

Act 66 of the First Special Session of 1989.

Act 66

SB66

By: Joint Budget Committee

For An Act To Be Entitled  
"AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE  
AND ADMINISTRATION FOR TRANSFERS TO VARIOUS STATE AGENCIES  
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 agencies' funds for the purpose of providing the various state agencies with a method of disbursing proceeds received from refunds, for the biennial period ending June 30, 1991, the following:

ITEM	FISCAL YEARS	
NO.	1989-90	1990-91
(01) REFUND TO EXPENDITURES	\$ 3,000,000,000	\$ 3,000,000,000

SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the various State Treasury Funds, fund accounts or accounts, for the purpose of providing various offices of the elected Constitutional Officers, including the Bureau of Legislative Research, the Division of Legislative Audit, and the Judicial Department with supplemental appropriations for payment of regular salaries for the biennial period ending June 30, 1991, the following:

ITEM	FISCAL YEARS	
NO.	1989-90	1990-91
(01) REGULAR SALARIES - ELECTED OFFICIALS	\$ 1,500,000	\$ 1,500,000

SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the various State Treasury funds, fund accounts or accounts, for the purpose of providing various State agencies with supplemental appropriation for payment of overtime compensation, personal services matching, and regular salaries for the biennial period ending June 30, 1991, the following:

ITEM	FISCAL YEARS	
NO.	1989-90	1990-91
(01) OVERTIME COMPENSATION	\$ 5,000,000	\$ 5,000,000
(02) PERSONAL SERVICES MATCHING	4,000,000	4,000,000
(03) REGULAR SALARIES - STATE EMPLOYEES	1,000,000	1,000,000
TOTAL AMOUNT APPROPRIATED	\$10,000,000	\$10,000,000

SECTION 4. TRANSFER PROVISIONS. The Department of Finance and Administration shall transfer appropriation as provided in Section 1 hereof in such amounts as funds are deposited into the State Treasury or financial institutions for proceeds received from insurance policies for casualty losses, overpayment of obligations, overpayment of salaries, over-allocation

of federal assistance, maturity or redemption of investments, and subrogation payments received for workers' compensation claims paid, for the benefit of various state agencies. Provided, however, that the Chief Fiscal Officer of the State is hereby authorized to promulgate such rules, regulations, procedures, and guidelines as he may deem necessary and proper in order to carry out the provisions of this act.

SECTION 5. CLASSIFICATION AND USE OF APPROPRIATIONS. The appropriations authorized in Section 1 hereof which are transferred to the various agencies as authorized by Section 4 hereof are to be used for the same purposes and shall be expended under the same provisions as cited in Arkansas Code \_\_\_ 19-4-501 through 19-4-525, the same being the General Accounting and Budgetary Procedures Law of Arkansas, or its successor.

SECTION 6. TRANSFER PROCEDURES - OVERTIME. In the event that there is not sufficient appropriation provided for by the General Assembly for overtime compensation pursuant to Arkansas Code \_ 19-4-1612 for any state agency for the biennial period ending June 30, 1991, said agency shall request a transfer from appropriations provided by item (01) of Section 3 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, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. The appropriation shall be established upon the books of the Department of Finance and Administration and the State Auditor. Provided, further, that if desired, said appropriation shall be supplemental to those regularly appropriated for such purposes by the General Assembly for that agency.

SECTION 7. TRANSFER PROCEDURES - MATCHING. In the event that there is not sufficient appropriation, from funds deposited in the State Treasury, provided for by the General Assembly for personal services matching for any state agency for the biennial period ending June 30, 1991, said agency shall request a transfer from appropriation provided by item (02) of Section 3 herein, from the Chief Fiscal Officer of the State, stating clearly the amounts required for each item. Upon approval of the Chief Fiscal Officer of the State, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made and shall be established upon the books of the Department of Finance and Administration and the State Auditor. Provided further, if desired, that said appropriation shall be supplemental to those regularly appropriated for such purposes by the General Assembly for that agency. Provided, however, that in the event the amount of transfer requested exceeds One Thousand Dollars (\$1,000), the Chief Fiscal Officer of the State shall seek prior review by the Arkansas Legislative Council before said transfer shall be made.

SECTION 8. TRANSFER OF APPROPRIATION - ELECTED OFFICERS. If it is determined by any office of an elected Constitutional Officer, including the Bureau of Legislative Research, Division of Legislative Audit or the Judicial Department, that there is not sufficient appropriation for Regular Salaries to pay the maximum salaries which have been set by the General Assembly for the employees of such Office, the Director of the Office shall notify the Chief Fiscal Officer of the fact and the amount of appropriation which has been determined to be required. Upon receipt of such notification, and after seeking prior review by the Legislative Council or Joint Budget Committee, the Chief Fiscal Officer of the State shall transfer on his books the amount of appropriation required from the appropriation provided in Section 2 hereof to

the Fund or Fund Account from which the Office's employees are paid and shall notify the State Auditor to process such transfer upon his books of record.

