

"AN ACT TO AMEND VARIOUS SECTIONS OF ACT 808 OF 1973, AS AMENDED, AND ACT 750 OF 1973, AS AMENDED, TO REFLECT NECESSARY CHANGES IN THE FUNDS AND FUND ACCOUNTS IN THE STATE TREASURY; TO PROVIDE FOR THE DISTRIBUTION OF GENERAL REVENUES RECEIVED BY THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES."

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

"SECTION 1. Subparagraphs (1),(2),(3),(5),(6),(7), and (10) of Paragraph (C) of Section 6 of Act 750 of 1973, as amended [Ark. Stats. 13-521 (C) (1)(2)(3)(5)(6)(7) and (10)] are hereby amended to read as follows:

"(1) The "Mental Health Services Fund Account" shall be used for the maintenance, operation and improvement required by the Mental Health Services Division of the Department of Human Services in carrying out the powers, functions, and duties, as set out in Act 433 of 1971 and all laws amendatory thereto and Act 348 of 1985 and all laws amendatory thereto, or other duties imposed by law upon the Arkansas State Hospital, which was transferred to the Rehabilitation Division of the Department of Human Services by Subsection (5) of Section 12 of Act 38 of 1971 and Alcohol Abuse Program of the Department of Human Services in carrying out the functions, powers and duties as set out in Act 411 of 1955, and all laws amendatory thereto and transferred to the Department of Human Services by Subsection (9) of Section 12 of Act 38 of 1971, and/or any other duties imposed by law upon the Arkansas Commission on Alcoholism and shall consist of those general revenues as may be provided by law, nonrevenue income derived from services provided by the Arkansas State Hospital, federal reimbursement received on account of eligible expenditures, paying patient fees and other funds as may be provided by law, funds received from local sources for community program matching, and funds received from the Division of Economic and Medical Services.

(2) The "Developmental Disabilities Services Fund Account" shall be used for the maintenance, operation and improvement required by the Developmental Disabilities Services Division of the Department of Human Services in carrying out the powers, functions and duties, as set out in Act 6 of 1955, and all laws amendatory thereto, Act 265 of 1969, and all laws amendatory thereto, and Act 348 of 1985 and all laws amendatory thereto, or other duties imposed by law upon the Human Development Centers or the Board of Developmental Disabilities Services or the Arkansas Department of Mental Retardation, which was transferred to the Department of Human Services by Subsection (5) of Section 12 of Act 38 of 1971; and shall consist of those general revenues as may be provided by law, nonrevenue income derived by services provided by the Human Development Centers, those special revenues as set out in Subsection (17) of Section 8 of the Revenue Classification Law, funds received from local sources to provide matching for Community Developmental Disabilities Services programs and reimbursement received from the Division of Economic and Medical Services.

(3) The "Economic and Medical Services Fund Account" shall be used for the maintenance, operation, and improvement required by the Economic and Medical Services Division of the Department of Human Services in carrying out the powers, functions, and duties as set out in Act 280 of 1939, and all law amendatory thereto, and Act 348 of 1985 and all laws amendatory thereto, or other duties imposed by law upon the State Department of Public Welfare, which was transferred to the Department of Human Services by Subsection (6) of

Section 12 of Act 38 of 1971 including the support and administration costs of the expanded Medical Services Program of the Economic and Medical Services Division of the Department of Human Services for the working poor in Arkansas; and shall consist of those general revenues as may be provided by law, nonrevenue income derived from services provided by the Economic and Medical Services Division, federal reimbursement received on account of eligible expenditures for the administration of Economic and Medical Services programs, funds received from the Department of Education for surplus commodities, funds derived from fees collected pursuant to the provisions of Act 58 of 1969, as amended, to be used for the maintenance and operation of the Office of Long Term Care, and any other non-federal grant funds provided by law. Provided, however, that other federal reimbursement funds received by the Economic and Medical Services Division shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of the State.

(5) The "Children and Family Services Fund Account" shall be used for the maintenance, operation, and improvement required by the Children and Family Services Division of the Department of Human Services in carrying out those functions, powers, and duties as set out in Act 20 of 1968, and all laws amendatory thereto and Act 348 of 1985 and all laws amendatory thereto, or other duties imposed by law upon the Arkansas Juvenile Training School Department and the Arkansas Juvenile Training School Board or successor board or commission, which was transferred to the Department of Human Services by Subsection (8) of Section 12 of Act 38 of 1971; and shall consist of those general revenues as may be provided by law, nonrevenue income derived from services provided by the Children and Family Services or Training School programs and any other non-federal grant-in-aid funds provided by law. Provided, however, the federal reimbursement received on account of eligible expenditures of the Juvenile Training School's Vocational Education programs are to be deposited into a federal reimbursement fund there to be expended in accordance with appropriations made available by the General Assembly.

(6) The "Department of Human Services Administration Fund Account" shall be used for the maintenance, operation, and improvement required by the Director's Office of the Department of Human Services in carrying out the administrative duties of the Department of Human Services as set out in and under the restrictions and provision of Act 38 of 1971, as amended, and Act 348 of 1985 and all laws amendatory thereto, the Division of Finance, Division of Management Services, Division of Program Operations and the Office of Volunteer Services, and shall consist of those general revenues as may be provided by law, nonrevenue income derived from services provided by these Divisions of the Department of Human Services and any other funds including reimbursement for costs incurred by these Divisions from the various other Department of Human Services divisions from non-general revenue sources as may be required and provided by law.

