

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

A Bill

SENATE BILL 732

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS REVENUE STABILIZATION
9 LAW; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO AMEND THE ARKANSAS REVENUE
12 STABILIZATION LAW OF ARKANSAS.
13

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 19-5-302(5) is amended to read as follows to
20 correct the name of a fund account:

21 (5)(A) ~~Department of~~ Arkansas Economic Development Commission
22 Fund Account. The ~~Department of~~ Arkansas Economic Development Commission Fund
23 Account shall be used for the maintenance, operation, and improvement
24 required by the Arkansas Economic Development Commission and the Arkansas
25 Economic Development Council in carrying out the powers, functions, and
26 duties as set out in §§ 15-4-101, 15-4-102, 15-4-201 - 15-4-204, 15-4-206,
27 15-4-209 - 15-4-212, 15-4-501 - 15-4-524, and 15-10-201 - 15-10-206, or other
28 duties imposed by law upon the Arkansas Economic Development Commission or
29 the Arkansas Energy Office.

30 (B) The ~~Department of~~ Arkansas Economic Development Commission
31 Fund Account shall consist of:

- 32 (i) Those general revenues as may be provided by law;
33 (ii) Non-revenue income derived from services performed by
34 the various divisions of the Arkansas Economic Development Council; and
35 (iii) Any other funds that may be provided by law;
36



1 SECTION 2. Arkansas Code 19-5-303(ee)(3), concerning the National Park
 2 Community College Fund, is amended to read as follows:

3 (3) The National Park Community College Fund shall consist of:

4 (A) Those general revenues transferred each month from the
 5 Garland County Community College Fund ~~and the Quapaw Technical Institute Fund~~
 6 ~~Account;~~

7 (B) The June 30, 2003, balances in the Garland County Community
 8 College Fund ~~and the Quapaw Technical Institute Fund Account;~~ and

9 (C) Any other funds made available for the support of the
 10 National Park Community College which are required to be deposited into the
 11 State Treasury by law.

12
 13 SECTION 3. Arkansas Code 19-5-304 concerning the Education Fund, is
 14 amended to read as follows:

15 19-5-304. Education Fund.

16 The Education Fund shall consist of the following funds and fund accounts
 17 made available for the support of the Department of Education and the
 18 Department of ~~Workforce~~ Career Education and shall be used for the same
 19 purposes as set out for the following fund accounts:

20 (1)(A) Department of Education Fund Account. The Department of
 21 Education Fund Account shall be used to provide for the maintenance,
 22 operation, and improvement of the Department of Education as created by § 6-
 23 10-101 et seq., and any other laws imposing functions, powers, and duties
 24 upon the State Board of Education, the Department of Education, and the
 25 Commissioner of Education, including, but not necessarily limited to, history
 26 textbooks expenses, the Publishing Revolving Account, audio-visual services,
 27 textbooks operation, compact for education, including the state's membership,
 28 and the state's contribution to the Southern Regional Education Board.

29 (B) The Department of Education Fund Account shall consist of:

30 (i) Those general revenues as may be provided by the
 31 Revenue Stabilization Law, § 19-5-101 et seq.; and

32 (ii) Nonrevenue income derived from services provided by
 33 those programs supported from the Department of Education Fund Account,
 34 including any rental property located on the State Capitol grounds owned by
 35 the Department of Education;

36 (2)(A) Department of ~~Workforce~~ Career Education Fund Account. The

1 Department of ~~Workforce~~ Career Education Fund Account shall be used to
 2 provide support for those programs placed under the direction of the Director
 3 of the Department of ~~Workforce~~ Career Education as authorized by §§ 6-11-101,
 4 6-11-102, 25-6-101, 25-6-102, and Acts 1981, No. 64, § 4, and any other laws
 5 imposing functions, powers, and duties upon the State Board of ~~Workforce~~
 6 Career Education and ~~Career Opportunities~~, including, but not necessarily
 7 limited to, the following:

- 8 (i) Vocational, technical, and adult education;
- 9 (ii) Adult basic education;
- 10 (iii) Manpower training;
- 11 (iv) Vocational standards;
- 12 (v) Industry training programs; and
- 13 (vi) Those functions, programs, and responsibilities

14 transferred to the Department of ~~Workforce~~ Career Education as authorized by
 15 these statutes.

