

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 110

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE ECONOMIC  
10 DEVELOPMENT COMMISSION FOR THE FISCAL YEAR ENDING  
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.  
12  
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## Subtitle

14 AN ACT FOR THE ECONOMIC DEVELOPMENT  
15 COMMISSION APPROPRIATION FOR THE 2011-2012  
16 FISCAL YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Economic Development Commission for the 2011-2012 fiscal year, the following  
24 maximum number of regular employees.  
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) U055U	AEDC DIRECTOR	1	\$132,459
31	(2) U105U	AEDC DEP DIR FINANCE & ADMIN	1	\$113,622
32	(3) U059U	AEDC DEPUTY DIRECTOR	1	\$113,622
33	(4) N062N	AEDC BUSINESS DEV DIVISION DIR	1	GRADE N908
34	(5) N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
35	(6) N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
36	(7) N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907



1	(8)	N084N	AEDC MRKT & COMMUNICATIONS DIR	1	GRADE N907
2	(9)	N083N	AEDC STRATEGIC PLANNING DIRECTOR	1	GRADE N907
3	(10)	N173N	ENERGY OFFICE DEPUTY DIRECTOR	1	GRADE N903
4	(11)	G013C	AEDC DIR ARKANSAS ENERGY OFFICE	1	GRADE C128
5	(12)	G014C	AEDC DIR OF COMMUNITY DEVELOPMENT	1	GRADE C128
6	(13)	P002C	AEDC DIRECTOR FILM COMMISSION	1	GRADE C128
7	(14)	G015C	AEDC SMALL/MINORITY BUSINESS DIR	1	GRADE C128
8	(15)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
9	(16)	D012C	DATABASE SPECIALIST	1	GRADE C127
10	(17)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
11	(18)	G048C	AEDC STRATEGIC PLANNING ASST DIR	1	GRADE C126
12	(19)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
13	(20)	G062C	AEDC PROJECT/REGIONAL MANAGER	20	GRADE C125
14	(21)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
15	(22)	G104C	AEDC AREA/PROGRAM REPRESENTATIVE	22	GRADE C122
16	(23)	A052C	ACCOUNTING COORDINATOR	2	GRADE C121
17	(24)	R014C	PERSONNEL MANAGER	1	GRADE C121
18	(25)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
19	(26)	E023C	TRAINING PROJECT MANAGER	4	GRADE C120
20	(27)	G148C	ENERGY PROGRAM MANAGER	6	GRADE C119
21	(28)	G147C	GRANTS COORDINATOR	1	GRADE C119
22	(29)	A066C	INTERNAL AUDITOR	1	GRADE C119
23	(30)	A063C	RESEARCH & STATISTICS SUPERVISOR	1	GRADE C119
24	(31)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(32)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
26	(33)	D064C	WEBSITE DEVELOPER	1	GRADE C118
27	(34)	A082C	ACCOUNTANT II	2	GRADE C117
28	(35)	A081C	AUDITOR	1	GRADE C117
29	(36)	G188C	BUSINESS & INDUSTRIAL ENERGY SPEC	1	GRADE C117
30	(37)	G180C	GRANTS ANALYST	7	GRADE C117
31	(38)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
32	(39)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
33	(40)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
34	(41)	R033C	BENEFITS ANALYST	1	GRADE C115
35	(42)	D077C	HELP DESK SPECIALIST	1	GRADE C115
36	(43)	V015C	PURCHASING SPECIALIST	1	GRADE C115

1	(44)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114
2	(45)	C056C	ADMINISTRATIVE SPECIALIST III	<u>14</u>	GRADE C112
3			MAX. NO. OF EMPLOYEES	116	

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5 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,  
 6 for the Economic Development Commission – State Operations for the 2011-2012  
 7 fiscal year, the following maximum number of part-time or temporary  
 8 employees, to be known as "Extra Help", payable from funds appropriated  
 9 herein for such purposes: eleven (11) temporary or part-time employees, when  
 10 needed, at rates of pay not to exceed those provided in the Uniform  
 11 Classification and Compensation Act, or its successor, or this act for the  
 12 appropriate classification.

