

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Joint Budget Committee**

**A Bill ACT 77 OF 1991**  
**SENATE BILL 192**

**For An Act To Be Entitled**

8 "AN ACT TO MAKE AN APPROPRIATION FOR TRANSFERS TO VARIOUS  
9 STATE AGENCIES FOR THE DEPARTMENT OF FINANCE AND  
10 ADMINISTRATION - DISBURSING OFFICER FOR THE BIENNIAL  
11 PERIOD ENDING JUNE 30, 1993; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the  
16 Department of Finance and Administration - Disbursing Officer, to be payable  
17 from the various state agencies' funds for the purpose of providing the  
18 various state agencies with a method of disbursing proceeds received from  
19 refunds, for the biennial period ending June 30, 1993, the following:

21 ITEM	22 FISCAL YEARS	
	<del>1991-92</del>	<del>1992-93</del>
23 (01) REFUND TO EXPENDITURES	<u>\$3,000,000,000</u>	<u>\$3,000,000,000</u>

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26 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the  
27 Department of Finance and Administration - Disbursing Officer, to be payable  
28 from the various State Treasury Funds, fund accounts or accounts, for the  
29 purpose of providing various offices of the elected Constitutional Officers,  
30 including the Bureau of Legislative Research, the Division of Legislative  
31 Audit, and the Judicial Department with supplemental appropriations for  
32 payment of regular salaries for the biennial period ending June 30, 1993, the  
33 following:

35 <del>ITEM</del>	36 FISCAL YEARS	
NO.	1991-92	1992-93

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(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, 1993, the following:

ITEM	FISCAL YEARS	
NO.	1991-92	1992-93
(01) OVERTIME COMPENSATION	\$ 5,000,000	\$ 5,000,000
(02) PERSONAL SERV MATCHING	4,000,000	4,000,000
(03) REGULAR SALARIES-STATE EMPLOYEES	<u>1,000,000</u>	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$10,000,000</u>	<u>\$ 10,000,000</u>

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.

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2 SECTION 6. TRANSFER PROCEDURES - OVERTIME. In the event that there is  
 3 not sufficient appropriation provided for by the General Assembly for overtime  
 4 compensation pursuant to Arkansas Code 19-4-1612 for any state agency for the  
 5 biennial period ending June 30, 1993, said agency shall request a transfer  
 6 from appropriations provided by item (01) of Section 3 herein, from the Chief  
 7 Fiscal Officer of the State, stating clearly the amount required. Upon  
 8 approval of the Chief Fiscal Officer of the State, and after seeking prior  
 9 review by the Arkansas Legislative Council, the State Auditor shall be  
 10 notified as to the amount and the purposes for which said appropriation is to  
 11 be made. The appropriation shall be established upon the books of the  
 12 Department of Finance and Administration and the State Auditor. Provided,  
 13 further, that if desired, said appropriation shall be supplemental to those  
 14 regularly appropriated for such purposes by the General Assembly for that  
 15 agency.

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17 SECTION 7. TRANSFER PROCEDURES - MATCHING. In the event that there is  
 18 not sufficient appropriation, from funds deposited in the State Treasury,  
 19 provided for by the General Assembly for personal services matching for any  
 20 state agency for the biennial period ending June 30, 1993, said agency shall  
 21 request a transfer from appropriation provided by item (02) of Section 3  
 22 herein, from the Chief Fiscal Officer of the State, stating clearly the  
 23 amounts required for each item. Upon approval of the Chief Fiscal Officer of  
 24 the State, the State Auditor shall be notified as to the amount and the  
 25 purposes for which said appropriation is to be made and shall be established  
 26 upon the books of the Department of Finance and Administration and the State  
 27 Auditor. Provided further, if desired, that said appropriation shall be  
 28 supplemental to those regularly appropriated for such purposes by the General  
 29 Assembly for that agency. Provided, however, that in the event the amount of  
 30 transfer requested exceeds One Thousand Dollars (\$1,000), the Chief Fiscal  
 31 Officer of the State shall seek prior review by the Arkansas Legislative  
 32 Council before said transfer shall be made.

