

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

# A Bill

HOUSE BILL 1150

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR STATE  
9 TURNBACK FOR COUNTIES AND MUNICIPALITIES BY THE  
10 OFFICE OF THE TREASURER OF STATE FOR THE FISCAL  
11 YEAR ENDING JUNE 30, 2013; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 AN ACT TO MAKE AN APPROPRIATION FOR STATE  
16 TURNBACK FOR COUNTIES AND MUNICIPALITIES BY  
17 THE OFFICE OF THE TREASURER OF STATE FOR  
18 THE FISCAL YEAR ENDING JUNE 30, 2013; AND  
19 FOR OTHER PURPOSES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. APPROPRIATION - GENERAL REVENUES TO CITIES. There is hereby  
26 appropriated, to the Office of the Treasurer of State, to be payable from the  
27 Municipal Aid Fund, for the purpose of distributing General Revenue accruing  
28 therein for the benefit of municipalities as provided by law by the Office of  
29 the Treasurer of State for the fiscal year ending June 30, 2013, the  
30 following:  
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ITEM	FISCAL YEAR
NO.	2012-2013
(01) GENERAL REVENUES - CITIES	<u>\$27,372,099</u>

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36 SECTION 2. APPROPRIATION - SPECIAL REVENUES TO CITIES. There is hereby



1 appropriated, to the Office of the Treasurer of State, to be payable from the  
2 Municipal Aid Fund, for distributing Special Revenues accruing therein for  
3 the benefit of municipalities as provided by law, by the Office of the  
4 Treasurer of State for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) SPECIAL REVENUES - CITIES	<u>\$120,000,000</u>

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10 SECTION 3. APPROPRIATION - GENERAL REVENUES TO COUNTIES. There is  
11 hereby appropriated, to the Office of the Treasurer of State, to be payable  
12 from the County Aid Fund, for the purpose of distributing General Revenue  
13 accruing therein for the benefit of counties as provided by law, by the  
14 Office of the Treasurer of State for the fiscal year ending June 30, 2013,  
15 the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) GENERAL REVENUE - COUNTIES	<u>\$19,645,067</u>

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19 SECTION 4. APPROPRIATION - SPECIAL REVENUES TO COUNTIES. There is  
20 hereby appropriated, to the Office of the Treasurer of State, to be payable  
21 from the County Aid Fund, for the purpose of distributing any monies provided  
22 by Highway Turnback, Severance Taxes to counties, and any other monies  
23 provided by the Acts of the General Assembly for the benefit of counties, by  
24 the Office of the Treasurer of State for the fiscal year ending June 30,  
25 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) SPECIAL REVENUE - COUNTIES	<u>\$160,000,000</u>

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29 SECTION 5. APPROPRIATION - UNANTICIPATED SPECIAL REVENUES. There is  
30 hereby appropriated, to the Office of the Treasurer of State, to be payable  
31 from the County Aid Fund, from unanticipated monies received from the sale or  
32 lease of minerals, oil and gas on federal military lands or from other

1 unanticipated special revenues, for the transfer to those counties to which  
2 such monies are allocated by law, by the Office of the Treasurer of State for  
3 the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) UNANTICIPATED SPECIAL REVENUES	<u>\$20,000,000</u>

9 SECTION 6. APPROPRIATION - REAL PROPERTY TAX REDUCTION - COUNTIES.

10 There is hereby appropriated, to the Office of the Treasurer of State, to be  
11 payable from the Property Tax Relief Trust Fund, for distributing funds  
12 provided by a statewide property tax reduction to counties, by the Office of  
13 the Treasurer of State for the fiscal year ending June 30, 2013, the  
14 following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) DISTRIBUTION TO COUNTIES FOR PROPERTY TAX RELIEF	<u>\$250,000,000</u>

21 SECTION 7. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES

22 DISTRIBUTION TO COUNTIES. There is hereby appropriated, to the Office of the  
23 Treasurer of State, to be payable from the Property Tax Relief Trust Fund,  
24 for accruing therein for the benefit of counties to be distributed using the  
25 formula for the County Aid Fund under §19-5-602(c), by the Office of the  
26 Treasurer of State for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) DISTRIBUTION TO COUNTIES	<u>\$4,000,000</u>

32 SECTION 8. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES

33 DISTRIBUTION TO CITIES. There is hereby appropriated, to the Office of the  
34 Treasurer of State, to be payable from the Property Tax Relief Trust Fund,  
35 for accruing therein for the benefit of municipalities to be distributed  
36 using the formula for the Municipal Aid Fund under §19-5-601(c), by the

1 Office of the Treasurer of State for the fiscal year ending June 30, 2013,  
 2 the following:

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4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2012-2013</u>
6 (01) DISTRIBUTION TO CITIES	<u>\$4,000,000</u>

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8 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

10 DISTRIBUTION OF FUNDS. Funding provided in Sections 7 and 8 of this Act from  
 11 the Property Tax Relief Trust Fund shall not be distributed unless there are  
 12 sufficient funds in the Property Tax Relief Trust Fund as of the date that the  
 13 Chief Fiscal Officer of the State certifies the amount in excess of the  
 14 required reimbursement to the counties as provided in §26-26-310(b)(2)(C)(i).  
 15 If there are sufficient funds remaining in the Property Tax Relief Trust Fund  
 16 on December 31, ~~2010~~ 2012, as certified, the Treasurer shall distribute four  
 17 million dollars (\$4,000,000) to counties and four million dollars (\$4,000,000)  
 18 to cities for the fiscal year ending June 30, ~~2011~~ 2013 from the balance  
 19 remaining on December 31, ~~2010~~ 2012 from the Property Tax Relief Trust Fund.  
 20 The distribution to counties shall be made in accordance with the distribution  
 21 formula in §19-5-602(c). The distribution to cities shall be made in  
 22 accordance with the distribution formula in §19-5-601(b). The funds  
 23 attributable to sales and use taxes levied prior to July 1, ~~2010~~ 2012 shall  
 24 not be transferred from the Property Tax Relief Trust Fund to the cities and  
 25 counties.