(7) The "Aging and Adult Services Fund Account" shall be used for the maintenance, operation, and improvement required by the Aging and Adult Services Division of the Department of Human Services in carrying out the powers, functions, and duties as imposed by law, and Act 348 of 1985 and all laws amendatory thereto, upon the Division of Aging and Adult Services which Section 4 of Act 38 of 1971 and by Act 228 of 1977; and shall consist of those general revenues as may be provided by law, special revenues as may be provided by law, nonrevenue income derived from services provided by the Division of Aging and Adult Services and federal reimbursement received on account of eligible expenditures of the Division of Aging and Adult Services Program.

(10) The "Department of Human Services Grants Fund Account" shall be used for the following grant programs to consist of general revenues and any other non-federal funds, as may be appropriated by the General Assembly: (a) Food

Stamp Employment and Training; (b) Boarding Homes; (c) Aid to the Aged, Blind and Disabled; (d) Crippled Children; (e) Aid to Families with Dependent Children; (f) Private Nursing Home Care; (g) Easter Seal - Nursing Home Care; (h) Infant Infirmary - Nursing Home Care; (i) Public Nursing Home Care; (j) Prescription Drugs; (k) Hospital and Medical Services; and (l) Work Incentive Program. Federal reimbursement received by the Department of Human Services shall be deposited in separate funds on the books of the State Treasurer."

SECTION 2. Paragraph (A) of Section 7 of Act 750 of 1973, as amended, [Ark. Stats. 13-523(A)] is hereby amended to read as follows:

"(A) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Helena Harbor Port Project Fund". Such fund shall consist of monies as may be provided by the General Assembly, to be used by the Arkansas Waterways Commission in making available the State Funds that may be required by the Congress of the United States in connection with the Helena Harbor Port Project,

in the event the Congress of the United States shall authorize said Project and shall provide funds to the U.S. Corps of Engineers therefor, conditioned upon the State of Arkansas providing financial assistance in connection with defraying a portion of the cost of said Project."

SECTION 3. Section 7 of Act 750 of 1973, as amended [Ark. Stats. 13-523] is hereby amended by adding at the end thereof the following new paragraphs:

"(W) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Arkansas Adult Probation Commission Fund". Such fund shall consist of gifts, grants and general revenues as may be made available by the General Assembly, there to be used for the maintenance, operation and improvement of the Arkansas Adult Probation Commission.

(X) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Land Reclamation Fund". Such fund shall consist of all forfeitures collected under the provisions of Act 336 of 1977, as amended [Ark. Stats. 52-917-52-934], there to be used by the Arkansas Pollution Control Commission to accomplish reclamation of land covered by such forfeitures.

(Y) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Abandoned Mine Reclamation Fund". Such fund shall consist of monies received through a grant from the Secretary of the Interior pursuant to the State Abandoned Mine Reclamation Program, there to be used by the Department of Pollution Control and Ecology for such program.

(Z) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Surface Coal Mining Operation Fund". Such fund shall consist of application and permit fees for surface coal mining, there to be used by the Department of Pollution Control & Ecology only for the administration and enforcement of Act 134 of 1979, as amended, and as the State's matching percentage share for any grants available to the State for the administration and enforcement of the State Program.

(AA) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the

"Mining Reclamation Fund". Such fund shall consist of all forfeitures collected under Act 134 of 1979, as amended [Ark. Stats. 52-935 et seq.], there to be used only to accomplish reclamation of land covered by forfeitures of performance bonds.

(AB) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as "Arkansas State Building Services Maintenance Fund", which shall be used for the maintenance, operation and improvement of lands, buildings and facilities that may be acquired by the Arkansas State Building Services. The Arkansas State Building Services Maintenance Fund shall consist of all monies received in connection with State Building Services are hereby declared to be nonrevenue receipts.

(AC) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Solid Waste Performance Bond Fund". Such fund shall consist of all forfeitures collected under Act 237 of 1971, as amended, there to be used only to accomplish remedial action, including closure, of lands covered by performance bonds forfeited under Act 237 of 1971, as amended.

(AD) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Future Operations Reserve Fund". Such fund shall consist of those General Revenues as may be provided by the Revenue Stabilization Law, and any other funds as may be provided by law. The Chief Fiscal Officer of the State shall transfer the balance of funds in the Future Operations Reserve Fund at the end of each month to the "General Improvement Fund", there to be used as may be provided by law."

SECTION 4. Paragraphs (X) and (AK) of Section 8 of Act 750 of 1973, as amended [Ark. Stats. 13-531 (X) and (AK)] are hereby amended to read as follows:

"(X) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Employment Security Advance Interest Trust Fund". Such fund shall consist of receipts from the advance interest tax and any penalties and interest, as transferred from the unemployment compensation fund clearing account, there to be used for paying interest incurred by the State on advances from the Federal Unemployment Trust Fund; making refunds of advance interest taxes and/or interest and penalty payments which were erroneously paid; and returning monies to the unemployment compensation fund clearing account which were incorrectly identified and erroneously transferred.

(AK) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Hazardous Substance Remedial Action Trust Fund". Such fund shall consist of all monies appropriated by the General Assembly to the Hazardous Substance Remedial Action Trust Fund, gifts, donations, interest earnings, fees on the generation of hazardous waste, punitive damages, penalties and any other monies legally designated, there to be administered by the Director of the Department of Pollution Control and Ecology as provided in Section 5 of Act 479 of 1985. [Ark. Stats. 82-4716]"

SECTION 5. Section 8 of Act 750 of 1973, as amended [Ark. Stats. 13-531] is hereby amended by adding at the end thereof the following new

paragraphs:

"(AL) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Arkansas Science and Technology Authority Endowment Fund". Such fund shall consist of any State appropriations specifically so designated, unrestricted appropriations, gifts, grants and donations. Only the income from such fund may be used to support the activities of the Arkansas Science and Technology Authority.

(AM) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Water Resources Development Construction Fund". Such fund shall consist of proceeds of the sale of bonds issued under Act 496 of 1981 [Ark. Stats. 21-2301-21-2321], there to be used for the development of water resource projects developed under Act 496 of 1981.

