

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 236 of 1999
SENATE BILL 38

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO REPEAL ARKANSAS CODE §§19-2-401 THROUGH 19-
10 2-403 WHICH REQUIRES CERTAIN AGENCIES TO SPEND NO MORE
11 THAN 95% OF THEIR APPROPRIATED AMOUNTS; AND FOR OTHER
12 PURPOSES. "
13

Subtitle

14 "REPEAL OF THE 5% SAVINGS REQUIREMENT FOR
15 CERTAIN STATE AGENCIES. "
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17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code §19-2-401 through §19-2-403 are hereby
22 repealed.

23 ~~§ 19-2-401. Exemptions.~~

24 ~~The provisions of this section and §§ 19-2-402 and 19-2-403 shall not apply~~
25 ~~to:~~

26 ~~— (1) Appropriations made payable from the Public School Fund;~~

27 ~~— (2) Appropriations made to the state-supported institutions of higher~~
28 ~~education, including universities, community colleges, technical colleges and~~
29 ~~the branches thereof; and technical institutions and comprehensive lifelong~~
30 ~~learning centers; and the Department of Education.~~

31 ~~— (3) Appropriations made payable from the State Highway and Transportation~~
32 ~~Department Fund, State Aid Road Fund, State Highway Special Construction~~
33 ~~Account, and Revenue Sharing Highway Trust Fund or fund accounts thereof.~~
34

35 ~~§ 19-2-402. Restrictions on expenditure of appropriations.~~

36 ~~(a) It is hereby declared by the General Assembly that no more than ninety-~~

1 ~~five percent (95%) of any appropriation made by the General Assembly for the~~
 2 ~~benefit of any agency, institution, department, board, or commission of this~~
 3 ~~state government, having more than ten (10) authorized employee positions, and~~
 4 ~~that no more than ninety-eight percent (98%) of any appropriation made by the~~
 5 ~~General Assembly for the benefit of any agency, institution, department,~~
 6 ~~board, or commission of state government having ten (10) or fewer authorized~~
 7 ~~employee positions, excluding contributions to national and regional~~
 8 ~~organizations, and which such appropriations are supported from general or~~
 9 ~~special revenues or from fees deposited in financial institutions other than~~
 10 ~~the State Treasury, shall be expended or obligated for each year of the~~
 11 ~~biennium.~~

12 ~~— (b) For those appropriations made to the Department of Human Services,~~
 13 ~~the saving of appropriation shall be five percent (5%) of the aggregate amount~~
 14 ~~appropriated from general or special revenues for the department.~~

15 ~~— (c) Provided, in the case of agencies, boards, commissions, and~~
 16 ~~institutions having ten (10) or fewer authorized employee positions, the~~
 17 ~~savings of appropriations shall be two percent (2%) of the aggregate amount~~
 18 ~~appropriated from general or special revenue or from fees deposited in~~
 19 ~~financial institutions other than the State Treasury for the affected agency,~~
 20 ~~board, commission, or institution.~~

21 ~~— (d) On or before July 1 of each fiscal year of the biennium, the Chief~~
 22 ~~Fiscal Officer of the State shall report to the Legislative Council the~~
 23 ~~amounts to be saved by each agency, institution, department, board, and~~
 24 ~~commission and where the various agencies, departments, boards, and~~
 25 ~~commissions are anticipating making such savings.~~

26
 27 ~~§ 19-2-403. Increase in expenditures by executive proclamation.~~

28 ~~(a) In the event that any agency, board, commission, institution, or~~
 29 ~~department demonstrates that the restrictions placed upon them by § 19-2-402~~
 30 ~~will create an emergency situation affecting the public health, welfare, or~~
 31 ~~safety of the citizens of this state, the Governor shall issue an executive~~
 32 ~~proclamation stating the facts and reasons for such emergency and shall set~~
 33 ~~forth the amount of the appropriation which may be utilized over and above the~~
 34 ~~amount determined by § 19-2-402. Provided, however, that the Governor may not~~
 35 ~~increase the expenditure level of appropriations supported from special~~
 36 ~~revenues or from fees deposited in financial institutions other than the State~~

1 ~~Treasury by more than two million dollars (\$2,000,000) in the aggregate during~~
 2 ~~any one (1) fiscal year for all agencies, boards, commissions, institutions,~~
 3 ~~or departments, and no more than ten million dollars (\$10,000,000) in the~~
 4 ~~aggregate during any one (1) fiscal year for appropriations supported from~~
 5 ~~general revenues for all agencies, boards, commissions, departments, or~~
 6 ~~institutions.~~

7 ~~— (b) Nothing in this section is to be construed as to allow the Governor~~
 8 ~~to allow any agency, board, commission, institution, or department to make~~
 9 ~~expenditures or obligations over and above the appropriation amount authorized~~
 10 ~~by the General Assembly.~~

11
 12 SECTION 2. All provisions of this act of a general and permanent nature
 13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 14 Revision Commission shall incorporate the same in the Code.

15
 16 SECTION 3. If any provision of this act or the application thereof to
 17 any person or circumstance is held invalid, such invalidity shall not affect
 18 other provisions or applications of the act which can be given effect without
 19 the invalid provision or application, and to this end the provisions of this
 20 act are declared to be severable.

21
 22 SECTION 4. All laws and parts of laws in conflict with this act are
 23 hereby repealed.

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 25 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
 26 Eighty-second General Assembly that the requirement of saving 5% of the
 27 appropriation is not accomplishing savings and that the cost of administering
 28 the program is significant with little or no benefit. Therefore, an emergency
 29 is declared to exist and this act being immediately necessary for the
 30 preservation of the public peace, health and safety shall become effective on
 31 the date of its approval by the Governor. If the bill is neither approved nor
 32 vetoed by the Governor, it shall become effective on the expiration of the
 33 period of time during which the Governor may veto the bill. If the bill is
 34 vetoed by the Governor and the veto is overridden, it shall become effective
 35 on the date the last house overrides the veto.

36 APPROVED: 2/24/1999