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14 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby  
 15 appropriated, to the Economic Development Commission, to be payable from the  
 16 Department of Economic Development Fund Account, for personal services and  
 17 operating expenses of the Economic Development Commission – State Operations  
 18 for the fiscal year ending June 30, 2012, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2011-2012</u>
22	(01) REGULAR SALARIES	\$4,724,084
23	(02) EXTRA HELP	20,000
24	(03) PERSONAL SERVICES MATCHING	1,320,968
25	(04) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	1,641,526
27	(B) CONF. & TRAVEL	141,486
28	(C) PROF. FEES	1,280,000
29	(D) CAP. OUTLAY	100,000
30	(E) DATA PROC.	0
31	(05) ECONOMIC INFRASTRUCTURE/REGIONALISM	
32	GRANTS	1,000,000
33	(06) FAR EAST TRADE/IND RECRUITMENT	150,000
34	(07) INDUSTRY TRAINING PROGRAM	1,000,000
35	(08) FOR STATE MATCHING OF FEDERAL FUNDS	<u>228,500</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$11,606,564</u></u>

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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, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$316,505
(02) PERSONAL SERVICES MATCHING	95,828
(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>\$130,424,115</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, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$367,898
(02) PERSONAL SERVICES MATCHING	116,024
(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	93,273
2	(B) CONF. & TRAVEL	11,788
3	(C) PROF. FEES	108,085
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(04) ENERGY CONSERVATION GRANTS AND AID	151,952
7	(05) ARRA OF 2009	<u>50,493,125</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$51,342,145</u></u>

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10 SECTION 6. APPROPRIATION - ENERGY EFFICIENCY ARKANSAS - CASH. There is

11 hereby appropriated, to the Economic Development Commission, to be payable

12 from the cash fund deposited in the State Treasury as determined by the Chief

13 Fiscal Officer of the State, for personal services and operating expenses of

14 the Economic Development Commission for the fiscal year ending June 30, 2012,

15 the following:

16		
17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2011-2012</u>
19	(01) REGULAR SALARIES	\$43,634
20	(02) PERSONAL SERVICES MATCHING	13,503
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	43,900
23	(B) CONF. & TRAVEL	2,000
24	(C) PROF. FEES	2,102,955
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(04) ENERGY EFFICIENCY ARKANSAS GRANTS	<u>100,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,305,992</u></u>

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30 SECTION 7. APPROPRIATION - INCENTIVE PLANS - CASH. There is hereby

31 appropriated, to the Economic Development Commission, to be payable from cash

32 funds as defined by Arkansas Code 19-4-801 of the Economic Development

33 Commission, for expenses of assisting industries in the negotiation of

34 financial incentive plans of the Economic Development Commission for the

35 fiscal year ending June 30, 2012, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2011-2012</u>
3	(01) FINANCIAL INCENTIVE PLANS - EXPENSES	<u>\$8,620</u>

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5 SECTION 8. APPROPRIATION - TRADE AND INTERNATIONAL INVESTMENT DIVISION

6 - CASH. There is hereby appropriated, to the Economic Development

7 Commission, to be payable from cash funds as defined by Arkansas Code

8 19-4-801 of the Economic Development Commission, for marketing expenses of

9 the Economic Development Commission for the fiscal year ending June 30, 2012,

10 the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) TRADE AND INTERNATIONAL INVESTMENT	
15	MARKETING EXPENSES	<u>\$9,625</u>

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17 SECTION 9. APPROPRIATION - EXISTING BUSINESS RESOURCE PROGRAM - CASH.

