

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

DRAFT

Subtitle of Senate Bill No. 552

TO CREATE THE RAINY DAY FUND AND TO PROVIDE ADDITIONAL FUNDS FOR STATE AGENCIES
AND INSTITUTIONS.

Amendment No. ___ to Senate Bill No. 552

Amend Senate Bill No. 552 as originally introduced:

Page 3, delete lines 4 and 5 in their entirety and substitute the following:

" SECTION 3. DO NOT CODIFY. Rainy Day Funding. Immediately upon the"

AND

Page 3, underline lines 6 through 32

AND

Delete SECTION 4 in its entirety and substitute the following:

" SECTION 4. DO NOT CODIFY. Rainy Day Set-Asides.

(a)(1) Of those funds transferred and credited to the "Rainy Day Fund" as authorized in Section 3 of this Act, the State Treasurer shall first set-aside one hundred sixty million five hundred thousand dollars (\$160,500,000) for the Priority / Debt Obligations Set-Asides enumerated in subsection (e)(2) through (e)(4) of this Section.

(A) The Priority / Debt Obligations Set-Asides enumerated in Section 4 subsections (e)(2) through (e)(4) shall be distributed from time to time in amounts as determined by the Chief Fiscal Officer of the State.

(2) The Treasurer of State shall then set-aside the next fifty two million dollars (\$52,000,000) for the Executive / Legislative Shared Projects Set-Asides enumerated in subsection (f)(2) through (f)(4) of this Section.

(A) The Executive / Legislative Shared Projects Set-Asides enumerated in Section 4 subsection (f)(2) through (f)(4) shall be distributed from time to time in amounts as determined by the Chief Fiscal Officer of the State.

(b) If it is determined by the Chief Fiscal Officer of the State that funding made available and set-aside in subsections (a) herein are not required at the amount authorized, then all or any portion of those funds may be transferred from time to time from the Rainy Day Priority / Debt Obligations Set-Asides or the Executive / Legislative Shared Projects Set-Asides to the Rainy Day Fund.

(c)(1) The Treasurer of State shall then transfer and credit an amount not to exceed twenty million dollars (\$20,000,000) to the "Rainy Day Fund".

(2) Once the twenty million enumerated in subsection (c)(1) of this

Section is fully funded no additional funds shall be transferred or credited to the "Rainy Day Fund" as authorized in Section 3 of this Act with the exception of those funds made available and allocated in the Revenue Stabilization Allocations enacted by the General Assembly.

(d) Any unobligated funds remaining in the Rainy Day Fund Priority / Debt Obligations Set-Asides or the Executive / Legislative Shared Projects Set-Asides established in Section (4) of this Act as of July 1, 2019 shall be transferred from the Set-Asides to the Rainy Day Fund.

(e) Priority / Debt Obligations Set-Asides:

(1) To establish the "Priority / Debt Obligations Set-Asides" within the Rainy Day Fund to be distributed as authorized and enumerated in subsections (e)(2) through (e)(4).

(2) Act 224 of 2017 and any reappropriation authorized by the General Assembly for Act 224 of 2017 for the Department of Correction, for lease payments associated with debt service on a 948-bed institution at Malvern, a 400-bed addition at the Grimes Unit at Newport, and 862-bed Special Needs Unit and addition to the Ouachita River Unit at Malvern, in a sum not to exceed \$10,500,000;

(3) Act 230 of 2017 and any reappropriation authorized by the General Assembly for Act 230 of 2017 for the Department of Human Services, for grant payments of the Arkansas Medicaid Program of the Department of Human Services - Division of Medical Services - Grants, in a sum not to exceed \$90,000,000;

(4) Act 268 of 2017 and any reappropriation authorized by the General Assembly for Act 268 of 2017 for the Department of Education - Division of Public School Academic Facilities and Transportation for transfer to the Educational Facilities Partnership Fund Account, for grants and aid and special programs providing academic school facility and transportation assistance to the public school districts by the Division of Public School Academic Facilities and Transportation, in a sum not to exceed \$60,000,000.

(f) Executive / Legislative Shared Projects Set-Asides:

(1) To establish the "Executive / Legislative Shared Projects Set-Asides" within the Rainy Day Fund to be distributed as authorized and as enumerated in subsections (f)(2) through (f)(4).

(2) Act 468 of 2017 and any reappropriation authorized by the General Assembly for Act 468 of 2017 for the Arkansas Economic Development Commission for a transfer to the Economic Development Incentive Quick Action Closing Fund, for incentives to attract new business and economic development to the state, in a sum not to exceed \$30,000,000;

(3) Act 468 of 2017 and any reappropriation authorized by the General Assembly for Act 468 of 2017 for the Arkansas Economic Development Commission, for a transfer to the Arkansas Acceleration Fund for the Arkansas business technology accelerator program, in a sum not to exceed \$2,000,000;

(4) For a transfer to the Arkansas Highway Transfer Fund, in a sum not to exceed, \$20,000,000."

