

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/6/17
A Bill

SENATE BILL 325

By: Senator T. Garner
By: Representative J. Williams

For An Act To Be Entitled

AN ACT TO AMEND THE GENERAL IMPROVEMENT FUND; TO AMEND THE USE AND DISTRIBUTION OF MONEYS IN THE GENERAL IMPROVEMENT FUND; TO PROVIDE SUNSET PROVISIONS FOR THE GENERAL IMPROVEMENT FUND; TO CREATE THE TAXPAYER LONG-TERM PROTECTION FUND; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND AND PROVIDE A SUNSET PROVISION FOR THE GENERAL IMPROVEMENT FUND; TO AMEND THE USE AND DISTRIBUTION OF MONEYS IN THE GENERAL IMPROVEMENT FUND; TO CREATE THE TAXPAYER LONG-TERM PROTECTION FUND; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 19-5-1005 is amended to read as follows:
19-5-1005. General Improvement Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "General Improvement Fund".

(b) The ~~fund~~ General Improvement Fund shall consist of those special revenues specified in § 19-6-301(171) and any other funds made available by the General Assembly from time to time.

(c) ~~The fund~~ Except as provided in subsection (d) of this section, the



General Improvement Fund shall be used to provide financing of various projects authorized by the General Assembly and to make temporary loans to funds receiving general revenue as set out in § 19-5-302.

(d)(1) All unobligated and unallocated moneys remaining in the General Improvement Fund on July 1, 2017, that are not required to finance projects authorized by a previous General Assembly and that have not been reappropriated or reallocated for financing from the General Improvement Fund by the General Assembly shall be transferred to the Taxpayer Long-term Protection Fund.

(2) Beginning July 1, 2017, the General Assembly shall not appropriate or allocate any funds from the General Improvement Fund other than the funds necessary to finance projects authorized by a previous General Assembly.

SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1258. Taxpayer Long-term Protection Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Taxpayer Long-term Protection Fund".

(b) The fund shall consist of:

(1) Moneys identified in § 19-5-1005;

(2) Any remaining fund balances carried forward from year to year; and

(3) Any other funds authorized or provided by law.

(c) The Department of Finance and Administration shall authorize the expenditure of moneys from the fund at the direction of the Chief Fiscal Officer of the State only:

(1) In an emergency or to address a deficiency in the state budget; and

(2) After a *three-fourths* vote to approve the expenditure of funds by the members elected to each house or, if the General Assembly is not in session, the Legislative Council.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that it would be in the best interests of the state to eliminate the General Improvement Fund and provide an alternative means of funding emergencies and other needs identified by the General Assembly; that the fund should not be repealed until all ongoing projects receiving funding are completed; and that this act is immediately necessary to protect the interests of the state by prohibiting additional appropriations and allocations from the fund other than those necessary to provide funding to projects currently receiving funding. 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:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/T. Garner