(AN) There is hereby established on the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State, a fund to be known as the "Department of Arkansas Heritage Endowment Trust Fund". Such fund shall consist of gifts, grants, memorials and bequests, there to be used to provide support for the programs of the Department of Arkansas Heritage."

SECTION 6. REPEALING CLAUSE. Section 3 of Act 923 of 1975 [Ark. Stats. 13-552]; Section 5 of Act 1056 of 1975, Extended Session [Ark. Stats. 13-523.2]; and Section 14 of Act 539 of 1983 [Ark. Stats. 13-523.10] are hereby repealed.

SECTION 7. The monies saved from legislation enacted by the Seventy-Sixth General Assembly which reduced contributions made by the State for State employees who are employed by a State agency funded in whole, or in part, with general revenues, and who are members of the Public Employees Retirement System, shall be set aside and implemented by the Chief Fiscal Officer of the State and the State Treasurer in the amount, and in accordance with procedures, set forth in this subsection (A).

(1) Beginning the month after the month in which such reductions in retirement contributions occur, the Chief Fiscal Officer of the State shall determine the amount of such general revenue savings, by fund or fund account, based upon the previous month's payroll deductions for retirement contributions to the Public Employees Retirement System.

(2) During each fiscal year of the 1987-89 biennium, the Chief Fiscal Officer of the State shall cause to be transferred on his books and those of the State Treasurer, the amount of such monthly general revenue savings from each affected fund, or fund account, to the "State Budget Revolving Fund" or its successor, before the close of business on the last day of each month.

SECTION 8. For the fiscal year ending June 30, 1987 and for each fiscal year of the 1987-89 biennium, those funds as set out in Subparagraph (b) of Paragraph (1) of Subsection (E) of Section 7 of Act 750 of 1973, as amended, shall be transferred from the General Revenue Allotment Reserve Fund to the State Budget Revolving Fund, or its successor.

SECTION 9. The Chief Fiscal Officer of the State is hereby authorized to transfer, up to a maximum of two million dollars (\$2,000,000), from the State Budget Revolving Fund, or its successor, to the State Central Services Fund, only in those instances when obligations incurred by the State Central Services Fund are estimated to exceed or are actually exceeding estimated or actual available resources. Any transfer made as authorized herein shall require the review and advice of the Arkansas Legislative Council prior to the transfer of any such funds.

SECTION 10. During the fiscal year ending June 30, 1987, the State Treasurer shall deduct from the first general revenue available to be distributed to Pulaski County the sum of \$58,274.92 and transfer the same to the Social Services Child Support Enforcement Fund or its successor.

SECTION 11. (a) Effective July 1, 1987, and thereafter, the Arkansas Fire Training Academy at Camden is hereby transferred to the control of the State Board of Vocational Education, there to be under the direction of the Director - Vocational Technical Division of the Department of Education. On the effective date of this Act, all properties of the Arkansas Fire Training Academy and all funds belonging thereto shall be transferred from Southern Arkansas University - Technical Branch to the Department of Education - Vocational and Technical Education Division.

(b) All personnel of the Arkansas Fire Training Academy who are members of a retirement system of this State shall be eligible to continue to participate in such retirement system.

SECTION 12. (a) Appropriations and funding which may be made available by the General Assembly for the Arkansas Fire Training Academy shall be utilized for the operations of fire training activities throughout the State and at fire training satellite facilities which may be established at Jonesboro, Arkansas; Marshall, Arkansas; Walnut Ridge, Arkansas and Springdale, Arkansas, when funds become available for construction of such satellite facilities. The Fire Training Facility at Camden, Arkansas shall also be used as a fire training satellite facility.

(b) Each fire training satellite facility shall be staffed by at least one (1) full-time instructor, one (1) part-time instructor and one (1) clerical support person. Such additional personnel currently located at the fire training facility in Camden, Arkansas shall be utilized in the fire training satellite facilities as established in Subsection (a) of this Section of this Act.

(c) Such Post-Secondary Area Vocational Technical Schools, as designated by the Director of the Vocational and Technical Education Division of the Department of Education shall provide a minimum of one (1) instructor and one (1) support staff in order to provide classroom fire training instructional activities, and any additional actual training as necessary.

SECTION 13. (a) Any funds allocated and/or appropriated to Southern Arkansas University for the Arkansas Fire Training Academy for the 1987-89 biennium shall be set aside and the same shall be available for the support and operation of the Arkansas Fire Training Academy of the Vocational and Technical Education Division of the Department of Education, the same as if such funds had been allocated and appropriated by law for said Division.

(b) The Department of Education - Vocational and Technical Education Division is hereby authorized to accept and receive gifts, grants and donations for the operations and improvement of the Arkansas Fire Training Academy.

SECTION 14. In addition to those purposes for which the State Budget Revolving Fund or its successor fund may be used, the Department of Human Services may borrow from such fund an amount equal to 80% of the anticipated proceeds made available to the Alcohol and Drug Safety Fund or to the Aging and Adult Services Fund Account from nursing home bed license fees. Such borrowed amounts are to be transferred to the Alcohol and Drug Safety Fund or to the Aging and Adult Services Fund Account in such amounts and under such

restrictions and conditions as determined in the best interest of the state by the Chief Fiscal Officer of the State and in any event shall be repaid to the State Budget Revolving Fund or its successor in full by June 30 of the year in which funds were borrowed.

