

Act 741 of the 1989 Regular Session.

Act 741

HB1558

By: Joint Budget Committee

"AN ACT TO INCREASE THE MAXIMUM ANNUAL SALARY RATES FOR THE VARIOUS STATE AGENCIES, BOARDS, COMMISSIONS, INSTITUTIONS, OFFICES AND DEPARTMENTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

WHEREAS, Section 4, Article 16 of the Constitution of the State of Arkansas provides that the General Assembly shall fix the salaries and fees of all officers in the State, and no greater salary or fee than that fixed by law shall be paid to any officer, employee or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law; and

WHEREAS, the Seventy-Seventh General Assembly has determined that the maximum annual salaries for employees of the State of Arkansas should be increased whether the salaries are governed by the provisions of the Uniform Classification and Compensation Act or the Higher Education Uniform Classification and Compensation Act or are established by a line item in the appropriation act.

NOW THEREFORE,

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

SECTION 1. Effective July 1, 1989, the maximum annual salary rate for the 1989-90 fiscal year and the maximum annual salary rate for the 1990-91 fiscal year as set out in the various appropriation acts enacted by the Seventy-Seventh General Assembly shall be increased by 4.39% for the 1989-90 fiscal year and by 4.85% for the 1990-91 fiscal year respectively for:

1) regular salary positions which are covered under the provisions of the Regular Salary Procedures and Restrictions Act and for which a specific maximum annual salary is set out in dollars as authorized by the Seventy-Seventh General Assembly for the various departments, boards, commissions, state agencies and institutions of higher education and which are not governed by the provisions of the Uniform Compensation and Classification Act or the Higher Education Employee Classification and Compensation Act; and

2) those positions contained in the General Appropriation Act for the Executive, Judicial and Legislative Branches of the State which are set by the General Assembly.

In the event that a single maximum annual salary rate is set out in an appropriation act, the maximum annual salary rate for the 1989-90 fiscal year shall be the amount set out therein increased by 1.81%. The maximum annual salary rate for the 1990-91 fiscal year shall be the amount set out therein increased by 4.85%. Since the maximum annual salary rates set out in Acts 1 and 2 of 1989 contain no salary increase pending an approved compensation plan, the maximum annual salary rates for all positions as set out in Act 1 of 1989 and Act 2 of 1989 are hereby increased by 7% for the 1989-90 fiscal year and by 10.2% for the 1990-91 fiscal year.

SECTION 2. APPROPRIATIONS - STATE TREASURY FUNDS. There is hereby

appropriated, to the Department of Finance and Administration, to be payable from various State Treasury funds, fund accounts and accounts, for the purpose of providing various state agencies with supplemental appropriations for the payment of personal services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) PERSONAL SERVICES	\$31,000,000	\$46,000,000

SECTION 3. APPROPRIATIONS - CASH FUNDS. There is hereby appropriated, to the Department of Finance and Administration, to be payable from various state agencies' and institutions' cash funds held in financial institutions, for the purpose of providing various state agencies with supplemental appropriations for the payment of personal services for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) PERSONAL SERVICES	\$ 6,200,000	\$ 9,200,000

SECTION 4. APPROPRIATION TRANSFER PROCEDURES. In the event that the General Assembly has not provided sufficient appropriation for the payment of Personal Services for any state agency or institution due to the enactment of this Act or any other act approved by the Seventy-Seventh General Assembly which raises the compensation level of state employees, the agency or institution may request a transfer from the appropriations provided herein from the Chief Fiscal Officer of the State. Such request shall clearly state the amount required, the fund or fund account from which the employees are currently being paid, and such other information as may be required by the Chief Fiscal Officer of the State that he deems necessary to make a decision regarding the request. Upon the approval of the Chief Fiscal Officer of the State or upon processing the request for elected Constitutional Officers and their employees by 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. The appropriation shall then be added to the proper account on the books of the Department of Finance and Administration and the State Auditor payable from the fund or fund account from which the employees of the agency or institution are authorized to be paid by law. Such appropriation transfers shall be limited to Regular Salaries or Personal Services Matching or both.

SECTION 5. FUNDING TRANSFERS. Funding for the appropriation transfers authorized by this Act, or for any part thereof, for those state agencies which are supported in whole or in part from general revenues, excluding institutions of higher education, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. In no event shall the transfers authorized by this Section exceed the sum of \$18,734,820 for the fiscal year ending June 30, 1990 and the sum of \$27,339,501 for the fiscal year ending June 30, 1991.

SECTION 6. 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 7. 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 8. 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 9. 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: March 21, 1989
