

1 State of Arkansas As Engrossed: H4/16/24 H4/24/24

2 94th General Assembly

# A Bill

3 Fiscal Session, 2024

HOUSE BILL 1023

4

5 By: Joint Budget Committee

6

7

## For An Act To Be Entitled

8

AN ACT TO MAKE AN APPROPRIATION FOR STATE TURNBACK

9

FOR COUNTIES AND MUNICIPALITIES BY THE OFFICE OF THE

10

TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE

11

30, 2025; AND FOR OTHER PURPOSES.

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## Subtitle

15

AN ACT TO MAKE AN APPROPRIATION FOR STATE

16

TURNBACK FOR COUNTIES AND MUNICIPALITIES

17

BY THE OFFICE OF THE TREASURER OF STATE

18

FOR THE FISCAL YEAR ENDING JUNE 30, 2025;

19

AND FOR OTHER PURPOSES.

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

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SECTION 1. APPROPRIATION - GENERAL REVENUE TO CITIES. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the Municipal Aid Fund, for the purpose of distributing General Revenue accruing therein for the benefit of municipalities as provided by law, by the Office of Treasurer of State for the fiscal year ending June 30, 2025, the following:

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31 ITEM

FISCAL YEAR

32 NO.

2024-2025

33 (01) GENERAL REVENUES - CITIES

\$29,372,099

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SECTION 2. APPROPRIATION - SPECIAL REVENUES TO CITIES. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the

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1 Municipal Aid Fund, for distributing Special Revenues accruing therein for  
 2 the benefit of municipalities as provided by law, by the Office of the  
 3 Treasurer of State for the fiscal year ending June 30, 2025, the following:

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2024-2025</u>
7 (01) SPECIAL REVENUES - CITIES	<u>\$215,000,000</u>

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 9 SECTION 3. APPROPRIATION - GENERAL REVENUES TO COUNTIES. There is  
 10 hereby appropriated, to the Office of the Treasurer of State, to be payable  
 11 from the County Aid Fund, for the purpose of distributing General Revenue  
 12 accruing therein for the benefit of counties as provided by law, by the  
 13 Office of Treasurer of State for the fiscal year ending June 30, 2025, the  
 14 following:

16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2024-2025</u>
18 (01) GENERAL REVENUE - COUNTIES	<u>\$21,428,616</u>

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 20 SECTION 4. APPROPRIATION - SPECIAL REVENUES TO COUNTIES. There is  
 21 hereby appropriated, to the Office of the Treasurer of State, to be payable  
 22 from the County Aid Fund, for the purpose of distributing any monies provided  
 23 by Highway Turnback, Severance Taxes to counties, and any other monies  
 24 provided by the Acts of the General Assembly for the benefit of counties, by  
 25 the Office of Treasurer of State for the fiscal year ending June 30, 2025,  
 26 the following:

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2024-2025</u>
30 (01) SPECIAL REVENUE - COUNTIES	<u>\$230,000,000</u>

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 32 SECTION 5. APPROPRIATION - UNANTICIPATED SPECIAL REVENUES - COUNTIES.  
 33 There is hereby appropriated, to the Office of the Treasurer of State, to be  
 34 payable from the County Aid Fund, for unanticipated monies received from the  
 35 sale or lease of minerals, oil and gas on federal military lands or from  
 36 other unanticipated special revenues, for the transfer to those counties to

1 which such monies are allocated by law, by the Office of Treasurer of State  
2 for the fiscal year ending June 30, 2025, the following:

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4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2024-2025</u>
6	(01) UNANTICIPATED SPECIAL REVENUES	<u>\$15,000,000</u>

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8 SECTION 6. APPROPRIATION - UNANTICIPATED SPECIAL REVENUES - CITIES.

9 *There is hereby appropriated, to the Office of the Treasurer of State, to be*

10 *payable from the Municipal Aid Fund, for unanticipated monies received from*

11 *the sale or lease of minerals, oil and gas of federal military lands or from*

12 *other unanticipated special revenues, for the transfer to those cities to*

13 *which such monies are allocated by law, by the Office of Treasurer of State*

14 *for the fiscal year ending June 30, 2025, the following:*

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16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2024-2025</u>
18	(01) UNANTICIPATED SPECIAL REVENUES	<u>\$10,000,000</u>

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20 SECTION 7. APPROPRIATION - REAL PROPERTY TAX REDUCTION - COUNTIES.