SECTION 15. Section 11 of Act 750 of 1973, as amended [Ark. Stats. 13-515], is hereby amended to read as follows:

"(1) Commencing with the fiscal year beginning July 1, 1987, and ending June 30, 1988, the State Treasurer shall transfer all remaining 'general revenues available for distribution' on the last day of business in July, 1987, and on the last day of business in each calendar month thereafter during the fiscal year, to the various funds and fund accounts participating in 'general revenues' in the proportions of the Maximum Allocation as the individual allocation to the fund or fund account bears to the total of the Maximum Allocation as provided in paragraphs (A), (A-1), (A-2), (B), and (C) below:

(A) The State Treasurer shall first make monthly allocations in the proportions set out in this paragraph to the funds and fund accounts listed below until there has been transferred a total of \$1,436,701,931 or so much thereof as may become available; provided, that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$705,003,587
GENERAL EDUCATION FUND	
(1) Department of Education Fund Account	\$ 8,247,040
(2) Educational Television Fund Account	2,373,813
(3) School for Blind Fund Account	2,928,145
(4) School for Deaf Fund Account	3,942,515
(5) State Library Fund Account	1,433,221
(6) Vocational Education Admin. Fund Account	3,362,544
(7) Vocational Technical Schools Fund Account	<u>23,042,641</u>
TOTAL GENERAL EDUCATION FUND	\$ 45,329,919
DEPARTMENT OF HUMAN SERVICES FUND	
(1) Dept. of Human Services Administration Fund Account	\$ 16,970,001
(2) Aging and Adult Services Fund Account	5,521,161
(3) Alcohol & Drug Abuse Prevention Fund Account	1,427,599
(4) Children & Family Services Fund Account	21,048,069
(5) Developmental Disabilities Services Fund Account	22,139,561
(6) Economic & Medical Services Fund Account	13,367,208
(7) Dept. of Human Services Grants Fund Account	97,770,158
(8) Mental Health Services Fund Account	32,604,532
(9) Rehabilitation Services Fund Account	7,976,042
(10) State Services for the Blind Fund Account	<u>1,066,408</u>
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$219,890,739
STATE GENERAL GOVERNMENT FUND	
(1) Dept. of Arkansas Heritage Fund Account	\$ 2,702,070
(2) Department of Labor Fund Account	1,382,644
(3) Department of Higher Education Fund Account	8,676,697
(4) Dept. of Higher Education Grants Fund Account	2,056,307
(5) Dept. of Industrial Development Fund Account	4,380,719
(6) Dept. of Correction Inmate Care and Custody Fund Account	35,377,977
(7) Livestock and Poultry Fund Account	2,808,575
(8) State Military Department Fund Account	2,815,781

(9) Dept. of Parks and Tourism Fund Account	12,180,516
(10) Dept. of Pollution Control and Ecology Fund Account	2,039,236
(11) State General Services Fund Account	21,381,537
(12) Transportation Fund Account	<u>271,415</u>
TOTAL STATE GENERAL GOVERNMENT FUND	\$ 96,073,474

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$ 23,353,491
(2) ARKANSAS STATE UNIVERSITY-BEEBE FUND	2,560,159
(3) ARKANSAS TECH UNIVERSITY FUND	10,432,214
(4) HENDERSON STATE UNIVERSITY FUND	8,319,557
(5) SOUTHERN ARKANSAS UNIVERSITY FUND	11,303,427
(6) UNIVERSITY OF ARKANSAS FUND	79,166,776
(7) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	24,336,694
(8) UNIVERSITY OF ARK. MED. CENTER FUND	38,227,984
(9) UNIVERSITY OF ARK. MED. CENTER FUND-INDIGENT CARE	3,829,192
(10) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	5,869,067
(11) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	10,092,549
(12) UNIVERSITY OF CENTRAL ARKANSAS FUND	18,662,049
(13) EAST ARKANSAS COMMUNITY COLLEGE FUND	2,166,280
(14) GARLAND COUNTY COMMUNITY COLLEGE FUND	2,288,719
(15) MISSISSIPPI COUNTY COMMUNITY COLLEGE FUND	2,072,971
(16) NORTH ARKANSAS COMMUNITY COLLEGE FUND	2,007,540
(17) PHILLIPS COUNTY COMMUNITY COLLEGE FUND	3,391,276
(18) RICH MOUNTAIN COMMUNITY COLLEGE FUND	1,035,135
(19) WESTARK COMMUNITY COLLEGE FUND	<u>7,035,239</u>
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$256,150,319

ARKANSAS ADULT PROBATION COMM. FUND	\$ 1,170,105
COUNTY AID FUND	\$ 20,147,445
CRIME INFORMATION SYSTEM FUND	\$ 1,761,857
DEPARTMENT OF COMPUTER SERVICES REVOLVING FUND	\$ 578,683
STATE FORESTRY FUND	\$ 5,019,451
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ 1,755,822
MUNICIPAL AID FUND	\$ 28,132,471
PUBLIC HEALTH FUND	\$ 26,027,102
STATE CENTRAL SERVICES FUND	\$ 8,360,619
DEPT. OF ARKANSAS STATE POLICE FUND	\$ 21,300,338

(A-1) After making the maximum annual allocations provided for in Paragraph

(A) of Subsection (1) of Section 11 of this Act, the State Treasurer shall then make allocations from the remaining 'general revenues available for distribution', as set forth in this paragraph, to the funds and fund accounts listed below until there has been transferred a total of \$29,754,499 or so much thereof that may become available; provided, that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
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PUBLIC SCHOOL FUND	\$ 19,445,046

DEPARTMENT OF HUMAN SERVICES FUND

(1) Dept. of Human Services Grants Fund Accounts	\$ 9,086,096
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$ 9,086,096

STATE GENERAL GOVERNMENT FUND

(1) Dept. of Correction Inmate Care and Custody Fund Account \$ 1,223,357
 TOTAL STATE GENERAL GOVERNMENT FUND \$ 1,223,357