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34 SECTION 8. TRANSFER OF APPROPRIATION - ELECTED OFFICERS. If it is  
 35 determined by any office of an elected Constitutional Officer, including the

1 Bureau of Legislative Research, Division of Legislative Audit or the Judicial  
2 Department, that there is not sufficient appropriation for Regular Salaries to  
3 pay the maximum salaries which have been set by the General Assembly for the  
4 employees of such Office, the Director of the Office shall notify the Chief  
5 Fiscal Officer of the fact and the amount of appropriation which has been  
6 determined to be required. Upon receipt of such notification, and after  
7 seeking prior review by the Legislative Council or Joint Budget Committee, the  
8 Chief Fiscal Officer of the State shall transfer on his books the amount of  
9 appropriation required from the appropriation provided in Section 2 hereof to  
10 the Fund or Fund Account from which the Office's employees are paid and shall  
11 notify the State Auditor to process such transfer upon his books of record.

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13         SECTION 9. TRANSFER PROCEDURES - REGULAR SALARIES. In the event that  
14 there is not sufficient appropriation provided for by the General Assembly for  
15 payment of Regular Salaries for any state agency for the biennial period  
16 ending June 30, 1993, said agency may request a transfer from appropriations  
17 provided by item (03) of Section 3 herein, from the Chief Fiscal Officer of  
18 the State, stating clearly the amount required. Upon approval of the Chief  
19 Fiscal Officer of the State, and after seeking prior review by the Arkansas  
20 Legislative Council, the State Auditor shall be notified as to the amount and  
21 the purposes for which said appropriation is to be made. The appropriation  
22 shall then be established upon the books of the Department of Finance and  
23 Administration and the State Auditor. Provided further, that if desired, said  
24 appropriation shall be supplemental to those regularly appropriated for such  
25 purposes by the General Assembly for the agency.

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27         SECTION 10. RESTRICTIONS. Nothing in this Act is to be construed as an  
28 authority to transfer a like amount of current general revenues to fund  
29 appropriations provided for in this Act.

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31         SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
32 authorized by this Act shall be limited to the appropriation for such agency  
33 and funds made available by law for the support of such appropriations; and  
34 the restrictions of the State Purchasing Law, the General Accounting and  
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

1 Procedures and Restrictions Act, or their successors, and other fiscal control  
2 laws of this State, where applicable, and regulations promulgated by the  
3 Department of Finance and Administration, as authorized by law, shall be  
4 strictly complied with in disbursement of said funds.

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6 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General  
7 Assembly that any funds disbursed under the authority of the appropriations  
8 contained in this Act shall be in compliance with the stated reasons for which  
9 this Act was adopted, as evidenced by the Agency Requests, Executive  
10 Recommendations and Legislative Recommendations contained in the budget  
11 manuals prepared by the Department of Finance and Administration, letters, or  
12 summarized oral testimony in the official minutes of the Arkansas Legislative  
13 Council or Joint Budget Committee which relate to its passage and adoption.

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15 SECTION 13. CODE. All provisions of this Act of a general and  
16 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and  
17 the Arkansas Code Revision Commission shall incorporate the same in the Code.

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19 SECTION 14. SEVERABILITY. If any provision of this Act or the  
20 application thereof to any person or circumstance is held invalid, such  
21 invalidity shall not affect other provisions or applications of the Act which  
22 can be given effect without the invalid provision or application, and to this  
23 end the provisions of this Act are declared to be severable.

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25 SECTION 15. GENERAL REPEALER. All laws and parts of laws in conflict  
26 with this Act are hereby repealed.

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28 SECTION 16. HEALTH PREMIUMS. The Department of Finance and  
29 Administration - Disbursing Officer shall not, during the 1992-93 fiscal year,  
30 spend more for health insurance per employee than the amount being contributed  
31 to the State Employees Health Insurance Program.

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33 SECTION 17. EMERGENCY CLAUSE. It is hereby found and determined by the  
34 Seventy-Eighth General Assembly, that the Constitution of the State of  
35 Arkansas prohibits the appropriation of funds for more than a two (2) year

1 period; that the effectiveness of this Act on July 1, 1991 is essential to the  
2 operation of the agency for which the appropriations in this Act are provided,  
3 and that in the event of an extension of the Regular Session, the delay in the  
4 effective date of this Act beyond July 1, 1991 could work irreparable harm  
5 upon the proper administration and provision of essential governmental  
6 programs. Therefore, an emergency is hereby declared to exist and this Act  
7 being necessary for the immediate preservation of the public peace, health and  
8 safety shall be in full force and effect from and after July 1, 1991.

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APPROVED: 2-7-91

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