

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Joint Budget Committee**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR TRANSFERS TO VARIOUS
9 STATE AGENCIES BY THE DEPARTMENT OF FINANCE AND
10 ADMINISTRATION - DISBURSING OFFICER FOR THE BIENNIAL
11 PERIOD ENDING JUNE 30, 1995; AND FOR OTHER PURPOSES."

Subtitle

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

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

19 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the
20 Department of Finance and Administration - Disbursing Officer, to be payable
21 from the various state agencies' funds for the purpose of providing the
22 various state agencies with a method of disbursing proceeds received from
23 refunds, for the biennial period ending June 30, 1995, the following:

ITEM	FISCAL YEARS	
NO.	1993-94	1994-95
(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 various State Treasury Funds, fund accounts or accounts, for the
33 purpose of providing various offices of the elected Constitutional Officers,
34 including the Bureau of Legislative Research, the Division of Legislative
35 Audit, and the Judicial Department with supplemental appropriations for

1 payment of regular salaries for the biennial period ending June 30, 1995, the
2 following:

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4 ITEM	FISCAL YEARS	
5 NO.	1993-94	1994-95
6 (01) REGULAR SALARIES -ELECTED OFFICIALS	<u>\$ 1,500,000</u>	<u>\$ 1,500,000</u>

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8 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
9 Department of Finance and Administration - Disbursing Officer, to be payable
10 from the the various State Treasury Funds, fund accounts or accounts, for the
11 purpose of providing various State agencies with supplemental appropriation
12 for payment of overtime compensation, personal services matching, and regular
13 ~~salaries for the biennial period ending June 30, 1995, the following:~~

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15 ITEM	FISCAL YEARS	
16 NO.	1993-94	1994-95
17 (01) OVERTIME COMPENSATION	\$ 5,000,000	\$ 5,000,000
18 (02) PERSONAL SERV MATCHING	4,000,000	4,000,000
19 (03) REGULAR SALARIES - STATE EMPLOYEES	<u>1,000,000</u>	<u>1,000,000</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 10,000,000</u>	<u>\$</u>
21 <u>10,000,000</u>		

22

23 SECTION 4. TRANSFER PROVISIONS. The Department of Finance and
24 Administration shall transfer appropriation as provided in Section 1 hereof in
25 such amounts as funds are deposited into the State Treasury or financial
26 institutions for proceeds received from insurance policies for casualty
27 losses, overpayment of obligations, overpayment of salaries, over-allocation
28 of federal assistance, maturity or redemption of investments, and subrogation
29 payments received for workers' compensation claims paid, for the benefit of
30 various state agencies. Provided, however, that the Chief Fiscal Officer of
31 the State is hereby authorized to promulgate such rules, regulations,
32 procedures, and guidelines as he may deem necessary and proper in order to
33 carry out the provisions of this act.

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35 SECTION 5. CLASSIFICATION AND USE OF APPROPRIATIONS. The

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

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8 SECTION 6. TRANSFER PROCEDURES - OVERTIME. In the event that there is
9 not sufficient appropriation provided for by the General Assembly for overtime
10 compensation pursuant to Arkansas Code 19-4-1612 for any state agency for the
11 biennial period ending June 30, 1995, said agency shall request a transfer
12 from appropriations provided by item (01) of Section 3 herein, from the Chief
13 Fiscal Officer of the State, stating clearly the amount required. Upon
14 approval of the Chief Fiscal Officer of the State, and after seeking prior
15 review by the Arkansas Legislative Council, the State Auditor shall be
16 notified as to the amount and the purposes for which said appropriation is to
17 be made. The appropriation shall be established upon the books of the
18 Department of Finance and Administration and the State Auditor. Provided,
19 further, that if desired, said appropriation shall be supplemental to those
20 regularly appropriated for such purposes by the General Assembly for that
21 agency.

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23 SECTION 7. TRANSFER PROCEDURES - MATCHING. In the event that there is
24 not sufficient appropriation, from funds deposited in the State Treasury,
25 provided for by the General Assembly for personal services matching for any
26 state agency for the biennial period ending June 30, 1995, said agency shall
27 request a transfer from appropriation provided by item (02) of Section 3
28 herein, from the Chief Fiscal Officer of the State, stating clearly the
29 amounts required for each item. Upon approval of the Chief Fiscal Officer of
30 the State, the State Auditor shall be notified as to the amount and the
31 purposes for which said appropriation is to be made and shall be established
32 upon the books of the Department of Finance and Administration and the State
33 Auditor. Provided further, if desired, that said appropriation shall be
34 supplemental to those regularly appropriated for such purposes by the General
35 Assembly for that agency. Provided, however, that in the event the amount of

1 transfer requested exceeds One Thousand Dollars (\$1,000), the Chief Fiscal
2 Officer of the State shall seek prior review by the Arkansas Legislative
3 Council before said transfer shall be made.

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

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19 SECTION 9. TRANSFER PROCEDURES - REGULAR SALARIES. In the event that
20 there is not sufficient appropriation provided for by the General Assembly for
21 payment of Regular Salaries for any state agency for the biennial period
22 ending June 30, 1995, said agency may request a transfer from appropriations
23 provided by item (03) of Section 3 herein, from the Chief Fiscal Officer of
24 the State, stating clearly the amount required. Upon approval of the Chief
25 Fiscal Officer of the State, and after seeking prior review by the Arkansas
26 Legislative Council, the State Auditor shall be notified as to the amount and
27 the purposes for which said appropriation is to be made. The appropriation
28 shall then be established upon the books of the Department of Finance and
29 Administration and the State Auditor. Provided further, that if desired, said
30 appropriation shall be supplemental to those regularly appropriated for such
31 purposes by the General Assembly for the agency.

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33 SECTION 10. RESTRICTIONS. Nothing in this Act is to be construed as
34 an authority to transfer a like amount of current general revenues to fund
35 appropriations provided for in this Act.

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2 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
3 authorized by this Act shall be limited to the appropriation for such agency
4 and funds made available by law for the support of such appropriations; and
5 the restrictions of the State Purchasing Law, the General Accounting and
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
7 Procedures and Restrictions Act, or their successors, and other fiscal control
8 laws of this State, where applicable, and regulations promulgated by the
9 Department of Finance and Administration, as authorized by law, shall be
10 strictly complied with in disbursement of said funds.

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

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

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

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

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34 SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the
35 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas

1 prohibits the appropriation of funds for more than a two (2) year period; that
2 the effectiveness of this Act on July 1, 1993 is essential to the operation of
3 the agency for which the appropriations in this Act are provided, and that in
4 the event of an extension of the Regular Session, the delay in the effective
5 date of this Act beyond July 1, 1993 could work irreparable harm upon the
6 proper administration and provision of essential governmental programs.
7 Therefore, an emergency is hereby declared to exist and this Act being
8 necessary for the immediate preservation of the public peace, health and
9 safety shall be in full force and effect from and after July 1, 1993.