(A-2) After making the maximum annual allocations provided for in Paragraphs (A) and (A-1) of Subsection (1) of Section 11 of this Act, the State Treasurer shall then make allocations from the remaining 'general revenues available for distribution', as set forth in this paragraph, to the funds and fund accounts listed below until there has been transferred a total of \$54,400,000 or so much thereof that may become available; provided, that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$ 54,000,000
INSTITUTIONS OF HIGHER EDUCATION	
(1) ARKANSAS STATE UNIVERSITY FUND	\$ 36,446
(2) ARKANSAS STATE UNIVERSITY - BEEBE FUND	3,731
(3) ARKANSAS TECH UNIVERSITY FUND	15,205
(4) HENDERSON STATE UNIVERSITY FUND	12,770
(5) SOUTHERN ARKANSAS UNIVERSITY FUND	16,736
(6) UNIVERSITY OF ARKANSAS FUND	122,139
(7) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	39,614
(8) UNIVERSITY OF ARK. MED. CENTER FUND	59,138
(9) UNIVERSITY OF ARK. MED. CENTER FUND-INDIGENT CARE	9,900
(10) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	9,056
(11) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	15,174
(12) UNIVERSITY OF CENTRAL ARKANSAS FUND	30,272
(13) EAST ARKANSAS COMMUNITY COLLEGE FUND	3,116
(14) GARLAND COUNT COMMUNITY COLLEGE FUND	3,378
(15) MISSISSIPPI COUNTY COMMUNITY COLLEGE FUND	3,111
(16) NORTH ARKANSAS COMMUNITY COLLEGE FUND	3,228
(17) PHILLIPS COUNTY COMMUNITY COLLEGE FUND	5,012
(18) RICH MOUNTAIN COMMUNITY COLLEGE FUND	1,620
(19) WESTARK COMMUNITY COLLEGE FUND	10,353
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 400,000

(B) After making the maximum annual allocations provided for in Paragraphs (A), (A-1), and (A-2) of Subsection (1) of Section 11 of this Act, the State Treasurer shall then make allocations from the remaining 'general revenues available for distribution', as set forth in this paragraph, to the funds and fund accounts listed below until there has been transferred a total of \$95,112,327 or so much thereof that may become available; provided, that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$ 28,841,225
GENERAL EDUCATION FUND	
(1) Department of Education Fund Account	\$ 594,799
(2) Educational Television Fund Account	1,908
(3) School for Blind Fund Account	2,354
(4) School for Deaf Fund Account	3,169

(5) State Library Fund Account	1,152
(6) Vocational Education Admin. Fund Account	72,702
(7) Vocational Technical Schools Fund Account	<u>876,520</u>
TOTAL GENERAL EDUCATION FUND	\$ 1,552,606

DEPARTMENT OF HUMAN SERVICES FUND

(1) Dept. of Human Services Administration Fund Account	\$ 665,612
(2) Aging and Adult Services Fund Account	1,317,740
(3) Alcohol & Drug Abuse Prevention Fund Account	283,295
(4) Children & Family Services Fund Account	1,511,151
(5) Developmental Disabilities Services Fund Account	1,993,618
(6) Economic & Medical Services Fund Account	1,080,855
(7) Dept. of Human Services Grants Fund Account	15,553,979
(8) Mental Health Services Fund Account	1,941,529
(9) Rehabilitation Services Fund Account	507,409
(10) State Services for the Blind Fund Account	<u>144,812</u>
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$ 25,000,000

STATE GENERAL GOVERNMENT FUND

(1) Dept. of Arkansas Heritage Fund Account	\$ 3,822
(2) Department of Labor Fund Account	1,956
(3) Department of Higher Education Fund Account	475,602
(4) Dept. of Higher Education Grants Fund Account	2,909
(5) Dept. of Industrial Development Fund Account	281,197
(6) Dept. of Correction Inmate Care and Custody Fund Account	7,000,000
(7) Livestock and Poultry Fund Account	338,610
(8) State Military Department Fund Account	8,983
(9) Dept. of Parks and Tourism Fund Account	84,665
(10) Dept. of Pollution Control and Ecology Fund Account	2,885
(11) State General Services Fund Account	737,664
(12) Transportation Fund Account	<u>934,086</u>
TOTAL STATE GENERAL GOVERNMENT FUND	\$ 9,872,379

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$ 2,074,438
(2) ARKANSAS STATE UNIVERSITY-BEEBE FUND	80,122
(3) ARKANSAS TECH UNIVERSITY FUND	327,949
(4) HENDERSON STATE UNIVERSITY FUND	620,355
(5) SOUTHERN ARKANSAS UNIVERSITY FUND	500,769
(6) UNIVERSITY OF ARKANSAS FUND	4,779,737
(7) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	3,089,858
(8) UNIVERSITY OF ARK. MED. CENTER FUND	3,105,919
(9) UNIVERSITY OF ARK. MED. CENTER FUND-INDIGENT CARE	663,749
(10) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	463,946
(11) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	575,392
(12) UNIVERSITY OF CENTRAL ARKANSAS FUND	2,296,479
(13) EAST ARKANSAS COMMUNITY COLLEGE FUND	63,450
(14) GARLAND COUNTY COMMUNITY COLLEGE FUND	95,442
(15) MISSISSIPPI COUNTY COMMUNITY COLLEGE FUND	115,078
(16) NORTH ARKANSAS COMMUNITY COLLEGE FUND	231,188
(17) PHILLIPS COUNTY COMMUNITY COLLEGE FUND	145,139
(18) RICH MOUNTAIN COMMUNITY COLLEGE FUND	94,540
(19) WESTARK COMMUNITY COLLEGE FUND	<u>276,450</u>
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 19,600,000