18 There is hereby appropriated, to the Economic Development Commission, to be

19 payable from cash funds as defined by Arkansas Code 19-4-801 of the Economic

20 Development Commission, for Existing Business Resource Program expenses of

21 the Economic Development Commission for the fiscal year ending June 30, 2012,

22 the following:

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2011-2012</u>
26	(01) EXISTING BUSINESS RESOURCE EXPENSES	<u>\$30,150</u>

27

28 SECTION 10. APPROPRIATION - PETROLEUM VIOLATION ESCROW - CASH. There

29 is hereby appropriated, to the Economic Development Commission, to be payable

30 from cash funds as defined by Arkansas Code 19-4-801 of the Economic

31 Development Commission, for operating expenses and grants to approved

32 projects from funds received from settlements with petroleum companies and

33 other miscellaneous cash funds of the Economic Development Commission for the

34 fiscal year ending June 30, 2012, the following:

36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2011-2012</u>
2	(01) ENERGY CONSERVATION GRANTS AND AID	<u>\$404,489</u>

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4 SECTION 11. APPROPRIATION - TECHNOLOGY ACCELERATION PROGRAM. There is

5 hereby appropriated, to the Economic Development Commission, to be payable

6 from the Technology Acceleration Fund, for investment incentives to enhance

7 the economy of the state through technology development of the Economic

8 Development Commission for the fiscal year ending June 30, 2012, the

9 following:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2011-2012</u>
13	(01) TECHNOLOGY ACCELERATION PRGM	<u>\$30,000,000</u>

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15 SECTION 12. APPROPRIATION - SUPER PROJECTS. There is hereby

16 appropriated, to the Economic Development Commission, to be payable from the

17 Economic Development Superprojects Project Fund, for Super Projects of the

18 Economic Development Commission for the fiscal year ending June 30, 2012, the

19 following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2011-2012</u>
23	(01) SUPER PROJECTS	<u>\$200,000,000</u>

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25 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY

27 TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made

28 available to support the appropriation for Industry Training Program (ITP)

29 herein may be used to acquire capital equipment necessary to enhance the

30 capabilities of the Arkansas Industry Training Programs and for expenses

31 necessary to assist in carrying on the Existing Worker Training Program.

32 When not in use in an AITP managed course of training, the equipment

33 purchased under this provision shall be stored at a location to be determined

34 by the Executive Director, AEDC.

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

36 2011 through June 30, ~~2011~~ 2012.

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2 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN  
4 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby  
5 authorized to enter into contractual arrangements with private and/or public  
6 companies, corporations, individuals or organizations for the purpose of  
7 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed  
8 restrictive in its language so as to preclude the use of standard  
9 Professional Services Contracts for the operation of the foreign offices  
10 and/or payment of such contracts from the special line items as established  
11 by legislative appropriation for the operation of said foreign offices.

12 The provisions of this section shall be in effect only from July 1, ~~2010~~  
13 2011 through June 30, ~~2011~~ 2012.

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15 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE  
17 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall  
18 structure its annual update to the Five Year Consolidated Plan and the new  
19 Five Year Consolidated Plan to reflect the legislative intent for a priority  
20 to be placed on the use of Community Development Block Grant (CDBG) funds for  
21 Multi-use facilities that will offer combined facilities for programs  
22 commonly offered in separate facilities such as senior centers, public health  
23 centers, childcare centers and community centers. AEDC shall report the  
24 methodology for complying with this priority to the Legislative Council.

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

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28 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC  
30 PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make  
31 additional efforts to increase non-traditional public participation in its  
32 annual update to the Five Year Consolidated Plan and the new Five Year  
33 Consolidated Plan. These efforts shall be in addition to current public  
34 notification methods. Notification should be considered through direct mail-  
35 out to mayors and county judges, contacts with planning and development  
36 districts, contact with the Department of Rural Services, submissions to



1 grant notification publications, and publication on AEDC's web page. AEDC is  
2 encouraged to develop additional innovative public awareness strategies.

3 The provisions of this section shall be in effect only from July 1, ~~2010~~  
4 2011 through June 30, ~~2011~~ 2012.

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6 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL  
8 DEVELOPMENT. From the funds appropriated for Community Development Grants  
9 within the Community Development Program in this Act for Community  
10 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall  
11 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the  
12 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed  
13 with the federal Department of Housing and Urban Development. Funds  
14 allocated to the Rural Development Set-Aside are to be used exclusively for  
15 grants to rural communities as defined in the Consolidated Plan.

