

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 530

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO ESTABLISH THE NINETY-FIRST SESSION PROJECTS ACCOUNT WITHIN THE GENERAL IMPROVEMENT FUND; TO DEFINE THE MONIES TO BE AVAILABLE IN SUCH ACCOUNT; AND TO DEFINE THE PURPOSES FOR WHICH MONIES MAY BE MADE AVAILABLE FROM THE GENERAL IMPROVEMENT FUND SO THAT ADDITIONAL FUNDS CAN BE MADE AVAILABLE FOR THE STATE BUDGET; AND FOR OTHER PURPOSES.

Subtitle

THE DISTRIBUTION OF THE NINETY-FIRST SESSION PROJECTS ACCOUNT OF THE GENERAL IMPROVEMENT FUND TO PROVIDE ADDITIONAL FUNDS FOR THE STATE BUDGET.

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

SECTION 1. This Act may be cited as the "General Improvement Distribution Act of 2017".

SECTION 2. There is hereby created and established on the books of the Chief Fiscal Officer of the State, the State Treasurer and the State Auditor, the "91st Session Projects Account" within the "General Improvement Fund", into which shall be transferred and credited the respective monies as hereinafter provided in this Act, to be used for providing financing, in the manner set forth herein, for the various projects and purposes enumerated in this Act to be financed from said account.

Immediately upon the effective date of this Act, or as soon thereafter



as is practical, the State Treasurer shall transfer and credit to the "91st Session Projects Account" of the "General Improvement Fund", upon certification of the amounts thereof by the Chief Fiscal Officer of the State, the following:

(a) all unobligated and unallocated monies remaining in the "General Improvement Fund" on June 30, 2017 which are not required to finance projects to be financed therefrom pursuant to appropriations enacted by the 90th General Assembly, or which have not been reappropriated or reallocated for financing from the "General Improvement Fund" by the 91st General Assembly;

(b)(1) any unobligated or unallocated funds remaining on July 2, 2017, including all General Revenue Funds recovered from remaining fund balances in the "General Revenue Allotment Reserve Fund" from monies accruing thereto during the 2015-2017 fiscal biennium which are not required to finance enactments of the 91st General Assembly that do not expire on June 30, 2017,

(2) All General Revenue Funds recovered from remaining fund balances in the "General Revenue Allotment Reserve Fund" from monies accruing thereto during the 2017-2018 fiscal year which are not required to finance enactments of the 91st General Assembly that do not expire on June 30, 2018.

(c) Those special revenues credited to the General Improvement Fund from estate taxes as set out in Arkansas Code § 19-6-301(171).

SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENATE AND HOUSE BILL REFERENCES. All Senate and House bills referenced in this Act are effective as enacted by the 91st General Assembly in the 2017 Regular Session.

SECTION 4. DISBURSEMENT OF FUNDS. (a) Expenditure of the funds authorized by the Ninety-First General Assembly in either the regular, fiscal or extraordinary session from the "91st Session Projects Account" shall be made only upon documentation to the Chief Fiscal Officer of the State, in such form as deemed necessary, that all criteria or pre-conditions established in the appropriation act have been met or in the case of state agencies, and that a Method of Finance has been filed with the Office of Accounting in the Department of Finance and Administration, if required.

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

project.

- (c) Any recipient of the funds appropriated herein:
 - (1) may be required to file a compliance audit and
 - (2) is also subject to an audit by the Arkansas Legislative Audit in order to determine that the use of the funds was in compliance with the intent and appropriated purposes of the General Assembly.

SECTION 5. (a) Any enactment of the 91st General Assembly in either regular, fiscal or extraordinary session appropriating, transferring or allocating funds to be payable from the "General Improvement Fund", for which a specific allocation of funds is specifically authorized in this Act, shall be deemed to be payable from the "91st Session Projects Account" within the "General Improvement Fund" unless a specific intent is otherwise provided by law.

(b) Any enactment of the 91st General Assembly, meeting in either regular, fiscal or extraordinary session, appropriating, allocating or transferring funds payable from the "General Improvement Fund" which is not enumerated in this Act shall not be financed from monies accruing to the "91st Session Projects Account", unless otherwise provided by law and funds are specifically transferred from the "90th Session Projects Account" to the "91st Session Projects Account" to fund the appropriation for the project.

(c) Monies reappropriated by the 91st General Assembly for projects for which appropriations were made by the 90th General Assembly, which are not enumerated in this Act and which are made payable from the "General Improvement Fund", shall be payable from the "90th Session Projects Account" of the "General Improvement Fund" and allowances shall be made therefore in arriving at the uncommitted and unobligated balance of monies in the "General Improvement Fund" before making transfers therefrom to the "91st Session Projects Account", as authorized by this Act.

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. DEPARTMENT OF FINANCE AND ADMINISTRATION DISBURSING OFFICER. The Chief Fiscal Officer of the State may distribute funds to the projects in the Legislative Division enumerated under Department of Finance and Administration - Disbursing Officer on a basis other than monthly after prior review of the proposed calendar for disbursements by the Legislative Council or Joint Budget Committee.

SECTION 8. This Act shall not be incorporated into the Arkansas Code nor published separately as Special, Local and Temporary law. However, individual sections in this Act may amend Arkansas Code if specifically stated to do so.

SECTION 9. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUPLICATE ACTS. If the House and the Senate General Improvement Distribution Act of 2017 of the 2017 Regular Session of the 91st General Assembly are both enacted and adopted by the 91st General Assembly in identical form, then the last Act passed or latest expression shall supersede the other.

SECTION 10. 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, 2017.