

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 S3/24/03

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

25 SECTION 6. APPROPRIATION. There is hereby appropriated, to the Department
 26 of Economic Development, to be payable from the Department of Economic
 27 Development Super Project Fund, for Super Projects of the Department of
 28 Economic Development, for the biennial period ending June 30, 2005, the
 29 following:

31	ITEM	FISCAL YEARS	
32	<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
33	(01) E D SUPER PROJECTS	<u>\$ 200,000,000</u>	<u>\$ 200,000,000</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 200,000,000</u>	<u>\$ 200,000,000</u>

36 SECTION 7. SUPER PROJECTS FUND. There is hereby created on the books of

1 the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of
2 the State, the Department of Economic Development Super Projects Fund. The
3 fund shall consist of such funds as may be provided by law, there to be used
4 for Economic Development Super Projects of the Department of Economic
5 Development.

6
7 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 PROVISION - FOREIGN OFFICES. If at any time during the ~~2001-2003~~ 2003-2005
10 biennium, the Director determines that market conditions warrant, the
11 Arkansas Department of Economic Development-Commission is hereby authorized
12 to transfer appropriation, after receiving the approval of the Chief Fiscal
13 Officer of the State and prior review and approval by the Legislative Council
14 or Joint Budget Committee, between any of the three Foreign Offices (European
15 Trade, Far East Trade/Industrial Recruitment and Latin American Trade
16 Development) in Section 3 of this Act for the purpose of responding to
17 changes in the world markets. Determining the maximum number of employees and
18 the maximum amount of appropriation and general revenue funding for a state
19 agency each fiscal year is the prerogative of the General Assembly. This is
20 usually accomplished by delineating such maximums in the appropriation act(s)
21 for a state agency and the general revenue allocations authorized for each
22 fund and fund account by amendment to the Revenue Stabilization law.
23 Further, the General Assembly has determined that the Arkansas Department of
24 Economic Development may operate more efficiently if some flexibility is
25 provided to the Arkansas Department of Economic Development authorizing broad
26 powers under this Section. Therefore, it is both necessary and appropriate
27 that the General Assembly maintain oversight by requiring prior approval of
28 the Legislative Council or Joint Budget Committee as provided by this
29 section. The requirement of approval by the Legislative Council or Joint
30 Budget Committee is not a severable part of this section. If the requirement
31 of approval by the Legislative Council or Joint Budget Committee is ruled
32 unconstitutional by a court of competent jurisdiction, this entire section is
33 void. The provisions of this section shall be in effect only from ~~July 1,~~
34 ~~2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

35
36

1 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
3 PROVISION. If at any time during the ~~2001-2003~~ 2003-2005 biennium, savings
4 are accomplished in the appropriation provided for "European Trade", "Far
5 East Trade/Industrial Recruitment", "Latin American Trade", and "Regular
6 Salaries" in Section 3 of this Act, such appropriation savings may be
7 transferred to the appropriations made for "Maintenance and General
8 Operations" in Section 3 of this Act after prior review by the Legislative
9 Council or Joint Budget Committee. In addition, if at any time during the
10 ~~2001-2003~~ 2003-2005 biennium, savings are accomplished in the appropriation
11 provided for "Maintenance and General Operations" in Section 3 of this Act,
12 such appropriation savings may be transferred to the appropriation for
13 "European Trade" and "Far East Trade/Industrial Recruitment" and "Latin
14 American Trade" in Section 3 of this Act, after prior review and approval by
15 the Legislative Council or Joint Budget Committee. Determining the maximum
16 number of employees and the maximum amount of appropriation and general
17 revenue funding for a state agency each fiscal year is the prerogative of the
18 General Assembly. This is usually accomplished by delineating such maximums
19 in the appropriation act(s) for a state agency and the general revenue
20 allocations authorized for each fund and fund account by amendment to the
21 Revenue Stabilization law. Further, the General Assembly has determined that
22 the Arkansas Economic Development Department may operate more efficiently if
23 some flexibility is provided to the Arkansas Economic Development Department
24 authorizing broad powers under this Section. Therefore, it is both necessary
25 and appropriate that the General Assembly maintain oversight by requiring
26 prior approval of the Legislative Council or Joint Budget Committee as
27 provided by this section. The requirement of approval by the Legislative
28 Council or Joint Budget Committee is not a severable part of this section.
29 If the requirement of approval by the Legislative Council or Joint Budget
30 Committee is ruled unconstitutional by a court of competent jurisdiction,
31 this entire section is void. The provisions of this section shall be in
32 effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
33 2005.