26 The provisions of this section shall be in effect only from July 1,  
 27 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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29 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY  
 31 TURNBACK - UNANTICIPATED FUNDS. The appropriation authorized for General  
 32 Revenue to Counties in Section 3, or any other appropriation as provided by  
 33 the General Assembly for aid to counties may be supplemented, if necessary,  
 34 by a transfer from the appropriation provided for Unanticipated Special  
 35 Revenues in Section 5 of this Act.

36 The provisions of this section shall be in effect only from July 1, ~~2010~~

1 2012 through June 30, ~~2011~~ 2013.

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 3 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS TO  
 5 CITIES AND COUNTIES. On July 1 of each fiscal year, the Chief Fiscal Officer  
 6 of the State shall request a transfer by the State Treasurer from the Budget  
 7 Stabilization Trust Fund to the County Aid Fund and to the Municipal Aid Fund  
 8 to assist the various cities and counties in meeting cash flow needs early in  
 9 the state fiscal year. The transfer shall be a loan to be repaid in equal  
 10 installments from general revenue distributions each month during the fiscal  
 11 year for which the loan was made and shall be in addition to any other loans  
 12 authorized by law for the County Aid and Municipal Aid Funds. The amount of  
 13 such loan for each fiscal year shall be \$3,517,657 to the Municipal Aid Fund  
 14 and \$1,906,079 to the County Aid Fund, or so much thereof as may be available  
 15 in the Budget Stabilization Trust Fund as determined by the Chief Fiscal  
 16 Officer of the State. Upon such transfer being completed, the State  
 17 Treasurer shall immediately distribute such funds to each of the several  
 18 municipalities and counties in the same manner as general revenues are  
 19 distributed.

20 It is the intent of the General Assembly that the Chief Fiscal Officer of  
 21 the State and the State Treasurer shall make every reasonable, and  
 22 financially sound effort to insure that local governments receive the full  
 23 amount of the loan authorized herein on July 1 of each year and that the  
 24 monies authorized for local governments from general revenues be distributed  
 25 in equal monthly payments.

26 The provisions of this section shall be in effect only from July 1, ~~2010~~  
 27 2012 through June 30, ~~2011~~ 2013.

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 29 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 31 FORWARD. At the close of each fiscal year any unexpended funds for the  
 32 County Aid and Municipal Aid line items shall be carried forward and made  
 33 available for the same purpose for the next fiscal year.

34 Any carry forward of unexpended balance of funding as authorized  
 35 herein, may be carried forward under the following conditions:

- 36 (1) Prior to June 30, 2012 the Agency shall by written statement

1 set forth its reason(s) for the need to carry forward said funding to the  
 2 Department of Finance and Administration Office of Budget;

3 (2) The Department of Finance and Administration Office of  
 4 Budget shall report to the Arkansas Legislative Council all amounts carried  
 5 forward by the September Arkansas Legislative Council or Joint Budget  
 6 Committee meeting which report shall include the name of the Agency, Board,  
 7 Commission or Institution and the amount of the funding carried forward, the  
 8 program name or line item, the funding source of that appropriation and a  
 9 copy of the written request set forth in (1) above;

10 (3) Each Agency, Board, Commission or Institution shall provide  
 11 a written report to the Arkansas Legislative Council or Joint Budget  
 12 Committee containing all information set forth in item (2) above, along with  
 13 a written statement as to the current status of the project, contract,  
 14 purpose etc. for which the carry forward was originally requested no later  
 15 than thirty (30) days prior to the time the Agency, Board, Commission or  
 16 Institution presents its budget request to the Arkansas Legislative  
 17 Council/Joint Budget Committee; and

18 (4) Thereupon, the Department of Finance and Administration  
 19 shall include all information obtained in item (3) above in the budget  
 20 manuals and/or a statement of non-compliance by the Agency, Board, Commission  
 21 or Institution.

22 The provisions of this section shall be in effect only from July 1,  
 23 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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 25 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
 26 authorized by this act shall be limited to the appropriation for such agency  
 27 and funds made available by law for the support of such appropriations; and  
 28 the restrictions of the State Procurement Law, the General Accounting and  
 29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 30 Procedures and Restrictions Act, or their successors, and other fiscal  
 31 control laws of this State, where applicable, and regulations promulgated by  
 32 the Department of Finance and Administration, as authorized by law, shall be  
 33 strictly complied with in disbursement of said funds.

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 35 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General  
 36 Assembly that any funds disbursed under the authority of the appropriations

1 contained in this act shall be in compliance with the stated reasons for  
 2 which this act was adopted, as evidenced by the Agency Requests, Executive  
 3 Recommendations and Legislative Recommendations contained in the budget  
 4 manuals prepared by the Department of Finance and Administration, letters, or  
 5 summarized oral testimony in the official minutes of the Arkansas Legislative  
 6 Council or Joint Budget Committee which relate to its passage and adoption.

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

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