16 (B) The Department of ~~Workforce~~ Career Education Fund Account
 17 shall consist of those general revenues as may be provided by the Revenue
 18 Stabilization Law, § 19-5-101 et seq.;

19 (3)(A) Educational Television Fund Account. The Educational
 20 Television Fund Account shall be used for the maintenance, operation, and
 21 improvement required by the Educational Television Division of the Department
 22 of Education in carrying out those powers, functions, and duties of the
 23 Arkansas Educational Television Commission as set out in § 6-3-101 et seq. or
 24 other duties imposed by law upon the commission.

25 (B) The Educational Television Fund Account shall consist of
 26 those general revenues as may be provided by law and nonrevenue income
 27 derived from services provided by the Educational Television Division and any
 28 other nonfederal grant funds provided by law;

29 (4)(A) State Library Fund Account. The State Library Fund Account
 30 shall be used for the maintenance, operation, and improvement required by the
 31 Library Division of the Department of Education in carrying out the powers,
 32 functions, and duties as set out in § 13-2-201 et seq. or any other duties
 33 imposed by law upon the State Library Commission, which were transferred to
 34 the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

35 (B) The State Library Fund Account shall consist of those
 36 general revenues as may be provided by law and nonrevenue income derived from

1 services provided by the Library Division of the Department of Education and
 2 any other nonfederal grant funds provided by law;

3 (5)(A) School for the Blind Fund Account. The School for the Blind
 4 Fund Account shall be used for the maintenance, operation, and improvement
 5 required by the Arkansas School for the Blind in carrying out those powers,
 6 functions, and duties as set out in § 6-43-101 et seq. and § 6-43-201 et seq.

7 (B) The School for the Blind Fund Account shall consist of those
 8 general revenues as may be provided by law and nonrevenue income derived from
 9 services provided by the Arkansas School for the Blind and any other
 10 nonfederal grant funds provided by law.

11 (C) Federal reimbursement funds received on account of
 12 vocational education programs conducted by the Arkansas School for the Blind
 13 shall not be deposited to the School for the Blind Fund Account;

14 (6)(A) School for the Deaf Fund Account. The School for the Deaf Fund
 15 Account shall be used for the maintenance, operation, and improvement
 16 required by the Arkansas School for the Deaf in carrying out the powers,
 17 functions, and duties as set out in § 6-43-301 et seq. or other duties
 18 imposed by law upon the Arkansas School for the Deaf, which were transferred
 19 to the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

20 (B) The School for the Deaf Fund Account shall consist of those
 21 general revenues as may be provided by law and nonrevenue income derived from
 22 services provided by the Arkansas School for the Deaf and any other
 23 nonfederal grant funds provided by law.

24 (C) Federal reimbursement funds received on account of
 25 vocational education programs conducted by the Arkansas School for the Deaf
 26 shall not be deposited to this account;

27 (7)(A) Rehabilitation Services Fund Account. The Rehabilitation
 28 Services Fund Account shall be used for the maintenance, operation, and
 29 improvement required by the Arkansas Rehabilitation Services of the
 30 Department of ~~Workforce~~ Career Education in carrying out the powers,
 31 functions, and duties, as set out in § 6-52-101 et seq., § 20-79-201 et seq.,
 32 and § 25-30-201 et seq., and for the adult handicapped program at the
 33 Arkansas Health Center.