34

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

1 FORWARD. The unexpended balances of appropriation provided for the
2 expenditures of federal funds as provided for in Section 5 of this Act on
3 ~~June 30, 2002~~ June 30, 2004, shall be carried forward and made available for
4 expenditures for the same purpose for the fiscal year ending ~~June 30, 2003~~
5 June 30, 2005. The provisions of this section shall be in effect only from
6 ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

7
8 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
10 PROVISION. After receiving approval from the Chief Fiscal Officer of the
11 State and prior review and approval review by the Legislative Council or
12 Joint Budget Committee, the Director of the Arkansas Department of Economic
13 Development Commission is authorized to transfer appropriation from any line
14 item appropriation authorized in Section 5 of this Act to any other line item
15 authorized in Section 5 of this Act and any line item appropriation
16 authorized in Section 4 of this Act to any other line item authorized in
17 Section 4 of this Act. Determining the maximum number of employees and the
18 maximum amount of appropriation and general revenue funding for a state
19 agency each fiscal year is the prerogative of the General Assembly. This is
20 usually accomplished by delineating such maximums in the appropriation act(s)
21 for a state agency and the general revenue allocations authorized for each
22 fund and fund account by amendment to the Revenue Stabilization law.
23 Further, the General Assembly has determined that the Arkansas Economic
24 Development Department may operate more efficiently if some flexibility is
25 provided to the Arkansas Economic Development Department authorizing broad
26 powers under this Section. Therefore, it is both necessary and appropriate
27 that the General Assembly maintain oversight by requiring prior approval of
28 the Legislative Council or Joint Budget Committee as provided by this
29 section. The requirement of approval by the Legislative Council or Joint
30 Budget Committee is not a severable part of this section. If the requirement
31 of approval by the Legislative Council or Joint Budget Committee is ruled
32 unconstitutional by a court of competent jurisdiction, this entire section is
33 void. The provisions of this section shall be in effect only from ~~July 1,~~
34 ~~2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

35
36 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 FLEXIBILITY RESTRICTIONS. The flexibility provided to the Arkansas
3 Department of Economic Development Commission by Section 23 and Section 24 of
4 this Act shall be used only when necessary to carry out the Community
5 Development Block Grant Program. The provisions of this section shall be in
6 effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
7 2005.

8

9 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POOL
11 POSITIONS. There is hereby established a pool of thirteen (13) positions
12 entitled State Economic Developer III to be assigned to the Arkansas
13 Department of Economic Development Commission which will be used to
14 reclassify personnel from State Economic Developer I and/or State Economic
15 Developer II. To obtain a position from the pool, the Arkansas Department of
16 Economic Development Commission must seek a review by the Legislative Council
17 or Joint Budget Committee, obtain approval from the Office of Personnel
18 Management and must surrender the position being reclassified to the pool.
19 This will ensure that the total positions available to be filled does not
20 exceed the number authorized in the Agency's appropriation Act. If the agency
21 requests continuation of a "Growth Pool" position(s) as established herein
22 during the next biennium, the position(s) must be requested as a new
23 position(s) in the agency's biennial budget request. The provisions of this
24 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
25 ~~30, 2003~~ June 30, 2005.

26

27 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
29 FORWARD. At the close of the fiscal year ending ~~June 30, 2002~~ June 30, 2004,
30 any unexpended appropriation provided for the Century Tube Scholarship
31 Program shall be carried forward and made available for the same purposes for
32 the fiscal year ending ~~June 30, 2003~~ June 30, 2005. The provisions of this
33 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
34 ~~30, 2003~~ June 30, 2005.

35

36 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~CAPITAL~~
2 ~~EQUIPMENT~~ INDUSTRY TRAINING PROGRAM EXPENSES. In addition to training
3 expenses, funds made available to support the appropriation for INDUSTRY
4 TRAINING PROGRAM EXPENSES herein shall be used to acquire capital equipment
5 necessary to enhance the ~~quick-start~~ capabilities of the Arkansas Industry
6 Training Programs and for expenses necessary to assist in carrying on the
7 Existing Worker Training Program. When not in use in an AITP managed course
8 of training, the equipment purchased under this provision shall be stored at
9 a location to be determined by the Executive Director, ~~AEDC~~ ADED. The
10 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,
11 2003 through ~~June 30, 2003~~ June 30, 2005.