ARKANSAS ADULT PROBATION COMM. FUND	\$ 18,471
CRIME INFORMATION SYSTEM FUND	\$ 1,416

DEPARTMENT OF COMPUTER SERVICES REVOLVING FUND	\$	465
STATE FORESTRY FUND	\$	4,034
MERIT ADJUSTMENT FUND	\$	4,400,000
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$	1,411
PUBLIC HEALTH FUND	\$	884,515
STATE CENTRAL SERVICES FUND	\$	4,519,791
DEPT. OF ARKANSAS STATE POLICE FUND	\$	416,015

(C) After making the maximum annual allocations provided for in paragraphs (A), (A-1), (A-2), and (B), of Subsection (1) of Section 11 of this Act, the State Treasurer shall then make allocations from the remaining 'general revenues available for distribution' as set forth in this paragraph to the funds and fund accounts listed below until there has been transferred a total of \$99,015,567 or so much thereof that may become available; provided that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$ 51,001,191

GENERAL EDUCATION FUND

(1) Department of Education Fund Account	\$	205,524
TOTAL GENERAL EDUCATION FUND	\$	205,524

DEPARTMENT OF HUMAN SERVICES FUND

(1) Dept. of Human Services Administration Fund Account	\$	52,575
(2) Aging and Adult Services Fund Account		55,018
(3) Alcohol & Drug Abuse Prevention Fund Account		27,122
(4) Developmental Disabilities Services Fund Account		10,234
(5) Dept. of Human Services Grants Fund Account		5,000,000
(6) State Services for the Blind Fund Account		8,836
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$	5,153,785

STATE GENERAL GOVERNMENT FUND

(1) Dept. of Arkansas Heritage Fund Account	\$	95,478
(2) Department of Higher Education Fund Account		738,819
(3) Dept. of Higher Education Grants Fund Account		365,684
(4) Dept. of Correction Inmate Care and Custody Fund Account		1,403,619
(5) Livestock and Poultry Fund Account		80,967
(6) State General Services Fund Account		612,345
TOTAL STATE GENERAL GOVERNMENT FUND	\$	3,296,912

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$	2,106,969
(2) ARKANSAS STATE UNIVERSITY-BEEBE FUND		178,351
(3) ARKANSAS TECH UNIVERSITY FUND		727,271
(4) HENDERSON STATE UNIVERSITY FUND		708,199
(5) SOUTHERN ARKANSAS UNIVERSITY FUND		839,974
(6) UNIVERSITY OF ARKANSAS FUND		8,330,263
(7) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND		2,501,846
(8) UNIVERSITY OF ARK. MED. CENTER FUND		3,345,415
(9) UNIVERSITY OF ARK. MED. CENTER FUND-INDIGENT CARE		2,986,840
(10) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND		509,005
(11) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND		795,822
(12) UNIVERSITY OF CENTRAL ARKANSAS FUND		1,911,942
(13) EAST ARKANSAS COMMUNITY COLLEGE FUND		124,290

(14) GARLAND COUNTY COMMUNITY COLLEGE FUND	167,953
(15) MISSISSIPPI COUNTY COMMUNITY COLLEGE FUND	162,348
(16) NORTH ARKANSAS COMMUNITY COLLEGE FUND	200,015
(17) PHILLIPS COUNTY COMMUNITY COLLEGE FUND	250,188
(18) RICH MOUNTAIN COMMUNITY COLLEGE FUND	94,317
(19) WESTARK COMMUNITY COLLEGE FUND	<u>510,211</u>
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 26,451,219

ARKANSAS ADULT PROBATION COMM. FUND	\$ 212,469
ALCOHOL & DRUG SAFETY FUND	\$ 185,361
COUNTY AID FUND	\$ 1,350,866
MERIT ADJUSTMENT	\$ 3,922,627
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ 106,787
MUNICIPAL AID FUND	\$ 2,503,762
PUBLIC HEALTH FUND	\$ 750,000
STATE CENTRAL SERVICES FUND	\$ 3,194,613
DEPT. OF ARKANSAS STATE POLICE FUND	\$ 680,453

(2) Commencing with the fiscal year beginning July 1, 1988, and each fiscal year thereafter, the State Treasurer shall transfer all remaining 'general revenues available for distribution' on the last day of business in July, 1988, and on the last day of business in each calendar month thereafter during the fiscal year, to the various funds and fund accounts participating in 'general revenues' in the proportions of the Maximum Allocation as the individual allocation to the fund or fund account bears to the total of the Maximum Allocation as provided in paragraphs (A), (B), (B-1), and (C) below:

(A) The State Treasurer shall first make monthly allocations in the proportions set out in this paragraph to the funds and fund accounts listed below until there has been transferred a total of \$1,561,977,804 or so much thereof as may become available; provided, that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$781,289,858

GENERAL EDUCATION FUND

(1) Department of Education Fund Account	\$ 8,253,669
(2) Educational Television Fund Account	2,375,721
(3) School for Blind Fund Account	2,925,499
(4) School for Deaf Fund Account	3,945,684
(5) State Library Fund Account	1,434,373
(6) Vocational Education Admin. Fund Account	3,435,247
(7) Vocational Technical Schools Fund Account	<u>23,919,162</u>
TOTAL GENERAL EDUCATION FUND	\$ 46,289,355

DEPARTMENT OF HUMAN SERVICES FUND

(1) Dept. of Human Services Administration Fund Account	\$ 17,635,613
(2) Aging and Adult Services Fund Account	6,838,901
(3) Alcohol & Drug Abuse Prevention Fund Account	1,710,894
(4) Children & Family Services Fund Account	22,559,220
(5) Developmental Disabilities Services Fund Account	24,133,179
(6) Economic & Medical Services Fund Account	14,448,063
(7) Dept. of Human Services Grants Fund Account	117,410,233
(8) Mental Health Services Fund Account	34,546,061
(9) Rehabilitation Services Fund Account	8,483,451