16 The provisions of this section shall be in effect only from July 1, ~~2010~~  
17 2011 through June 30, ~~2011~~ 2012.

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19 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT  
21 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all  
22 applications for grant funds from the Rural Development Set-Aside and shall  
23 certify to the Department of Rural Services those applications eligible for  
24 grant funds under AEDC and federal guidelines. The Department of Rural  
25 Services alone shall decide which grant applications will be funded, and AEDC  
26 shall disburse grant funds from the Rural Development Set-Aside to those  
27 applicants receiving final approval by the Department of Rural Services. AEDC  
28 and the Department of Rural Services shall promulgate rules and regulations  
29 governing the application for and disbursement of grant funds from the Rural  
30 Development Set-Aside, and an annual report of the disposition of these grant  
31 funds shall be made to the Legislative Joint Auditing Committee.

32 The provisions of this section shall be in effect only from July 1, ~~2010~~  
33 2011 through June 30, ~~2011~~ 2012.

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35 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

1 PROVISION - FOREIGN OFFICES. If at any time during the fiscal year, the  
2 Director determines that market conditions warrant, the Arkansas Economic  
3 Development Commission is hereby authorized to transfer appropriation, after  
4 receiving the approval of the Chief Fiscal Officer of the State and prior  
5 approval by the Legislative Council or Joint Budget Committee, between the  
6 Foreign Offices in the State Operations Section of this Act for the purpose  
7 of responding to changes in the world markets.

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

24 The provisions of this section shall be in effect only from July 1,  
25 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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27 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
29 PROVISION. If at any time during the fiscal year, savings are accomplished  
30 in the appropriation provided for "Far East Trade/Industry Recruitment",  
31 "Latin American Trade", and "Regular Salaries" in the State Operations  
32 Section of this Act, such appropriation savings may be transferred to the  
33 appropriations made for "Maintenance and General Operations" in the State  
34 Operations Section of this Act after prior approval by the Legislative  
35 Council or Joint Budget Committee. In addition, if at any time during the  
36 fiscal year, savings are accomplished in the appropriation provided for

1 "Maintenance and General Operations" in the State Operations Section of this  
 2 Act, such appropriation savings may be transferred to the appropriation for  
 3 "Far East Trade/Industry Recruitment" and "Latin American Trade" in the State  
 4 Operations Section of this Act, after prior approval by the Legislative  
 5 Council or Joint Budget Committee.

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

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

24  
 25 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 27 PROVISION. After receiving approval from the Chief Fiscal Officer of the  
 28 State and prior approval by the Legislative Council or Joint Budget  
 29 Committee, the Director of the Arkansas Economic Development Commission is  
 30 authorized to transfer appropriation from any line item appropriation  
 31 authorized in the Community Assistance (CDBG) - Federal Section of this Act  
 32 to any other line item authorized in the Community Assistance (CDBG) -  
 33 Federal Section of this Act.

34 Determining the maximum number of employees and the maximum amount of  
 35 appropriation and general revenue funding for a state agency each fiscal year  
 36 is the prerogative of the General Assembly. This is usually accomplished by

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

14 The provisions of this section shall be in effect only from July 1, ~~2010~~  
15 2011 through June 30, ~~2011~~ 2012.

16  
17 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
19 FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas  
20 Economic Development Commission within this Act relating to the appropriation  
21 in the Community Assistance (CDBG) - Federal Section shall be used only when  
22 necessary to carry out the Community Development Block Grant Program and  
23 shall require approval by the Arkansas Legislative Council or Joint Budget  
24 Committee.

25 Determining the maximum number of employees and the maximum amount of  
26 appropriation and general revenue funding for a state agency each fiscal year  
27 is the prerogative of the General Assembly. This is usually accomplished by  
28 delineating such maximums in the appropriation act(s) for a state agency and  
29 the general revenue allocations authorized for each fund and fund account by  
30 amendment to the Revenue Stabilization law. Further, the General Assembly  
31 has determined that the Department of Economic Development may operate more  
32 efficiently if some flexibility is provided to the Department of Economic  
33 Development authorizing broad powers under this Section. Therefore, it is  
34 both necessary and appropriate that the General Assembly maintain oversight  
35 by requiring prior approval of the Legislative Council or Joint Budget  
36 Committee as provided by this section. The requirement of approval by the

1 Legislative Council or Joint Budget Committee is not a severable part of this  
2 section. If the requirement of approval by the Legislative Council or Joint  
3 Budget Committee is ruled unconstitutional by a court of competent  
4 jurisdiction, this entire section is void.