12

13 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
15 OFFICE OPERATIONS. The Arkansas Department of Economic Development ~~Office~~ is
16 hereby authorized to enter into contractual arrangements with private and/or
17 public companies, corporations or organizations for the purpose of operating
18 foreign offices. Payment for such contractual arrangements for operations
19 may be made from the special line items established by legislative
20 appropriation for the operation of foreign offices. At such time as any of
21 the foreign offices are being operated under such a contractual arrangement,
22 no Overseas Program personnel as authorized by Arkansas Code 15-4-211 shall
23 be employed concurrently with a contractual arrangement with a company,
24 corporation or organization. Arkansas Code 15-4-211 shall not be deemed
25 restrictive in its language so as to preclude the use of standard
26 Professional Services Contracts for the operation of the foreign offices
27 and/or payment of such contracts from the special line items as established
28 by legislative appropriation for the operation of said foreign offices. The
29 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,
30 2003 through ~~June 30, 2003~~ June 30, 2005.

31

32 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
34 PROVISION - INDUSTRY TRAINING. If during either year of the ~~2001-2003~~ 2003-
35 2005 fiscal biennium, the Industry Training Division effects savings in Item
36 (06), INDUSTRY TRAINING PROGRAM EXPENSES, of Section 11 of this Act, such

1 savings may be transferred to item (02), Extra Help or item (05), Maintenance
2 and General Operations, of Section 11 of this Act, after obtaining approval
3 of the Chief Fiscal Officer of the State and after prior review by the
4 Legislative Council or Joint Budget Committee. In addition, if any savings
5 are effected in either year of the ~~2001-2003~~ 2003-2005 fiscal biennium in
6 item (05), Maintenance and General Operations, of Section 11 of this Act,
7 such savings may be transferred to item (06), Industry Training Program
8 Expenses, of Section 11 of this Act, after obtaining approval of the Chief
9 Fiscal Officer of the State and after prior review and approval by the
10 Legislative Council or Joint Budget Committee. Determining the maximum number
11 of employees and the maximum amount of appropriation and general revenue
12 funding for a state agency each fiscal year is the prerogative of the General
13 Assembly. This is usually accomplished by delineating such maximums in the
14 appropriation act(s) for a state agency and the general revenue allocations
15 authorized for each fund and fund account by amendment to the Revenue
16 Stabilization law. Further, the General Assembly has determined that the
17 Department of Economic Development may operate more efficiently if some
18 flexibility is provided to the Department of Economic Development authorizing
19 broad powers under this Section. Therefore, it is both necessary and
20 appropriate that the General Assembly maintain oversight by requiring prior
21 approval of the Legislative Council or Joint Budget Committee as provided by
22 this section. The requirement of approval by the Legislative Council or
23 Joint Budget Committee is not a severable part of this section. If the
24 requirement of approval by the Legislative Council or Joint Budget Committee
25 is ruled unconstitutional by a court of competent jurisdiction, this entire
26 section is void. The provisions of this section shall be in effect only from
27 ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

28

29 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CDBG
31 REVIEW PROCESS. The Community Development Block Grant (CDBG) Program
32 administered by the Arkansas Department of Economic Development will be
33 reviewed quarterly by the CDBG subcommittee of Legislative Council. The
34 subcommittee will consist of Legislative Council members and other
35 legislative members designated by the Legislative Council chairmen. The
36 provisions of this section shall be in effect only from ~~July 1, 2001~~ July 1,

1 2003 through ~~June 30, 2003~~ June 30, 2005.

2

3 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
5 FACILITIES. The Arkansas Department of Economic Development (ADED) shall
6 structure its annual update to the Five Year Consolidated Plan and the new
7 Five Year Consolidated Plan to reflect the legislative intent for a priority
8 to be placed on the use of Community Development Block Grant (CDBG) funds for
9 Multi-use facilities that will offer combined facilities for programs
10 commonly offered in separate facilities such as senior centers, public health
11 centers, childcare centers and community centers. ADED shall report the
12 methodology for complying with this priority to the CDBG subcommittee of
13 Legislative Council. The provisions of this section shall be in effect only
14 from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

15

16 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
18 PARTICIPATION. Arkansas Department of Economic Development (ADED) shall make
19 additional efforts to increase non-traditional public participation in its
20 annual update to the Five Year Consolidated Plan and the new Five Year
21 Consolidated Plan. These efforts shall be in addition to current public
22 notification methods. Notification should be considered through direct mail
23 out to mayors and county judges, contacts with planning and development
24 districts, contact with the Department of Rural Services, submissions to
25 grant notification publications, and publication on ADED's web page. ADED is
26 encouraged to develop additional innovative public awareness strategies.
27 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
28 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