(10) State Services for the Blind Fund Account	___1,211,220
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$248,976,835

STATE GENERAL GOVERNMENT FUND

(1) Dept. of Arkansas Heritage Fund Account	\$ 2,705,892
(2) Department of Labor Fund Account	1,384,600
(3) Department of Higher Education Fund Account	8,688,970
(4) Dept. of Higher Education Grants Fund Account	2,059,216
(5) Dept. of Industrial Development Fund Account	4,661,916
(6) Dept. of Correction Inmate Care and Custody Fund Account	43,602,334
(7) Livestock and Poultry Fund Account	3,147,185
(8) State Military Department Fund Account	2,824,764
(9) Dept. of Parks and Tourism Fund Account	12,259,981
(10) Dept. of Pollution Control and Ecology Fund Account	2,042,121
(11) State General Services Fund Account	21,644,201
(12) Transportation Fund Account	___1,205,501
TOTAL STATE GENERAL GOVERNMENT FUND	\$106,225,681

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$ 23,809,063
(2) ARKANSAS STATE UNIVERSITY-BEEBE FUND	2,606,794
(3) ARKANSAS TECH UNIVERSITY FUND	10,622,276
(4) HENDERSON STATE UNIVERSITY FUND	8,479,187
(5) SOUTHERN ARKANSAS UNIVERSITY FUND	11,512,628
(6) UNIVERSITY OF ARKANSAS FUND	80,693,518
(7) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	24,831,867
(8) UNIVERSITY OF ARK. MED. CENTER FUND	38,967,214
(9) UNIVERSITY OF ARK. MED. CENTER FUND-INDIGENT CARE	3,952,948
(10) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	5,982,270
(11) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	10,282,220
(12) UNIVERSITY OF CENTRAL ARKANSAS FUND	19,040,447
(13) EAST ARKANSAS COMMUNITY COLLEGE FUND	2,205,228
(14) GARLAND COUNTY COMMUNITY COLLEGE FUND	2,330,944
(15) MISSISSIPPI COUNTY COMMUNITY COLLEGE FUND	2,111,859
(16) NORTH ARKANSAS COMMUNITY COLLEGE FUND	2,047,890
(17) PHILLIPS COUNTY COMMUNITY COLLEGE FUND	3,453,926
(18) RICH MOUNTAIN COMMUNITY COLLEGE FUND	1,055,386
(19) WESTARK COMMUNITY COLLEGE FUND	___7,164,654
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$261,150,320

ARKANSAS ADULT PROBATION COMM. FUND	\$ 1,188,576
COUNTY AID FUND	\$ 20,147,445
CRIME INFORMATION SYSTEM FUND	\$ 1,763,273
DEPARTMENT OF COMPUTER SERVICES REVOLVING FUND	\$ 579,148
STATE FORESTRY FUND	\$ 5,023,485
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ 1,757,233
MUNICIPAL AID FUND	\$ 28,132,471
PUBLIC HEALTH FUND	\$ 26,048,021
STATE CENTRAL SERVICES FUND	\$ 12,088,646
DEPT. OF ARKANSAS STATE POLICE FUND	\$ 21,317,458

(B) After making the maximum annual allocations provided for in Paragraph (A) of Subsection (2) of Section 11 of this Act, the State Treasurer shall then make allocations from the remaining 'general revenues available for distribution', as set forth in this paragraph, to the funds and fund accounts listed below until there has been transferred a total of \$74,754,197 or so much thereof that may become available; provided, that the State Treasurer

shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$ 37,391,502

GENERAL EDUCATION FUND

(1) Department of Education Fund Account	\$ 395,010
(2) Educational Television Fund Account	50,000
(3) School for Deaf Fund Account	15,000
(4) Vocational Education Admin. Fund Account	164,406
(5) Vocational Technical Schools Fund Account	8,418
TOTAL GENERAL EDUCATION FUND	\$ 632,834

DEPARTMENT OF HUMAN SERVICES FUND

(1) Dept. of Human Services Administration Fund Account	\$ 604,179
(2) Aging and Adult Services Fund Account	327,301
(3) Alcohol & Drug Abuse Prevention Fund Account	43,740
(4) Children & Family Services Fund Account	1,079,655
(5) Developmental Disabilities Services Fund Account	1,154,982
(6) Economic & Medical Services Fund Account	201,247
(7) Dept. of Human Services Grants Fund Account	5,619,099
(8) Mental Health Services Fund Account	481,870
(9) Rehabilitation Services Fund Account	80,178
(10) State Services for the Blind Fund Account	16,253
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$ 9,608,503

STATE GENERAL GOVERNMENT FUND

(1) Dept. of Arkansas Heritage Fund Account	\$ 109,998
(3) Department of Higher Education Fund Account	415,843
(4) Dept. of Higher Education Grants Fund Account	98,551
(5) Dept. of Industrial Development Fund Account	442,570
(6) Dept. of Correction Inmate Care and Custody Fund Account	2,086,702
(7) Livestock and Poultry Fund Account	107,116
(8) State Military Department Fund Account	800
(10) Dept. of Pollution Control and Ecology Fund Account	37,000
(11) State General Services Fund Account	1,035,863
(12) Transportation Fund Account	22,483
TOTAL STATE GENERAL GOVERNMENT FUND	\$ 4,356,926