AND

Page 4, delete line 3 in its entirety and substitute the following:

" SECTION 5. DO NOT CODIFY. (a) Transfer of funds from the "Rainy"

AND

Page 4, underline lines 4 through 15

AND

Page 4, delete lines 17 and 18 in their entirety and substitute the

following:

" SECTION 6. DO NOT CODIFY. Funding authority. (a) Any enactment of the"

AND

Page 4, underline lines 19 through 24

AND

Page 4, delete lines 26 and 27 in their entirety and substitute the following:

" SECTION 7. DO NOT CODIFY. Duplicate bills enacted. If the House"

AND

Page 4, underline lines 28 through 31

AND

Delete Section 8 in its entirety and substitute the following:

" SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Teague

JKA/JKA - 03-28-2017 15:39:04

JKA004

Secretary

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 552

4
5 By: Senator Teague
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE RAINY DAY FUND; TO DEFINE THE
9 MONIES TO BE AVAILABLE IN THE RAINY DAY FUND; AND TO
10 ALLOW THAT ADDITIONAL FUNDS MAY BE MADE AVAILABLE FOR
11 STATE AGENCIES AND INSTITUTIONS APPROPRIATIONS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14
15 TO CREATE THE RAINY DAY FUND AND TO
16 PROVIDE ADDITIONAL FUNDS FOR STATE
17 AGENCIES AND INSTITUTIONS.
18
19
20

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

23 SECTION 1. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
24 amended to add an additional section to read as follows:

25 19-5-1258. Rainy Day Fund.

26 (a) There is created on the books of the Treasurer of State, the
27 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
28 fund to be known as the "Rainy Day Fund".

29 (b) The Rainy Day Fund shall consist of:

30 (1) Funds transferred to the Rainy Day Fund from the General
31 Improvement Fund;

32 (2) Attorney General settlement funds;

33 (3) Interagency transfers of funds to the Rainy Day Fund;

34 (4) Any revenues provided by law; and

35 (5) Any other funds and fund transfers provided for by law.

36 (c) The Chief Fiscal Officer of the State shall use the Rainy Day Fund



1 Budget Committee, is ruled unconstitutional by a court of competent
2 jurisdiction, § 19-5-1258 is void in its entirety.

3
4 SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
5 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Immediately upon the
6 effective date of this Act, or as soon thereafter as is practical, the State
7 Treasurer shall transfer and credit to the "Rainy Day Fund", upon
8 certification of the amounts thereof by the Chief Fiscal Officer of the
9 State, the following:

10 (a) all unobligated and unallocated monies remaining in the "General
11 Improvement Fund" on June 30, 2017 which are not required to finance projects
12 to be financed therefrom pursuant to appropriations enacted by the 90th
13 General Assembly, or which have not been reappropriated or reallocated for
14 financing from the "General Improvement Fund" by the 91st General Assembly;

15 (b)(1) any unobligated or unallocated funds remaining on July 2, 2017,
16 including all General Revenue Funds recovered from remaining fund balances in
17 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
18 during the 2015-2017 fiscal biennium which are not required to finance
19 enactments of the 91st General Assembly that do not expire on June 30, 2017,

20 (2) All General Revenue Funds recovered from remaining fund balances
21 in the "General Revenue Allotment Reserve Fund" from monies accruing thereto
22 during the 2017-2018 fiscal year which are not required to finance enactments
23 of the 91st General Assembly that do not expire on June 30, 2018.

24 (c) Those special revenues credited to the General Improvement Fund
25 from estate taxes as set out in Arkansas Code § 19-6-301(171); and

26 (d) Any available balance remaining in the 90th Session Projects Account
27 of the General Improvement Fund from funds set aside and any funds made
28 available for a Rainy Day Set-Aside; and

29 (e) Any funds provided by the Arkansas Attorney General from the
30 Attorney General Consumer Education and Enforcement Account, received by the
31 State of Arkansas through Settlement agreements or as designated by court
32 order.

33
34 SECTION 4. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
35 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENATE AND HOUSE BILL
36 REFERENCES. Any Senate and House bills referenced in this Act are effective

1 as enacted by the 91st General Assembly in the 2017 Regular Session.

2
3 SECTION 5. TRANSFER OF FUNDS. (a) Transfer of funds from the "Rainy
4 Day Fund" shall be made only after the Chief Fiscal Officer of the State has
5 determined that all criteria or pre-conditions established in the
6 appropriation act to receive the transfer have been met and that a Method of
7 Finance has been filed with the Office of Accounting in the Department of
8 Finance and Administration, if required.

9 (b) Any matching funds as may be provided in law shall be certified to
10 the Chief Fiscal Officer of the State prior to the commencement of the
11 project.

12 (c) Any recipient of the funds appropriated herein is also subject to
13 an audit by the Arkansas Legislative Audit in order to determine that the use
14 of the funds was in compliance with the intent and appropriated purposes of
15 the General Assembly.

16
17 SECTION 6. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
18 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. (a) Any enactment of the
19 91st General Assembly in either regular, fiscal or extraordinary session
20 appropriating, transferring or allocating funds to the "Rainy Day Fund" shall
21 be deemed to be payable from the "Rainy Day Fund".

22 (b) Appropriations which are not enumerated in this Act may be
23 financed from monies accruing to the "Rainy Day Fund" to fund appropriations
24 as authorized by the General Assembly.

25
26 SECTION 7. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
27 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUPLICATE ACTS. If the House
28 and the Senate bills of the 2017 Regular Session of the 91st General Assembly
29 creating a Rainy Day Fund, are both enacted and adopted by the 91st General
30 Assembly in identical form, then the last Act passed or latest expression
31 shall supersede the other.

32
33 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly that it has considered and enacted appropriations for State
35 Agencies, Institutions and other programs to be financed from the accumulated
36 balances, fund transfers and reserve funds available in the State Treasury