

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Joint Budget Committee**

A Bill

ACT 75 OF 1995
SENATE BILL 148

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR TRANSFERS TO VARIOUS
9 STATE AGENCIES FOR THE DEPARTMENT OF FINANCE AND
10 ADMINISTRATION - DISBURSING OFFICER FOR THE BIENNIAL
11 PERIOD ENDING JUNE 30, 1997; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE DEPARTMENT OF FINANCE
15 AND ADMINISTRATION - DISBURSING OFFICER
16 APPROPRIATION FOR THE 1995-97 BIENNIUM."

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

20 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the
21 Department of Finance and Administration - Disbursing Officer, to be payable
22 from the Miscellaneous State Treasury Funds, for the purpose of providing
23 various state agencies with a method of disbursing proceeds received from
24 refunds, for the biennial period ending June 30, 1997, the following:

26 ITEM	27 FISCAL YEARS	
	1995-96	1996-97
28 (01) REFUND TO EXPENDITURES	<u>\$ 3,000,000,000</u>	<u>\$ 3,000,000,000</u>

30 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the
31 Department of Finance and Administration - Disbursing Officer, to be payable
32 from the Miscellaneous State Treasury Funds, for the purpose of providing
33 various offices of the elected Constitutional Officers, including the Bureau
34 of Legislative Research, the Division of Legislative Audit, and the Judicial
35 Department with supplemental appropriations for payment of regular salaries
36 for the biennial period ending June 30, 1997, the following:

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ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) REGULAR SALARIES - ELECTED OFFICIALS	\$ 1,500,000	\$ 1,500,000

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6 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
 7 Department of Finance and Administration - Disbursing Officer, to be payable
 8 from the Miscellaneous State Treasury Funds, for the purpose of providing
 9 State agencies with supplemental appropriation for payment of overtime
 10 compensation, personal services matching, and regular salaries for the
 11 biennial period ending June 30, 1997, the following:

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ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) OVERTIME COMPENSATION	\$ 5,000,000	\$ 5,000,000
(02) PERSONAL SERVICES MATCHING	4,000,000	4,000,000
(03) REGULAR SALARIES - STATE EMPLOYEES	<u>1,000,000</u>	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 10,000,000</u>	<u>\$ 10,000,000</u>

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20 SECTION 4. TRANSFER PROCEDURES - MATCHING. In the event that there is
 21 not sufficient appropriation, from funds deposited in the State Treasury,
 22 provided for by the General Assembly for personal services matching for any
 23 state agency for the biennial period ending June 30, 1997, said agency shall
 24 request a transfer from appropriation provided by item (02) of Section 3
 25 herein, from the Chief Fiscal Officer of the State, stating clearly the
 26 amounts required for each item. Upon approval of the Chief Fiscal Officer of
 27 the State, the State Auditor shall be notified as to the amount and the
 28 purposes for which said appropriation is to be made and shall be established
 29 upon the books of the Department of Finance and Administration and the State
 30 Auditor. Provided further, if desired, that said appropriation shall be
 31 supplemental to those regularly appropriated for such purposes by the General
 32 Assembly for that agency. Provided, however, that in the event the amount of
 33 transfer requested exceeds One Thousand Dollars (\$1,000), the Chief Fiscal
 34 Officer of the State shall seek prior review by the Arkansas Legislative
 35 Council before said transfer shall be made.

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2 SECTION 5. TRANSFER OF APPROPRIATION - ELECTED OFFICERS. If it is
3 determined by any office of an elected Constitutional Officer, including the
4 Bureau of Legislative Research, Division of Legislative Audit or the Judicial
5 Department, that there is not sufficient appropriation for Regular Salaries to
6 pay the maximum salaries which have been set by the General Assembly for the
7 employees of such Office, the Director of the Office shall notify the Chief
8 Fiscal Officer of the fact and the amount of appropriation which has been
9 determined to be required. Upon receipt of such notification, and after
10 seeking prior review by the Legislative Council or Joint Budget Committee, the
11 Chief Fiscal Officer of the State shall transfer on his books the amount of
12 appropriation required from the appropriation provided in Section 2 hereof to
13 the Fund or Fund Account from which the Office's employees are paid and shall
14 notify the State Auditor to process such transfer upon his books of record.