INSTITUTIONS OF HIGHER EDUCATION

(1) ARKANSAS STATE UNIVERSITY FUND	\$ 1,139,470
(2) ARKANSAS STATE UNIVERSITY-BEEBE FUND	124,758
(3) ARKANSAS TECH UNIVERSITY FUND	508,368
(4) HENDERSON STATE UNIVERSITY FUND	405,803
(5) SOUTHERN ARKANSAS UNIVERSITY FUND	550,979
(6) UNIVERSITY OF ARKANSAS FUND	3,861,885
(7) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	1,188,420
(8) UNIVERSITY OF ARK. MED. CENTER FUND	1,864,919
(9) UNIVERSITY OF ARK. MED. CENTER FUND-INDIGENT CARE	189,183
(10) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	286,304
(11) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	492,093
(12) UNIVERSITY OF CENTRAL ARKANSAS FUND	911,251
(13) EAST ARKANSAS COMMUNITY COLLEGE FUND	105,539
(14) GARLAND COUNTY COMMUNITY COLLEGE FUND	111,556
(15) MISSISSIPPI COUNTY COMMUNITY COLLEGE FUND	101,071

(16) NORTH ARKANSAS COMMUNITY COLLEGE FUND	98,009
(17) PHILLIPS COUNTY COMMUNITY COLLEGE FUND	165,300
(18) RICH MOUNTAIN COMMUNITY COLLEGE FUND	50,509
(19) WESTARK COMMUNITY COLLEGE FUND	<u>342,891</u>
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 12,498,310

ARKANSAS ADULT PROBATION COMM. FUND	\$ 56,884
CRIME INFORMATION SYSTEM FUND	\$ 40,000
STATE FORESTRY FUND	\$ 240,417
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$ 84,099
PUBLIC HEALTH FUND	\$ 1,246,624
DEPT. OF ARKANSAS STATE POLICE FUND	\$ 1,020,225
FUTURE OPERATIONS RESERVE FUND	\$ 7,577,873

(B-1) After making the maximum annual allocations provided for in Paragraphs (A) and (B) of Subsection (2) of Section 11 of this Act, the State Treasurer shall then make allocations from the remaining 'General Revenues Available for Distribution' as set forth in this paragraph to the funds and fund accounts listed below until there has been transferred a total of \$99,000,000 or so much thereof that may become available; provided that the State Treasurer shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth herein:

Name of FUND or Fund Account	Maximum Allocation
PUBLIC SCHOOL FUND	\$ 45,000,000

GENERAL EDUCATION FUND	
(1) Department of Education Fund Account	\$ 488,356
(2) Vocational Education Admin. Fund Account	<u>753,353</u>
TOTAL GENERAL EDUCATION FUND	\$ 1,241,709

DEPARTMENT OF HUMAN SERVICES FUND	
(1) Children & Family Services Fund Account	\$ 238,042
(2) Developmental Disabilities Services Fund Account	491,024
(3) Dept. of Human Services Grants Fund Account	<u>8,303,981</u>
TOTAL DEPARTMENT OF HUMAN SERVICES FUND	\$ 9,033,047

STATE GENERAL GOVERNMENT FUND	
(1) Dept. of Industrial Development Fund Account	\$ 220,000
(2) Dept. of Correction Inmate Care and Custody Fund Account	<u>238,573</u>
TOTAL STATE GENERAL GOVERNMENT FUND	\$ 458,573

INSTITUTIONS OF HIGHE 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 39. CONTRACT RESTRICTIONS. The agency, board, commission, department or institution to whom funds are appropriated by this Act shall not enter into any contract for any professional or consultant services which shall extend for more than twenty (20) actual working days or the total compensation exceeds five thousand dollars (\$5,000) during any one fiscal year without first seeking the advice of the Arkansas Legislative Council. Provided further, that all contracts for professional or consultant services shall be submitted monthly to the Chief Fiscal Officer of the State for reporting to the Legislative Council.

SECTION 40. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Sixth 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, 1987 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, 1987 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, 1987.

APPROVED: April 13, 1987

concerning the subject matter of his statement;

(2) Persists in refusing to testify concerning the subject matter of his statement despite an order of the court to do so;

(3) Testifies to a lack of memory of the subject matter of his statement;

(4) Is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) Is absent from the hearing and the proponent of his statement has been unable to procure his attendance (or in the case of a hearsay exception under subdivision (b)(2), (3), or (4), his attendance or testimony) by process or other reasonable means.

A declarant is not unavailable as a witness if his exemption, refusal, claim or lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

(b) Hearsay Exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former testimony. Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

(2) Statement under belief of impending death. A statement made by a declarant while believing that his death was imminent, concerning the cause or circumstances of what he believed to be his impending death.

(3) Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject him to civil or criminal liability or to render invalid a claim by him against another or to make him an object of hatred, ridicule, or disgrace, that a reasonable man in his position would not have made the statement unless he believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement. A statement or confession offered against the accused in a criminal case, made by a codefendant or other person implicating both himself and the accused, is not within this exception.

(4) Statement of personal or family history. (i) A statement con-

cerning the declarant's own birth, adoption, marriage, divorce, legitimacy, relationship by blood, adoption, marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (ii) a statement concerning the foregoing matters and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

(5) Other exceptions. A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (i) the statement is offered as evidence of a material fact; (ii) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (iii) the general purposes of these rules and the interests of justice will best be served by admission of the statements into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the declarant.

RULE 805. HEARSAY WITHIN HEARSAY.-Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.

RULE 806. ATTACKING AND SUPPORTING CREDIBILITY OF DECLARANT.-If a hearsay statement, or a statement defined in Rule 801 (2)(iii), (iv), or (v), has been admitted in evidence, the credibility of the declarant may be attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with his hearsay statement, is not subject to any requirement that he may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine him on the statement as if under cross-examination.

ARTICLE IX

Authentication and Identification

RULE 901. REQUIREMENT OF AUTHENTICATION OR IDENTIFICATION. - (a) General Provision. The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

(b) Illustrations. By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conf

SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Sixth General Assembly that the amendments to the Revenue Stabilization Law are essential to the continued operation of State government; 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, 1987.

/s/ Senator Howell

APPROVED: April 13, 1987