34 (B) The Rehabilitation Services Fund Account shall consist of:

35 (i) Those general revenues as may be provided by law;

36 (ii) Nonrevenue income derived from services provided by

1 rehabilitation programs of the Arkansas Rehabilitation Services of the
2 Department of ~~Workforce~~ Career Education; and

3 (iii) Any other nonfederal grant funds provided by law;

4 (8)~~(A)~~ Technical Institute and Other Education Fund Accounts. ~~The~~
5 ~~Arkansas Tech University—Ozark Campus Fund Account shall be used for the~~
6 ~~maintenance, operation, and improvement of Arkansas Tech University—Ozark~~
7 ~~Campus. The Arkansas Tech University—Ozark Campus Fund Account shall~~
8 ~~consist of:~~

9 (i) ~~Those general revenues as may be provided by law; and~~

10 ~~Any other funds made available for the support of~~
11 ~~Arkansas Tech University—Ozark Campus that are required to be deposited~~
12 ~~into the State Treasury by law.~~

13 ~~(B)~~ (A) The Crowley’s Ridge Technical Institute Fund Account
14 shall be used for the maintenance, operation, and improvement of the
15 Crowley’s Ridge Technical Institute. The Crowley’s Ridge Technical Institute
16 Fund Account shall consist of:

17 (i) Those general revenues as may be provided by law; and

18 (ii) Any other funds made available for the support of the
19 Crowley’s Ridge Technical Institute which are required to be deposited into
20 the State Treasury by law.

21 ~~(C)~~ (B) The Northwest Technical Institute Fund Account shall be
22 used for the maintenance, operation, and improvement of the Northwest
23 Technical Institute. The Northwest Technical Institute Fund Account shall
24 consist of:

25 (i) Those general revenues as may be provided by law; and

26 (ii) Any other funds made available for the support of the
27 Northwest Technical Institute which are required to be deposited into the
28 State Treasury by law.

29 ~~(D)~~ ~~The Quapaw Technical Institute Fund Account shall be used~~
30 ~~for the maintenance, operation, and improvement of the Quapaw Technical~~
31 ~~Institute. The Quapaw Technical Institute Fund Account shall consist of:~~

32 ~~Any other funds made available for the support of the~~

33 ~~Quapaw Technical Institute which are required to be deposited into the State~~
34 ~~Treasury by law.~~

35 ~~(E)~~ (C) The Riverside Vocational Technical School Fund Account

1 shall be used for the maintenance, operation, and improvement of the
2 Riverside Vocational Technical School. The Riverside Vocational Technical
3 School Fund Account shall consist of:

- 4 (i) Those general revenues as may be provided by law; and
- 5 (ii) Any other funds made available for the support of the

6 Riverside Vocational Technical School which are required to be deposited into
7 the State Treasury by law;

8 (9)(A) Educational Facilities Partnership Fund Account. The
9 Educational Facilities Partnership Fund Account shall be used for
10 distribution of grants for programs providing academic school facility and
11 transportation assistance to the public school districts as may be provided
12 by law.

13 (B) The Educational Facilities Partnership Fund Account shall
14 consist of:

- 15 (i) Those general revenues as may be provided by law;
- 16 (ii) Moneys transferred from the General Improvement Fund;

17 and

- 18 (iii) Any other moneys as may be provided by law; and

19 (10)(A) Division of Public School Academic Facilities and
20 Transportation Fund Account. The Division of Public School Academic
21 Facilities and Transportation Fund Account shall be used for the maintenance,
22 operation, and improvement required by the Division of Public School Academic
23 Facilities and Transportation of the Department of Education as may be
24 provided by law.

25 (B) The Division of Public School Academic Facilities and
26 Transportation Fund Account shall consist of:

- 27 (i) Those general revenues as may be provided by law; and
- 28 (ii) Any other funds made available for the support of the

29 Division of Public School Academic Facilities and Transportation of the
30 Department of Education.

31
32 SECTION 4. Arkansas Code §19-5-305, concerning the Public School Fund,
33 is amended to read as follows:
34 19-5-305. Public School Fund.