29

30 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
32 PROVISION - INDUSTRY TRAINING PROGRAM. During either fiscal year of the
33 ~~2001-2003~~ 2003-2005 biennium any savings accomplished in line item (02) of
34 Section 11 of this Act, Extra Help, may be transferred to line item (05) of
35 Section 11 of this Act, Maintenance and General Operation after prior review
36 and approval by the Legislative Council or Joint Budget Committee.

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 Department of Economic Development may operate more
8 efficiently if some flexibility is provided to the Department of Economic
9 Development authorizing broad powers under this Section. Therefore, it is
10 both necessary and appropriate that the General Assembly maintain oversight
11 by requiring prior approval of the Legislative Council or Joint Budget
12 Committee as provided by this section. The requirement of approval by the
13 Legislative Council or Joint Budget Committee is not a severable part of this
14 section. If the requirement of approval by the Legislative Council or Joint
15 Budget Committee is ruled unconstitutional by a court of competent
16 jurisdiction, this entire section is void. The provisions of this section
17 shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~
18 June 30, 2005.

19
20 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL
22 DEVELOPMENT. From the funds appropriated for COMMUNITY DEVELOPMENT GRANTS in
23 this Act for Community Assistance-Federal, the Arkansas Department of
24 Economic Development (ADED) Commission (AEDC) shall allocate \$500,000 per
25 fiscal year to the Rural Development Set-Aside from the Economic Development
26 Set-Aside, as defined in ADED's AEDC's Consolidated Plan filed with the
27 federal Department of Housing and Urban Development. Funds allocated to the
28 Rural Development Set-Aside are to be used exclusively for grants to rural
29 communities as defined in the Consolidated Plan. The provisions of this
30 section shall be in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June~~
31 30, 2003 June 30, 2005.

32
33 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
35 COORDINATION. The Arkansas Department of Economic Development will designate
36 an existing position to serve as a coordinator for the dissemination of

1 information concerning water and wastewater funding programs available from
2 state and federal agencies participating in the Water/Wastewater Advisory
3 Committee. The provisions of this section shall be in effect only from ~~July~~
4 ~~1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

5
6 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
8 REVIEW. The Arkansas Department of Economic Development (ADED)~~Commission~~
9 ~~(AEDC)~~ shall review all applications for grant funds from the Rural
10 Development Set-Aside and shall certify to the Department of Rural Services
11 those applications eligible for grant funds under ADED ~~AEDC~~ and federal
12 guidelines. The Department of Rural Services alone shall decide which grant
13 applications will be funded, and ADED ~~AEDC~~ shall disburse grant funds from
14 the Rural Development Set-Aside to those applicants receiving final approval
15 by the Department of Rural Services. ADED ~~AEDC~~ and the Department of Rural
16 Services shall promulgate rules and regulations governing the application for
17 and disbursement of grant funds from the Rural Development Set-Aside, and an
18 annual report of the disposition of these grant funds shall be made to the
19 Legislative Joint Auditing Committee. The provisions of this section shall be
20 in effect only from ~~July 1, 2001~~ July 1, 2003 through ~~June 30, 2003~~ June 30,
21 2005.

22
23 SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
24 by this act shall be limited to the appropriation for such agency and funds
25 made available by law for the support of such appropriations; and the
26 restrictions of the State Purchasing Law, the General Accounting and
27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
28 Procedures and Restrictions Act, or their successors, and other fiscal
29 control laws of this State, where applicable, and regulations promulgated by
30 the Department of Finance and Administration, as authorized by law, shall be
31 strictly complied with in disbursement of said funds.

32
33 SECTION 26. LEGISLATIVE INTENT. It is the intent of the General Assembly
34 that any funds disbursed under the authority of the appropriations contained
35 in this act shall be in compliance with the stated reasons for which this act
36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by
2 the Department of Finance and Administration, letters, or summarized oral
3 testimony in the official minutes of the Arkansas Legislative Council or
4 Joint Budget Committee which relate to its passage and adoption.

5
6 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a two (2) year period; that the
9 effectiveness of this Act on July 1, 2003 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2003 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2003.

17
18 */s/ Joint Budget Committee*
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1