

Act 74 of the 1989 Regular Session.

Act 74

HB1249

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PURPOSE OF PROVIDING STATE AGENCIES WITH CASH FUND APPROPRIATIONS TO ALLOW THE EXPENDITURE OF FUNDS WHICH ARE NOT EXEMPT FROM APPROPRIATION BY SECTION 7 OF ACT 5 OF 1975, AS AMENDED, BUT WERE NOT SPECIFICALLY APPROPRIATED BY THE SEVENTY-SEVENTH GENERAL ASSEMBLY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

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

SECTION 1. APPROPRIATIONS. There is hereby appropriated to the Department of Finance and Administration - Disbursing Officer, to be payable from the various state agency cash funds, for the purpose of providing various state agencies with appropriations for cash funds for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) CASH APPROPRIATIONS	\$ 50,000,000	\$ 50,000,000
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SECTION 2. TRANSFER PROCEDURES. In the event that the appropriation is not provided by the General Assembly for Cash Fund expenditures for any state agency, pursuant to Act 5 of 1975, as amended, for the biennial period ending June 30, 1991, said agency shall request a transfer from appropriations provided herein, from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State, and after seeking prior review by the Arkansas Legislative Council, said appropriations shall be established upon the books of the Department of Finance and Administration, provided further, that upon request of the state agency and with the approval of the Chief Fiscal Officer of the State, the requested appropriations may be established upon the books of the Department of Finance and Administration in compliance with the applicable classifications of appropriations as enumerated in Subsection (F) of Section 12 of Act 876 of 1973, or its successor.

SECTION 3. The appropriations provided in Section 1 herein shall not be used to establish spending authority for new or unanticipated Federal Funds or Programs as defined by the provisions of the Miscellaneous Federal Grant Programs Act and the provisions of Section 21 and Subsection (B) of Section 24 of Act 876 of 1973, as amended, the General Accounting and Budgetary Procedures Act, or its successor. Funds subject to the above mentioned acts shall be deposited in the State Treasury.

SECTION 4. SALARIES. No provisions as provided herein shall be interpreted as the authority to create or establish new positions in addition to the positions established in the agency's Biennial Appropriation Act. In addition, salaries paid from appropriations transferred herein shall be subject to the provision of the Regular Salaries Procedures and Restrictions Act.

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

SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: February 17, 1989

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