

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

Call Item 17

# A Bill

SENATE BILL 38

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE EIGHTY-FOURTH SESSION  
10 PROJECTS ACCOUNT WITHIN THE GENERAL IMPROVEMENT  
11 FUND; TO DEFINE THE MONIES TO BE AVAILABLE IN  
12 SUCH ACCOUNT; AND TO DEFINE THE PURPOSES FOR  
13 WHICH MONIES MAY BE MADE AVAILABLE FROM THE  
14 GENERAL IMPROVEMENT FUND SO THAT ADDITIONAL FUNDS  
15 CAN BE MADE AVAILABLE FOR THE STATE BUDGET; AND  
16 FOR OTHER PURPOSES.

## Subtitle

17  
18 THE DISTRIBUTION OF THE EIGHTY-FOURTH  
19 SESSION PROJECTS ACCOUNT OF THE GENERAL  
20 IMPROVEMENT FUND TO PROVIDE ADDITIONAL  
21 FUNDS FOR THE STATE BUDGET.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. This Act may be cited as the "General Improvement  
28 Distribution Act of 2003".  
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30 SECTION 2. There is hereby created and established on the books of the  
31 Chief Fiscal Officer of the State, the State Treasurer and the State Auditor,  
32 the "84th Session Projects Account" within the "General Improvement Fund",  
33 into which shall be transferred and credited the respective monies as  
34 hereinafter provided in this Act, to be used for providing financing, in the  
35 manner set forth herein, for the various projects and purposes enumerated in  
36 this Act to be financed from said account.



1           Immediately upon the effective date of this Act, or as soon thereafter  
2 as is practical, the State Treasurer shall transfer and credit to the "84th  
3 Session Projects Account" of the "General Improvement Fund", upon  
4 certification of the amounts thereof by the Chief Fiscal Officer of the  
5 State, the following:

6           (a) all unobligated and unallocated monies remaining in the "General  
7 Improvement Fund" on June 30, 2003 which are not required to finance projects  
8 to be financed therefrom pursuant to appropriations enacted by the 83rd  
9 General Assembly, or which have not been reappropriated or reallocated for  
10 financing from the "General Improvement Fund" by the 84th General Assembly;

11           (b) any unobligated or unallocated funds remaining in the "General  
12 Revenue Allotment Reserve Fund" from monies accruing thereto during the 2001-  
13 2003 fiscal biennium which are not required to finance enactments of the 84th  
14 General Assembly that do not expire on June 30, 2003;

15           (c) interest earned on State Treasury fund balances as provided in  
16 this subsection. For the period commencing on July 1, 2003, and ending June  
17 30, 2005, the State Treasurer shall, after complying with provisions of

18                   (1) Arkansas Code 27-70-204 for distributing interest income  
19 earned from investment of average daily balances of the "State Highway and  
20 Transportation Department Fund",

21                   (2) Arkansas Code 15-41-110 for distributing interest earned from  
22 investment of average daily balances of the "Game Protection Fund",

23                   (3) Arkansas Code 15-5-422 for the first two million dollars  
24 (\$2,000,000) of interest income received each fiscal year by the State  
25 Treasurer as authorized for the Correction Facilities Construction Fund, and

26                   (4) Arkansas Code 20-78-504 for the next one hundred thousand  
27 dollars (\$100,000) of interest income received each fiscal year by the State  
28 Treasurer for the Arkansas Child Care Facilities Loan Guarantee Trust Fund,  
29 credit to the "Budget Stabilization Trust Fund" or its successor fund, fifty  
30 percent (50%) of the interest income received and credited to the "Securities  
31 Reserve Fund", and credit to the "84th Session Projects Account" fifty  
32 percent (50%) of the interest income received and credited to the "Securities  
33 Reserve Fund" as certified by the Chief Fiscal Officer of the State, to  
34 provide financing to the "84<sup>th</sup> Session Projects Account", until there has been  
35 credited an amount, which when added to the other funds available for such  
36 purposes will finance each of the projects or purposes hereinafter

1 enumerated;

2 (d) Those special revenues credited to the General Improvement Fund  
3 from estate taxes as set out in Arkansas Code 19-6-301(171);

4 (e) Ten million dollars (\$10,000,000) from the Landfill Post-Closure  
5 Trust Fund.

