

Act 116 of the 1989 Regular Session.

Act 116

SB158

By: Joint Budget Committee

"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.

SECTION 11. 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 12. 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 13. 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.

SECTION 14. 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: February 21, 1989