5 The provisions of this section shall be in effect only from July 1,  
6 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

7  
8 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
10 PROVISION - INDUSTRY TRAINING. If during the fiscal year, the Industry  
11 Training Division effects savings in Item (07), State Operations Section of  
12 this Act, such savings may be transferred to item (02), Extra Help or item  
13 (04), Maintenance and General Operations, of the State Operations Section of  
14 this Act, after obtaining approval of the Chief Fiscal Officer of the State  
15 and after prior review by the Legislative Council or Joint Budget Committee.  
16 In addition, if any savings are effected in the fiscal year in item (04),  
17 Maintenance and General Operations, of the State Operations Section of this  
18 Act, such savings may be transferred to item (07), Industry Training Program,  
19 of the State Operations Section of this Act, after obtaining approval of the  
20 Chief Fiscal Officer of the State and after prior approval by the Legislative  
21 Council or Joint Budget Committee.

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

1 jurisdiction, this entire section is void.

2 The provisions of this section shall be in effect only from July 1, ~~2010~~  
3 2011 through June 30, ~~2011~~ 2012.

4  
5 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
7 PROVISION - INDUSTRY TRAINING PROGRAM. During the fiscal year any savings  
8 accomplished in line item (02) of the State Operations Section of this Act,  
9 Extra Help, may be transferred to line item (04) of the State Operations  
10 Section of this Act, Maintenance and General Operation after prior approval  
11 by the Legislative Council or Joint Budget Committee.

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

28 The provisions of this section shall be in effect only from July 1, ~~2010~~  
29 2011 through June 30, ~~2011~~ 2012.

30  
31 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
33 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to  
34 time on his or her books and those of the State Treasurer and the Auditor of  
35 the State the sum not to exceed thirty million dollars (\$30,000,000) from  
36 Federal Funds as determined by the Chief Fiscal Officer of the State to the

1 Technology Acceleration Fund to provide funds for the appropriation herein.

2  
3 SECTION 26. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
4 authorized by this act shall be limited to the appropriation for such agency  
5 and funds made available by law for the support of such appropriations; and  
6 the restrictions of the State Procurement Law, the General Accounting and  
7 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
8 Procedures and Restrictions Act, or their successors, and other fiscal  
9 control laws of this State, where applicable, and regulations promulgated by  
10 the Department of Finance and Administration, as authorized by law, shall be  
11 strictly complied with in disbursement of said funds.

12  
13 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General  
14 Assembly that any funds disbursed under the authority of the appropriations  
15 contained in this act shall be in compliance with the stated reasons for  
16 which this act was adopted, as evidenced by the Agency Requests, Executive  
17 Recommendations and Legislative Recommendations contained in the budget  
18 manuals prepared by the Department of Finance and Administration, letters, or  
19 summarized oral testimony in the official minutes of the Arkansas Legislative  
20 Council or Joint Budget Committee which relate to its passage and adoption.

21  
22 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the  
23 General Assembly, that the Constitution of the State of Arkansas prohibits  
24 the appropriation of funds for more than a one (1) year period; that the  
25 effectiveness of this Act on July 1, 2011 is essential to the operation of  
26 the agency for which the appropriations in this Act are provided, and that in  
27 the event of an extension of the legislative session, the delay in the  
28 effective date of this Act beyond July 1, 2011 could work irreparable harm  
29 upon the proper administration and provision of essential governmental  
30 programs. Therefore, an emergency is hereby declared to exist and this Act  
31 being necessary for the immediate preservation of the public peace, health  
32 and safety shall be in full force and effect from and after July 1, 2011.