35 (a) The Public School Fund shall consist of the following fund accounts
36 and funds made available for the support of the Department of Education, ~~the~~

1 ~~Department of Workforce Education,~~ and the Arkansas State Library of the
2 Department of Education and the Department of Career Education, and shall be
3 used for the same purposes as set out for the following fund accounts:

4 (1) Department of Education Public School Fund Account. The
5 Department of Education Public School Fund Account shall be used for grants
6 and aids for the programs administered by the Department of Education
7 ~~consisting of, but not limited to,~~ as authorized by law.

- 8 ~~(A) Teacher retirement matching;~~
- 9 ~~_____ (B) Handicapped children;~~
- 10 ~~_____ (C) Aid to the county general;~~
- 11 ~~_____ (D) Guidance services;~~
- 12 ~~_____ (E) Transportation aid;~~
- 13 ~~_____ (F) State equalization aid;~~
- 14 ~~_____ (G) State apportionment;~~
- 15 ~~_____ (H) Orphans' aid;~~
- 16 ~~_____ (I) Child guidance center;~~
- 17 ~~_____ (J) Surplus commodities distribution;~~
- 18 ~~_____ (K) Crippled children;~~
- 19 ~~_____ (L) Early childhood education;~~
- 20 ~~_____ (M) School food services;~~
- 21 ~~_____ (N) Economic education;~~
- 22 ~~_____ (O) Textbook grants; and~~
- 23 ~~_____ (P) Such other grants and aids as may be authorized by law for~~
24 ~~disbursement by the Department of Education;~~

25 (2) Department of ~~Workforce~~ Career Education Public School Fund
26 Account. The Department of ~~Workforce~~ Career Education Public School Fund
27 Account shall be used for grants and aids for the programs administered by
28 the Department of ~~Workforce~~ Career Education consisting of, but not limited
29 to:

- 30 (A) General adult education grants;
- 31 (B) Adult basic education grants;
- 32 (C) Manpower development and training grants;
- 33 (D) Vocational-technical and adult education; and
- 34 (E) Such other grants and aids as may be authorized by law for
35 disbursement by the Department of ~~Workforce~~ Career Education; and

36 (3) State Library Public School Fund Account. The State Library

1 Public School Fund Account shall be used for Aid to Public Libraries as
 2 administered by the Arkansas State Library of the Department of Education.

3 (b) The Public School Fund shall consist of those moneys as may be
 4 provided by:

5 (1) The Revenue Stabilization Law, § 19-5-101 et seq.;

6 (2) Any federal mineral leasing funds, federal forest reserve funds,
 7 federal flood control funds, or any other similar turnback funds in the State
 8 Treasury for which the eligible county or school district cannot be
 9 identified;

10 (3) Fines collected pursuant to § 6-21-410 under the Free Textbook Act
 11 of 1975, § 6-21-401 et seq.;

12 (4) Funds remitted by county treasurers for those school districts
 13 which have local revenue per student in excess of the local base per student,
 14 as set out in § 26-80-101(c);

15 (5) Amusement machine revenues up to and including thirty thousand
 16 dollars (\$30,000), as set out in § 26-57-407;

17 (6) Additional rental vehicle tax revenues in excess of two million
 18 eight hundred and fifty thousand dollars (\$2,850,000), § 26-63-302, to be
 19 used exclusively for teacher salaries; and

20 (7) Such other funds as may be authorized by law.

21 (c)(1) There is authorized a transfer of up to two hundred thousand dollars
 22 (\$200,000) per year from the Public School Fund to the Department of
 23 Education Fund Account or the Department of ~~Workforce~~ Career Education Fund
 24 Account, or a portion thereof to both, by the Treasurer of State and the
 25 Chief Fiscal Officer of the State, upon certification as to the amount
 26 required by the Commissioner of Education or by the Director of the
 27 Department of ~~Workforce~~ Career Education, or both, to the Chief Fiscal
 28 Officer of the State.

29 (2) This transfer shall be used to provide additional support for the
 30 administration of the handicapped children program and the vocational-
 31 technical and adult education program.

32
 33 SECTION 5. Arkansas Code 19-5-306(1) concerning the Department of Human
 34 Services Fund, is amended to read as follows:

35 19-5-306. Department of Human Services Fund.