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16 SECTION 6. TRANSFER PROCEDURES - REGULAR SALARIES. In the event that
17 there is not sufficient appropriation provided for by the General Assembly for
18 payment of Regular Salaries for any state agency for the biennial period
19 ending June 30, 1997, said agency may request a transfer from appropriations
20 provided by item (03) of Section 3 herein, from the Chief Fiscal Officer of
21 the State, stating clearly the amount required. Upon approval of the Chief
22 Fiscal Officer of the State, and after seeking prior review by the Arkansas
23 Legislative Council, the State Auditor shall be notified as to the amount and
24 the purposes for which said appropriation is to be made. The appropriation
25 shall then be established upon the books of the Department of Finance and
26 Administration and the State Auditor. Provided further, that if desired, said
27 appropriation shall be supplemental to those regularly appropriated for such
28 purposes by the General Assembly for the agency.

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30 SECTION 7. RESTRICTIONS. Nothing in this Act is to be construed as an
31 authority to transfer a like amount of current general revenues to fund
32 appropriations provided for in this Act.

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34 SECTION 8. TRANSFER PROVISIONS. The Department of Finance and
35 Administration shall transfer appropriation as provided in Section 1 hereof in

1 such amounts as funds are deposited into the State Treasury or financial
2 institutions for proceeds received from insurance policies for casualty
3 losses, overpayment of obligations, overpayment of salaries, over-allocation
4 of federal assistance, maturity or redemption of investments, and subrogation
5 payments received for workers' compensation claims paid, for the benefit of
6 various state agencies. Provided, however, that the Chief Fiscal Officer of
7 the State is hereby authorized to promulgate such rules, regulations,
8 procedures, and guidelines as he may deem necessary and proper in order to
9 carry out the provisions of this act.

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11 SECTION 9. TRANSFER PROCEDURES - OVERTIME. In the event that there is
12 not sufficient appropriation provided for by the General Assembly for overtime
13 compensation pursuant to Arkansas Code 19-4-1612 for any state agency for the
14 biennial period ending June 30, 1997, said agency shall request a transfer
15 from appropriations provided by item (01) of Section 3 herein, from the Chief
16 Fiscal Officer of the State, stating clearly the amount required. Upon
17 approval of the Chief Fiscal Officer of the State, and after seeking prior
18 review by the Arkansas Legislative Council, the State Auditor shall be
19 notified as to the amount and the purposes for which said appropriation is to
20 be made. The appropriation shall be established upon the books of the
21 Department of Finance and Administration and the State Auditor. Provided,
22 further, that if desired, said appropriation shall be supplemental to those
23 regularly appropriated for such purposes by the General Assembly for that
24 agency.

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26 SECTION 10. CLASSIFICATION AND USE OF APPROPRIATIONS. The
27 appropriations authorized in Section 1 hereof which are transferred to the
28 various agencies as authorized by Section 8 hereof are to be used for the same
29 purposes and shall be expended under the same provisions as cited in Arkansas
30 Code 19-4-501 through 19-4-525, the same being the General Accounting and
31 Budgetary Procedures Law of Arkansas, or its successor.

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33 SECTION 11. 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

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

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

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17 SECTION 13. CODE. All provisions of this Act of a general and
18 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
19 Arkansas Code Revision Commission shall incorporate the same in the Code.

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21 SECTION 14. SEVERABILITY. If any provision of this Act or the
22 application thereof to any person or circumstance is held invalid, such
23 invalidity shall not affect other provisions or applications of the Act which
24 can be given effect without the invalid provision or application, and to this
25 end the provisions of this Act are declared to be severable.

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27 SECTION 15. GENERAL REPEALER. All laws and parts of laws in conflict
28 with this Act are hereby repealed.

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30 SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the
31 Eightieth General Assembly, that the Constitution of the State of Arkansas
32 prohibits the appropriation of funds for more than a two (2) year period; that
33 the effectiveness of this Act on July 1, 1995 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, and that in
35 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 1995 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 1995.

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APPROVED: 1/26/95

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