

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Representative Jean

A Bill

HOUSE BILL 1547

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE NINETIETH SESSION PROJECTS
9 ACCOUNT WITHIN THE GENERAL IMPROVEMENT FUND; TO
10 DEFINE THE MONIES TO BE AVAILABLE IN SUCH ACCOUNT;
11 AND TO DEFINE THE PURPOSES FOR WHICH MONIES MAY BE
12 MADE AVAILABLE FROM THE GENERAL IMPROVEMENT FUND SO
13 THAT ADDITIONAL FUNDS CAN BE MADE AVAILABLE FOR THE
14 STATE BUDGET; AND FOR OTHER PURPOSES.

Subtitle

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18 THE DISTRIBUTION OF THE NINETIETH SESSION
19 PROJECTS ACCOUNT OF THE GENERAL
20 IMPROVEMENT FUND TO PROVIDE ADDITIONAL
21 FUNDS FOR THE STATE BUDGET.

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

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26 SECTION 1. This Act may be cited as the "General Improvement
27 Distribution Act of 2015".

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29 SECTION 2. There is hereby created and established on the books of the
30 Chief Fiscal Officer of the State, the State Treasurer and the State Auditor,
31 the "90th Session Projects Account" within the "General Improvement Fund",
32 into which shall be transferred and credited the respective monies as
33 hereinafter provided in this Act, to be used for providing financing, in the
34 manner set forth herein, for the various projects and purposes enumerated in
35 this Act to be financed from said account.

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



1 as is practical, the State Treasurer shall transfer and credit to the "90th
2 Session Projects Account" of the "General Improvement Fund", upon
3 certification of the amounts thereof by the Chief Fiscal Officer of the
4 State, the following:

5 (a) all unobligated and unallocated monies remaining in the "General
6 Improvement Fund" on June 30, 2015 which are not required to finance projects
7 to be financed therefrom pursuant to appropriations enacted by the 89th
8 General Assembly, or which have not been reappropriated or reallocated for
9 financing from the "General Improvement Fund" by the 90th General Assembly;

10 (b) any unobligated or unallocated funds remaining on July 2, 2015,
11 including all General Revenue Funds recovered from remaining fund balances in
12 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
13 during the 2013-2015 fiscal biennium which are not required to finance
14 enactments of the 90th General Assembly that do not expire on June 30, 2015;

15 (c) interest earned on State Treasury fund balances as provided in
16 this subsection. For the period commencing on July 1, 2015, and ending June
17 30, 2017, the State Treasurer shall, after complying with provisions of

18 (1) Arkansas Code 27-70-204 for distributing interest income
19 earned from investment of average daily balances of the "State Highway and
20 Transportation Department Fund",

21 (2) Arkansas Code 15-41-110 for distributing interest earned from
22 investment of average daily balances of the "Game Protection Fund", and

23 (3) Arkansas Code 20-78-504 for the next one hundred thousand
24 dollars (\$100,000) of interest income received each fiscal year by the State
25 Treasurer for the "Arkansas Child Care Facilities Loan Guarantee Trust Fund",
26 credit to the "Budget Stabilization Trust Fund" or its successor fund, fifty
27 percent (50%) of the interest income received and credited to the "Securities
28 Reserve Fund", and credit to the "90th Session Projects Account" fifty
29 percent (50%) of the interest income received and credited to the "Securities
30 Reserve Fund" as certified by the Chief Fiscal Officer of the State, to
31 provide financing to the "90th Session Projects Account", until there has
32 been credited an amount, which when added to the other funds available for
33 such purposes will finance each of the projects or purposes hereinafter
34 enumerated; and

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

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2 SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
3 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENATE AND HOUSE BILL
4 REFERENCES. All Senate and House bills referenced in this Act are effective
5 as enacted by the 90th General Assembly in the 2015 Regular Session.
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7 SECTION 4. DISBURSEMENT OF FUNDS. (a) Expenditure of the funds
8 authorized by the Ninetieth General Assembly in either the regular, fiscal or
9 extraordinary session from the 90th Session Projects Account shall be made
10 only upon documentation to the Chief Fiscal Officer of the State, in such
11 form as deemed necessary, that all criteria or pre-conditions established in
12 the appropriation act have been met or in the case of state agencies, and
13 that a Method of Finance has been filed with the Office of Accounting in the
14 Department of Finance and Administration, if required.

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

18 (c) Any recipient of the funds appropriated herein:
19 (1) may be required to file a compliance audit and
20 (2) is also subject to an audit by the Division of Legislative
21 Audit in order to determine that the use of the funds was in compliance with
22 the intent and appropriated purposes of the General Assembly.
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24 SECTION 5. (a) Any enactment of the 90th General Assembly in either
25 regular, fiscal or extraordinary session appropriating, transferring or
26 allocating funds to be payable from the "General Improvement Fund", for which
27 a specific allocation of funds is specifically authorized in this Act, shall
28 be deemed to be payable from the "90th Session Projects Account" within the
29 "General Improvement Fund" unless a specific intent is otherwise provided by
30 law.

31 (b) Any enactment of the 90th General Assembly, meeting in either
32 Regular, Fiscal or Extraordinary Session, appropriating, allocating or
33 transferring funds payable from the General Improvement Fund which is not
34 enumerated in this Act shall not be financed from monies accruing to the 90th
35 Session Projects Account, unless otherwise provided by law and funds are
36 specifically transferred from the 89th Session Projects Account to the 90th

1 Session Projects Account to fund the appropriation for the project.

2 (c) Monies reappropriated by the 90th General Assembly for projects
3 for which appropriations were made by the 89th General Assembly, which are
4 not enumerated in this Act and which are made payable from the "General
5 Improvement Fund", shall be payable from the "89th Session Projects Account"
6 of the "General Improvement Fund" and allowances shall be made therefore in
7 arriving at the uncommitted and unobligated balance of monies in the "General
8 Improvement Fund" before making transfers therefrom to the "90th Session
9 Projects Account", as authorized by this Act.

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11 SECTION 6. Distribution of funds for constructing and equipping the
12 radiation therapy institutes specified herein, shall be contingent upon the
13 provision of matching funds, including those monies previously raised but not
14 previously used to match state funds, on a dollar by dollar basis on behalf
15 of each such radiation therapy institute.

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17 SECTION 7. DEPARTMENT OF FINANCE AND ADMINISTRATION DISBURSING
18 OFFICER. The Chief Fiscal Officer of the State may distribute funds to the
19 projects in the Legislative Division enumerated under Department of Finance
20 and Administration - Disbursing Officer on a basis other than monthly after
21 prior review of the proposed calendar for disbursements by the Legislative
22 Council.

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

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29 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUPLICATE
31 ACTS. If the House and the Senate General Improvement Distribution Act of
32 2015 of the 2015 Regular Session of the 90th General Assembly are both
33 enacted and adopted by the 90th General Assembly in identical form, then the
34 last Act passed or latest expression shall supersede the other.

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36 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly that it has considered and enacted appropriations for
2 construction projects and other programs to be financed from the accumulated
3 balances and reserve funds available in the State Treasury; that the total of
4 the enacted appropriations exceed the estimated available funding available
5 for such projects and that the immediate passage of this Act is necessary to
6 establish a method of providing for the orderly financing and a system of
7 priority for the financing of such projects. Therefore, an emergency is
8 declared to exist and this act being immediately necessary for the
9 preservation of the public peace, health and safety shall become effective on
10 July 1, 2015.

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