36 The Department of Human Services Fund shall consist of the following fund

1 accounts and funds made available for the support of the Department of Human
 2 Services and shall be used for the same purposes as set out for the following
 3 fund accounts:

4 (1)(A) ~~Mental~~ Behavioral Health Services Fund Account. The ~~Mental~~
 5 Behavioral Health Services Fund Account shall be used for the maintenance,
 6 operation, and improvement required by the Division of Behavioral Health of
 7 the Department of Human Services in carrying out the powers, functions, and
 8 duties, as set out in § 20-46-101 et seq. and § 25-10-101 et seq., or other
 9 duties imposed by law upon the Arkansas State Hospital.

10 (B) The ~~Mental~~ Behavioral Health Services Fund Account shall
 11 consist of:

12 (i) Those general revenues as may be provided by law;

13 (ii) Nonrevenue income derived from services provided by
 14 the Arkansas State Hospital;

15 (iii) Federal reimbursement received on account of
 16 eligible expenditures;

17 (iv) Paying patient fees and other funds as may be
 18 provided by law;

19 (v) Funds received from local sources for community
 20 program matching; and

21 (vi) Funds received from the Division of Medical Services
 22 of the Department of Human Services;

23
 24 SECTION 6. Arkansas Code 19-5-501(b)(1)(C), concerning the Budget
 25 Stabilization Trust Fund, is amended to read as follows:

26 (C) The loans made to the Income Tax Refund Fund, to the Gasoline Tax
 27 Refund Fund, to the Interstate Motor Fuel Tax Refund Fund, and to those other
 28 funds established in the Revenue Classification Law, § 19-6-101 et seq., are
 29 to be repaid on the last day of the month of which the loan was made.

30 However, loans made to the Department of Human Services Fund during June of
 31 any fiscal year for making cash assistance payments to eligible individuals
 32 under the Temporary Assistance for Needy Families Program for delivery on or
 33 about July 1 of the following fiscal year shall be repaid on or before July
 34 31 of the fiscal year following the fiscal year in which the loan was made;

35 and loans made to the Department of Human Services for the Developmental
 36 Disabilities Services Fund Account and the ~~Mental~~ Behavioral Health Services

1 Fund Account in the last month of a fiscal year for federal reimbursement for
2 Medicaid and Medicare eligible services shall be repaid immediately upon
3 receipt of reimbursement but no later than July 31 of the fiscal year
4 following the fiscal year in which the loan was made.

5
6 SECTION 7. Arkansas Code 19-5-1043(b)(2), concerning the Drug Abuse
7 Prevention and Treatment Fund, is amended to read as follows:

8 (2) Such general revenue as transferred from the ~~Mental~~ Behavioral
9 Health Services Fund Account;

10
11 SECTION 8. Any funds appropriated by the Eighty-Eighth General Assembly
12 from the Department of Workforce Education Fund Account shall be deemed
13 payable from the Department of Career Education Fund Account.

14
15 SECTION 9. Any funds appropriated by the Eighty-Eighth General Assembly
16 from the Department of Workforce Education Public School Fund Account shall
17 be deemed payable from the Department of Career Education Public School Fund
18 Account.

19
20 SECTION 10. Any funds appropriated by the Eighty-Eighth General
21 Assembly from the Mental Health Services Fund Account shall be deemed payable
22 from the Behavioral Health Services Fund Account.

23
24 SERVICE 11. Any funds appropriated by the Eighty-Eighth General
25 Assembly from the Department of Economic Development Fund Account shall be
26 deemed payable from the Arkansas Economic Development Commission Fund
27 Account.

28
29 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the
30 General Assembly of the State of Arkansas that changes in the state's fiscal
31 laws must take effect at the beginning of the fiscal year, that if the
32 current legislative session is extended such that the 90 day period is later
33 than July 1, 2011 the changes will not be timely. Therefore, an emergency is
34 declared to exist and this act being immediately necessary for the
35 preservation of the public peace, health, and safety shall become effective
36 on July 1, 2011.