansas Department of Economic Development (ADED) shall
 24 structure its annual update to the Five Year Consolidated Plan and the new
 25 Five Year Consolidated Plan to reflect the legislative intent for a priority
 26 to be placed on the use of Community Development Block Grant (CDBG) funds for
 27 Multi-use facilities that will offer combined facilities for programs
 28 commonly offered in separate facilities such as senior centers, public health
 29 centers, childcare centers and community centers. ADED shall report the
 30 methodology for complying with this priority to the CDBG subcommittee of
 31 Legislative Council. The provisions of this section shall be in effect only
 32 from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

33
 34 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
 36 PARTICIPATION. Arkansas Department of Economic Development (ADED) shall make

1 additional efforts to increase non-traditional public participation in its
2 annual update to the Five Year Consolidated Plan and the new Five Year
3 Consolidated Plan. These efforts shall be in addition to current public
4 notification methods. Notification should be considered through direct mail
5 out to mayors and county judges, contacts with planning and development
6 districts, contact with the Department of Rural Services, submissions to
7 grant notification publications, and publication on ADED's web page. ADED is
8 encouraged to develop additional innovative public awareness strategies.
9 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
10 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

11
12 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
14 PROVISION - INDUSTRY TRAINING PROGRAM. During either fiscal year of the
15 ~~2001-2003~~ 2003-2005 biennium any savings accomplished in line item (02) of
16 Section 11 of this Act, Extra Help, may be transferred to line item (05) of
17 Section 11 of this Act, Maintenance and General Operation after prior review
18 and approval by the Legislative Council or Joint Budget Committee.
19 Determining the maximum number of employees and the maximum amount of
20 appropriation and general revenue funding for a state agency each fiscal year
21 is the prerogative of the General Assembly. This is usually accomplished by
22 delineating such maximums in the appropriation act(s) for a state agency and
23 the general revenue allocations authorized for each fund and fund account by
24 amendment to the Revenue Stabilization law. Further, the General Assembly
25 has determined that the Department of Economic Development may operate more
26 efficiently if some flexibility is provided to the Department of Economic
27 Development authorizing broad powers under this Section. Therefore, it is
28 both necessary and appropriate that the General Assembly maintain oversight
29 by requiring prior approval of the Legislative Council or Joint Budget
30 Committee as provided by this section. The requirement of approval by the
31 Legislative Council or Joint Budget Committee is not a severable part of this
32 section. If the requirement of approval by the Legislative Council or Joint
33 Budget Committee is ruled unconstitutional by a court of competent
34 jurisdiction, this entire section is void. The provisions of this section
35 shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~
36 June 30, 2005.

1
2 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL
4 DEVELOPMENT. From the funds appropriated for COMMUNITY DEVELOPMENT GRANTS in
5 this Act for Community Assistance-Federal, the Arkansas Department of
6 Economic Development (ADED) ~~Commission (AEDC)~~ shall allocate \$500,000 per
7 fiscal year to the Rural Development Set-Aside from the Economic Development
8 Set-Aside, as defined in ADED's AEDC's Consolidated Plan filed with the
9 federal Department of Housing and Urban Development. Funds allocated to the
10 Rural Development Set-Aside are to be used exclusively for grants to rural
11 communities as defined in the Consolidated Plan. The provisions of this
12 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
13 ~~30, 2003~~ June 30, 2005.

14
15 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
17 COORDINATION. The Arkansas Department of Economic Development will designate
18 an existing position to serve as a coordinator for the dissemination of
19 information concerning water and wastewater funding programs available from
20 state and federal agencies participating in the Water/Wastewater Advisory
21 Committee. The provisions of this section shall be in effect only from ~~July~~
22 ~~1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

23
24 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
26 REVIEW. The Arkansas Department of Economic Development (ADED)~~Commission~~
27 ~~(AEDC)~~ shall review all applications for grant funds from the Rural
28 Development Set-Aside and shall certify to the Department of Rural Services
29 those applications eligible for grant funds under ADED ~~AEDC~~ and federal
30 guidelines. The Department of Rural Services alone shall decide which grant
31 applications will be funded, and ADED ~~AEDC~~ shall disburse grant funds from
32 the Rural Development Set-Aside to those applicants receiving final approval
33 by the Department of Rural Services. ADED ~~AEDC~~ and the Department of Rural
34 Services shall promulgate rules and regulations governing the application for
35 and disbursement of grant funds from the Rural Development Set-Aside, and an
36 annual report of the disposition of these grant funds shall be made to the

1 Legislative Joint Auditing Committee. The provisions of this section shall be
2 in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
3 2005.

4
5 SECTION 23. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
6 by this act shall be limited to the appropriation for such agency and funds
7 made available by law for the support of such appropriations; and the
8 restrictions of the State Purchasing Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

14
15 SECTION 24. LEGISLATIVE INTENT. It is the intent of the General Assembly
16 that any funds disbursed under the authority of the appropriations contained
17 in this act shall be in compliance with the stated reasons for which this act
18 was adopted, as evidenced by the Agency Requests, Executive Recommendations
19 and Legislative Recommendations contained in the budget manuals prepared by
20 the Department of Finance and Administration, letters, or summarized oral
21 testimony in the official minutes of the Arkansas Legislative Council or
22 Joint Budget Committee which relate to its passage and adoption.

23
24 SECTION 25. EMERGENCY CLAUSE. It is found and determined by the General
25 Assembly, that the Constitution of the State of Arkansas prohibits the
26 appropriation of funds for more than a two (2) year period; that the
27 effectiveness of this Act on July 1, 2003 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the Regular Session, the delay in the effective
30 date of this Act beyond July 1, 2003 could work irreparable harm upon the
31 proper administration and provision of essential governmental programs.
32 Therefore, an emergency is hereby declared to exist and this Act being
33 necessary for the immediate preservation of the public peace, health and
34 safety shall be in full force and effect from and after July 1, 2003.

35
36 /s/ Joint Budget Committee