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7 SECTION 3. Of those moneys accruing to the 84th Session Projects  
8 Account of the General Improvement Fund as set out in Section 2 of this Act,  
9 the State Treasurer shall distribute the proceeds as follows:

10 (a) The Treasurer of State shall first make monthly allocations on the  
11 basis of [enter % for governor] of the total available funds to the Executive  
12 Discretionary Division as set out in subsection (c) and the remainder of the  
13 total available funds to the Legislative Division listed in subsection (b)  
14 until all projects enumerated in subsection (b) have been fully funded. The  
15 Legislative Division funds shall be used to provide funds to each project  
16 enumerated in this section in proportion that each project's allocation bears  
17 to the total of the allocations of all projects enumerated in subsection (b).  
18 Additional funds that may be received by the General Improvement Fund after  
19 the projects in subsection (b) have been fully funded shall remain in the  
20 General Improvement Fund for such purpose as may be enacted by law, but shall  
21 not be a part of the 84<sup>th</sup> Session Projects Account. Funds made available to  
22 the Executive Discretionary Division may be used for any project or portion  
23 thereof enumerated within the Executive Discretionary Division but not to  
24 exceed the amount set out in subsection (c) for the project. The Chief Fiscal  
25 Officer of the State shall notify the Legislative Council of the Governor's  
26 released funds for projects at the same time that the Department of Finance  
27 and Administration is notified.

28 (b) LEGISLATIVE DIVISION. The Legislative Division shall consist of  
29 the following projects and with maximum allocations as set out herein:

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33 (c) EXECUTIVE DISCRETIONARY DIVISION . The Executive Discretionary  
34 Division shall consist of the following projects and with maximum allocations  
35 as set out herein:

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2 SECTION 4. DISBURSEMENT OF FUNDS. (a) Expenditure of the funds  
3 authorized by the Eighty-fourth General Assembly in either the regular or  
4 extraordinary session from the 84th Session Projects Account shall be made  
5 only upon documentation to the Chief Fiscal Officer of the State, in such  
6 form as deemed necessary, that all criteria or pre-conditions established in  
7 the appropriation act have been met or in the case of state agencies, and  
8 that a Method of Finance has been filed with the Office of Accounting in the  
9 Department of Finance and Administration, if required.

10 (b) Any matching funds as may be provided in law shall be certified to the  
11 Chief Fiscal Officer of the State prior to the commencement of the project.

12 (c) Any recipient of the funds appropriated herein:

13 (1) may be required to file a compliance audit and

14 (2) is also subject to an audit by the Division of Legislative Audit in  
15 order to determine that the use of the funds was in compliance with the  
16 intent and appropriated purposes of the General Assembly.

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18 SECTION 5. (a) Any enactment of the 84th General Assembly in either  
19 regular or extraordinary session appropriating, transferring or allocating  
20 funds to be payable from the "General Improvement Fund", for which a specific  
21 allocation of funds is specifically authorized in this Act, shall be deemed  
22 to be payable from the "84th Session Projects Account" within the "General  
23 Improvement Fund" unless a specific intent is otherwise provided by law.

24 (b) Any enactment of the 84th General Assembly, meeting in either regular or  
25 Extraordinary Session, appropriating, allocating or transferring funds  
26 payable from the General Improvement Fund which is not enumerated in this Act  
27 shall not be financed from monies accruing to the 84th Session Projects  
28 Account.

29 (c) Monies reappropriated by the 84th General Assembly for projects for  
30 which appropriations were made by the 83rd General Assembly, which are not  
31 enumerated in this Act and which are made payable from the "General  
32 Improvement Fund", shall be payable from the "83rd Session Projects Account"  
33 of the "General Improvement Fund" and allowances shall be made therefore in  
34 arriving at the uncommitted and unobligated balance of monies in the "General  
35 Improvement Fund" before making transfers therefrom to the "84th Session  
36 Projects Account", as authorized by this Act.

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SECTION 6. Distribution of funds for constructing and equipping the radiation therapy institutes specified herein, shall be contingent upon the provision of matching funds, including those monies previously raised but not previously used to match state funds, on a dollar by dollar basis on behalf of each such radiation therapy institute.

SECTION 7. This Act shall not be incorporated into the Arkansas Code nor published separately as Special, Local and Temporary law.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly that it has considered and enacted appropriations for construction projects and other programs to be financed from the accumulated balances and reserve funds available in the State Treasury; that the total of the enacted appropriations exceed the estimated available funding available for such projects and that the immediate passage of this Act is necessary to establish a method of providing for the orderly financing and a system of priority for the financing of such projects. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on July 1, 2003.