SECTION 9. TRANSFER PROCEDURES - REGULAR SALARIES. In the event that there is not sufficient appropriation provided for by the General Assembly for payment of Regular Salaries for any state agency for the biennial period ending June 30, 1991, said agency may request a transfer from appropriations provided by item (03) of Section 3 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, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. The appropriation shall then be established upon the books of the Department of Finance and Administration and the State Auditor. Provided further, that if desired, said appropriation shall be supplemental to those regularly appropriated for such purposes by the General Assembly for the agency.

SECTION 10. RESTRICTIONS. Nothing in this Act is to be construed as an authority to transfer a like amount of current general revenues to fund appropriations provided for in this Act except as may be provided in Section 15 herein.

SECTION 11. Effective July 1, 1989, the maximum annual salary rate for the 1989-90 fiscal year and the maximum annual salary rate for the 1990-91 fiscal year as set out in the various appropriation acts enacted by the Seventy-Seventh General Assembly shall be increased by 4.39% for the 1989-90 fiscal year and by 4.85% for the 1990-91 fiscal year respectively for:

1) regular salary positions which are covered under the provisions of the Regular Salary Procedures and Restrictions Act and for which a specific maximum annual salary is set out in dollars as authorized by the Seventy-Seventh General Assembly for the various departments, boards, commissions, state agencies and institutions of higher education and which are not governed by the provisions of the Uniform Compensation and Classification Act or the Higher Education Employee Classification and Compensation Act; and

2) those positions contained in the General Appropriation Act for the Executive, Judicial and Legislative Branches of the State which are set by the General Assembly. In the event that a single maximum annual salary rate is set out in an appropriation act, the maximum annual salary rate for the 1989-90 fiscal year shall be the amount set out therein increased by 1.81%. The maximum annual salary rate for the 1990-91 fiscal year shall be the amount set out therein increased by 4.85%. Since the maximum annual salary rates set out in Acts 1 and 2 of 1989 and their replacements, contain no salary increase pending an approved compensation plan, the maximum annual salary rates for all positions authorized for the Arkansas House of Representatives and the Arkansas Senate by the Seventy Seventh General Assembly meeting in Extraordinary session are hereby increased by 7% for the 1989-90 fiscal year and by 10.2% for the 1990-91 fiscal year.

SECTION 12. APPROPRIATIONS - STATE TREASURY FUNDS. There is hereby appropriated, to the Department of Finance and Administration, to be payable from various State Treasury funds, fund accounts and accounts, for the purpose of providing various state agencies with supplemental appropriations for the payment of personal services for the biennial period ending June 30, 1991, the following:

ITEM NO. _____	FISCAL YEARS	
	1989-90	1990-91
(01) PERSONAL SERVICES	\$31,000,000	\$46,000,000

SECTION 13. APPROPRIATIONS - CASH FUNDS. There is hereby appropriated, to the Department of Finance and Administration, to be payable from various state agencies' and institutions' cash funds held in financial institutions, for the purpose of providing various state agencies with supplemental appropriations for the payment of personal services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) PERSONAL SERVICES	\$ 6,200,000	\$ 9,200,000

SECTION 14. APPROPRIATION TRANSFER PROCEDURES. In the event that the General Assembly has not provided sufficient appropriation for the payment of Personal Services for any state agency or institution due to the enactment of this Act or any other act approved by the Seventy-Seventh General Assembly which raises the compensation level of state employees, the agency or institution may request a transfer from the appropriations provided herein from the Chief Fiscal Officer of the State. Such request shall clearly state the amount required, the fund or fund account from which the employees are currently being paid, and such other information as may be required by the Chief Fiscal Officer of the State that he deems necessary to make a decision regarding the request. Upon the approval of the Chief Fiscal Officer of the State or upon processing the request for elected Constitutional Officers and their employees by the Chief Fiscal Officer of the State, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. The appropriation shall then be added to the proper account on the books of the Department of Finance and Administration and the State Auditor payable from the fund or fund account from which the employees of the agency or institution are authorized to be paid by law. Such appropriation transfers shall be limited to Regular Salaries or Personal Services Matching or both.

SECTION 15. FUNDING TRANSFERS. Funding for the appropriation transfers authorized by this Act, or for any part thereof, for those state agencies which are supported in whole or in part from general revenues, excluding institutions of higher education, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. In no event shall the transfers authorized by this Section exceed the sum of \$18,734,820 for the fiscal year ending June 30, 1990 and the sum of \$27,339,501 for the fiscal year ending June 30, 1991."

SECTION 16. 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 17. 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 18. 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. Act 116 of 1989 and Act 741 of 1989 are hereby repealed.

SECTION 19. 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: June 23, 1989

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