21 *There is hereby appropriated, to the Office of the Treasurer of State, to be*

22 *payable from the Property Tax Relief Trust Fund, for distributing funds*

23 *provided by a statewide property tax reduction to counties, by the Office of*

24 *Treasurer of State for the fiscal year ending June 30, 2025, the following:*

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26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2024-2025</u>
28	(01) DISTRIBUTION TO COUNTIES FOR PROPERTY	
29	TAX RELIEF	<u>\$300,000,000</u>

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31 SECTION 8. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES

32 *DISTRIBUTION TO COUNTIES. There is hereby appropriated, to the Office of the*

33 *Treasurer of State, to be payable from the Property Tax Relief Trust Fund,*

34 *for accruing therein for the benefit of counties to be distributed using the*

35 *formula for the County Aid Fund under §19-5-602(c), by the Office of*

36 *Treasurer of State for the fiscal year ending June 30, 2025, the following:*

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2024-2025</u>
(01) DISTRIBUTION TO COUNTIES	<u>\$2,000,000</u>

SECTION 9. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES  
 DISTRIBUTION TO CITIES. There is hereby appropriated, to the Office of the  
 Treasurer of State, to be payable from the Property Tax Relief Trust Fund,  
 for accruing therein for the benefit of municipalities to be distributed  
 using the formula for the Municipal Aid Fund under §19-5-601(c), by the  
 Office of Treasurer of State for the fiscal year ending June 30, 2025, the  
 following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2024-2025</u>
(01) DISTRIBUTION TO CITIES	<u>\$2,000,000</u>

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 DISTRIBUTION OF FUNDS. Funding provided in Property Tax Relief Fund Revenues  
 Distribution to Counties and Property Tax Relief Fund Revenues Distribution to  
 Cities of this Act from the Property Tax Relief Trust Fund shall not be  
 distributed unless there are sufficient funds in the Property Tax Relief Trust  
 Fund as of the date that the Chief Fiscal Officer of the State certifies the  
 amount in excess of the required reimbursement to the counties as provided in  
 §26-26-310(b)(2)(C)(i). If there are sufficient funds remaining in the  
 Property Tax Relief Trust Fund on December 31, ~~2023~~ 2024, as certified, the  
 Treasurer shall distribute two million dollars (\$2,000,000) to counties and  
 two million dollars (\$2,000,000) to cities for the fiscal year ending June 30,  
~~2024~~ 2025 from the balance remaining on December 31, ~~2023~~ 2024 from the  
 Property Tax Relief Trust Fund. The distribution to counties shall be made in  
 accordance with the distribution formula in §19-5-602(c). The distribution to  
 cities shall be made in accordance with the distribution formula in §19-5-  
 601(b). The funds attributable to sales and use taxes levied prior to July 1,  
~~2023~~ 2024 shall not be transferred from the Property Tax Relief Trust Fund to  
 the cities and counties.

1 The provisions of this section shall be in effect only from July 1, ~~2023~~  
2 2024 through June 30, ~~2024~~ 2025.

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4 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

6 LOANS TO CITIES AND COUNTIES. On July 1 of each fiscal year, the Chief  
7 Fiscal Officer of the State shall request a transfer by the State Treasurer  
8 from the Budget Stabilization Trust Fund to the County Aid Fund and to the  
9 Municipal Aid Fund to assist the various cities and counties in meeting cash  
10 flow needs early in the state fiscal year. The transfer shall be a loan to  
11 be repaid in equal installments from general revenue distributions each month  
12 during the fiscal year for which the loan was made and shall be in addition  
13 to any other loans authorized by law for the County Aid and Municipal Aid  
14 Funds. The amount of such loan for each fiscal year shall be \$3,517,657 to  
15 the Municipal Aid Fund and \$1,906,079 to the County Aid Fund, or so much  
16 thereof as may be available in the Budget Stabilization Trust Fund as  
17 determined by the Chief Fiscal Officer of the State. Upon such transfer  
18 being completed, the State Treasurer shall immediately distribute such funds  
19 to each of the several municipalities and counties in the same manner as  
20 general revenues are distributed.

21 It is the intent of the General Assembly that the Chief Fiscal Officer of the  
22 State and the State Treasurer shall make every reasonable, and financially  
23 sound effort to insure that local governments receive the full amount of the  
24 loan authorized herein on July 1 of each year and that the monies authorized  
25 for local governments from general revenues be distributed in equal monthly  
26 payments.

27 The provisions of this section shall be in effect only from July 1, ~~2023~~  
28 2024 through June 30, ~~2024~~ 2025.

