

Stricken language will be deleted and underlined language will be added.
Act 248 of the Fiscal Session

State of Arkansas
88th General Assembly
Fiscal Session, 2012

As Engrossed: S2/22/12
A Bill

SENATE BILL 75

By: Joint Budget Committee

For An Act To Be Entitled

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

Subtitle

AN ACT FOR THE ECONOMIC DEVELOPMENT
COMMISSION APPROPRIATION FOR THE 2012-2013
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Economic Development Commission for the 2012-2013 fiscal year, the following
maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U055U	AEDC DIRECTOR	1	\$135,611
(2)	U105U	AEDC DEP DIR FINANCE & ADMIN	1	\$116,326
(3)	U059U	AEDC DEPUTY DIRECTOR	1	\$116,326
(4)	N062N	AEDC BUSINESS DEV DIVISION DIR	1	GRADE N908
(5)	N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
(6)	N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
(7)	N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas Economic Development Commission within this Act relating to the appropriation in the Community Assistance (CDBG) - Federal Section shall be used only when necessary to carry out the Community Development Block Grant Program and shall require approval by the Arkansas Legislative Council or Joint Budget Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/s/Joint Budget Committee

APPROVED: 03/02/2012