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30 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
31 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.  
32 *Uncodified Acts 1999, No. 1044, § 9, is repealed.*

33 ~~RESPONSIBILITY FOR FUNDING. Beginning on January 1, 2000, each county~~  
34 ~~of the State shall be responsible for a portion of the cost of regular~~  
35 ~~salaries and personal services matching for deputy prosecuting attorneys who~~  
36 ~~are to become state employees as of January 1, 2000. During the monthly~~

~~1 distribution of general revenues to the counties, the Treasurer of State  
2 shall retain from each county, one twelfth (1/12th) of 80% of the amount  
3 appropriated by each of the counties for salaries and associated fringe  
4 benefit costs as of January 1, 1999. The amount retained by the Treasurer of  
5 State shall be credited to the State Central Services Fund for the partial  
6 support of the regular salaries and personal services matching costs for  
7 deputy prosecuting attorneys. The amount which each county appropriated for  
8 salaries and associated fringe benefit costs as of January 1, 1999, shall be  
9 determined by the Division of Legislative Audit of the Legislative Joint  
10 Auditing Committee and shall be certified to the Treasurer of State on or  
11 before December 1, 1999.~~

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13 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
14 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY  
15 LAW. RESPONSIBILITY FOR FUNDING. Beginning on January 1, 2000, each county  
16 of the State shall be responsible for a portion of the cost of regular  
17 salaries and personal services matching for deputy prosecuting attorneys who  
18 are to become state employees as of January 1, 2000. During the monthly  
19 distribution of general revenues to the counties, the Treasurer of State  
20 shall retain from each county, one-twelfth (1/12th) of 80% of the amount  
21 appropriated by each of the counties for salaries and associated fringe  
22 benefit costs as of January 1, 1999. The amount retained by the Treasurer of  
23 State shall be credited to the State Central Services Fund for the partial  
24 support of the regular salaries and personal services matching costs for  
25 deputy prosecuting attorneys. The amount which each county appropriated for  
26 salaries and associated fringe benefit costs as of January 1, 1999, shall be  
27 determined by the Division of Legislative Audit of the Legislative Joint  
28 Auditing Committee and shall be certified to the Treasurer of State on or  
29 before December 1, 1999.

30 Effective July 1, 2024, each county shall be responsible for paying  
31 twenty-five percent (25%) of the prior year's amount retained by the  
32 Treasurer of State for that county under this section.

33 The provisions of this section shall be in effect only from July 1,  
34 2024 through June 30, 2025.

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36 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 CARRY FORWARD. At the close of each fiscal year any unexpended funds for the  
3 County Aid and Municipal Aid line items shall be carried forward and  
4 distributed pursuant and in addition to the funding formula established under  
5 A.C.A 19-5-601 and 19-5-602 within forty-five (45) days.

6 Any carry forward of unexpended balance of funding as authorized herein,  
7 may be carried forward under the following conditions:

8 (1) Prior to June 30, ~~2024~~ 2025 the Agency shall by written statement  
9 set forth its reason(s) for the need to carry forward said funding to the  
10 Department of Finance and Administration Office of Budget;

11 (2) The Department of Finance and Administration Office of Budget shall  
12 report to the Arkansas Legislative Council all amounts carried forward by the  
13 September Arkansas Legislative Council or Joint Budget Committee meeting  
14 which report shall include the name of the Agency, Board, Commission or  
15 Institution and the amount of the funding carried forward, the program name  
16 or line item, the funding source of that appropriation and a copy of the  
17 written request set forth in (1) above;

18 (3) Each Agency, Board, Commission or Institution shall provide a  
19 written report to the Arkansas Legislative Council or Joint Budget Committee  
20 containing all information set forth in item (2) above, along with a written  
21 statement as to the current status of the project, contract, purpose etc. for  
22 which the carry forward was originally requested no later than thirty (30)  
23 days prior to the time the Agency, Board, Commission or Institution presents  
24 its budget request to the Arkansas Legislative Council/Joint Budget  
25 Committee; and

26 (4) Thereupon, the Department of Finance and Administration shall  
27 include all information obtained in item (3) above in the budget manuals  
28 and/or a statement of non-compliance by the Agency, Board, Commission or  
29 Institution.

30 The provisions of this section shall be in effect only from July 1, ~~2023~~  
31 2024 through June 30, ~~2024~~ 2025.

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33 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
34 authorized by this act shall be limited to the appropriation for such agency  
35 and funds made available by law for the support of such appropriations; and  
36 the restrictions of the State Procurement Law, the General Accounting and

1 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
2 Procedures and Restrictions Act, or their successors, and other fiscal  
3 control laws of this State, where applicable, and regulations promulgated by  
4 the Department of Finance and Administration, as authorized by law, shall be  
5 strictly complied with in disbursement of said funds.

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

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16 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the  
17 General Assembly, that the Constitution of the State of Arkansas prohibits  
18 the appropriation of funds for more than a one (1) year period; that the  
19 effectiveness of this Act on July 1, 2024 is essential to the operation of  
20 the agency for which the appropriations in this Act are provided, and that in  
21 the event of an extension of the legislative session, the delay in the  
22 effective date of this Act beyond July 1, 2024 could work irreparable harm  
23 upon the proper administration and provision of essential governmental  
24 programs. Therefore, an emergency is hereby declared to exist and this Act  
25 being necessary for the immediate preservation of the public peace, health  
26 and safety shall be in full force and effect from and after July 1, 2024.

27  
28 */s/Joint Budget Committee*

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31 **APPROVED: 5/3/24**