

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 348 of 2001  
HOUSE BILL 1646

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR MAINTAINING AND  
10 OPERATING A CONTINUING EDUCATION PROGRAM FOR THE  
11 COUNTY AND CIRCUIT CLERKS, COUNTY TREASURERS, AND  
12 COUNTY COLLECTORS FOR THE BIENNIAL PERIOD ENDING JUNE  
13 30, 2003; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT FOR THE AUDITOR OF STATE - FOR  
16 CONTINUING EDUCATION OF LOCAL OFFICIALS  
17 APPROPRIATION FOR THE 2001-2003  
18 BIENNIAL PERIOD.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. APPROPRIATION - CONTINUING EDUCATION - COUNTY AND CIRCUIT  
26 CLERKS. There is hereby appropriated, to the Auditor of State, to be payable  
27 from the County and Circuit Clerks Continuing Education Fund, for the County  
28 and Circuit Clerks' Continuing Education Board in carrying out the  
29 responsibilities for maintaining and operating a continuing education program  
30 and certification program for county and circuit clerks by the County and  
31 Circuit Clerks' Continuing Education Board for the biennial period ending June  
32 30, 2003, the following:  
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ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) MAINTENANCE AND OPERATION OF CONTINUING		

1 EDUCATION AND CERTIFICATION PROGRAMS \$ 95,000 \$ 95,000

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 3 SECTION 2. APPROPRIATION - CONTINUING EDUCATION - COUNTY TREASURERS. There  
 4 is hereby appropriated, to the Auditor of State, to be payable from the County  
 5 Treasurer's Continuing Education Fund, for the County Treasurers' Continuing  
 6 Education Board in carrying out their responsibilities for maintaining and  
 7 operating a continuing education program for county treasurers by the County  
 8 Treasurers' Continuing Education Board for the biennial period ending June 30,  
 9 2003, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
(01) MAINTENANCE AND OPERATION OF A CONTINUING EDUCATION PROGRAM	\$ <u>61,250</u>	\$ <u>61,250</u>

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 16 SECTION 3. APPROPRIATION - CONTINUING EDUCATION - COUNTY COLLECTORS. There  
 17 is hereby appropriated, to the Auditor of State, to be payable from the County  
 18 Collector's Continuing Education Trust Fund, for the County Collectors'  
 19 Continuing Education Board in carrying out their responsibilities for  
 20 maintaining and operating a continuing education program and certification  
 21 program for county collectors by the County Collectors' Continuing Education  
 22 Board for the biennial period ending June 30, 2003, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
(01) MAINTENANCE AND OPERATION OF CONTINUING EDUCATION AND CERTIFICATION PROGRAMS	\$ <u>61,250</u>	\$ <u>61,250</u>

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 29 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 30 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY  
 31 TREASURERS. Arkansas Code 14-15-811(c) is amended to read as follows:  
 32 "(c) There is created on the books of the State Treasurer, State Auditor, and  
 33 the Chief Fiscal Officer of the State, the County Treasurer's Continuing  
 34 Education Fund. The quorum court of each county shall annually appropriate and  
 35 pay into the County Treasurer's Continuing Education Fund in the State  
 36 Treasury the sum of four hundred fifty dollars (\$450.00) from fees of the

1 office of county treasurer. If any quorum court shall fail or refuse to  
 2 appropriate and pay over the funds to the County Treasurer's Continuing  
 3 Education Fund in the State Treasury, the State Treasurer shall withhold funds  
 4 from the county aid due to the county and shall credit the funds to the County  
 5 Treasurer's Continuing Education Fund."

6 The provisions of this section shall be in effect only from July 1, 2001  
 7 through June 30, 2003.

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 9 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 10 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY  
 11 COLLECTORS. Arkansas Code 14-15-1001(c)(1) is amended to read as follows:

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 13 "(c)(1) There is created on the books of the State Treasurer, Auditor of  
 14 State, and the Chief Fiscal Officer of the State, the County Collector's  
 15 Continuing Education Trust Fund. The quorum court of each county shall  
 16 annually appropriate and pay into the County Collector's Continuing Education  
 17 Trust Fund in the State Treasury the sum of four hundred fifty dollars  
 18 (\$450.00) from fees of the office of county collector. If any quorum court  
 19 shall fail or refuse to appropriate and pay over the funds to the County  
 20 Collector's Continuing Education Trust Fund in the State Treasury, the State  
 21 Treasurer shall withhold funds from the county aid due to the county and shall  
 22 credit the funds to the County Collector's Continuing Education Trust Fund."

23 The provisions of this section shall be in effect only from July 1, 2001  
 24 through June 30, 2003.

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 26 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
 27 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REAL ESTATE  
 28 TRANSFER TAX. Arkansas Code 26-60-112(b)(1) is hereby amended to read as  
 29 follows:

30 "(1) Ten percent (10%) of the remainder shall be distributed as special  
 31 revenues, as follows:

32 (A) The first sixty thousand dollars (\$60,000) thereof during each  
 33 fiscal year shall be credited to the County and Circuit Clerks Continuing  
 34 Education Fund, which is established in the State Treasury, to be used for  
 35 defraying the expenses of training seminars and other educational projects  
 36 benefiting county and circuit clerks in this state, as provided by

1 appropriations enacted by the General Assembly; and

2 (B) The remainder of the ten percent (10%) thereof available for  
 3 distribution during each fiscal year shall be credited as special revenues to  
 4 the County Aid Fund, to be distributed in the manner provided by law to the  
 5 circuit clerk in the county in which the property upon which the tax is paid  
 6 is situated, to be paid over by the circuit clerk to the county general fund;  
 7 " The provisions of this section shall be in effect only from July 1, 2001  
 8 through June 30, 2003.

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 10 SECTION 7. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
 11 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
 12 appropriations as provided in this Act, the agency disbursing officer shall  
 13 monitor the level of fund balances in relation to expenditures on a monthly  
 14 basis. If any proposed expenditures would cause a fund balance to decline to  
 15 less than fifty percent (50%) of the balance available on July 1, 2001, the  
 16 disbursing officer shall immediately notify the executive head of the agency.

17 Prior to any obligations being made under these circumstances, the agency  
 18 head shall file written documentation with the Chief Fiscal Officer of the  
 19 State requesting approval of the expenditures. Such documentation shall  
 20 provide sufficient financial data to justify the expenditures and shall  
 21 include the following:

- 22 1) a plan that clearly indicates the specific fiscal impact of such  
 23 expenditures on the fund balance.
- 24 2) information clearly indicating and explaining what programs would be cut or  
 25 any other measures to be taken by the agency to restore the fund balance.
- 26 3) the extent to which any of the planned expenditures are for one-time costs  
 27 or one-time purchase of capitalized items.
- 28 4) a statement certifying that the expenditure of fund balances will not  
 29 jeopardize the financial health of the agency, nor result in a permanent  
 30 depletion of the fund balance.

31 (B) The Chief Fiscal Officer of the State shall review the request and  
 32 approve or disapprove all or any part of the request , after having sought  
 33 prior review by the Legislative Council.

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 35 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by  
 36 this act shall be limited to the appropriation for such agency and funds made

1 available by law for the support of such appropriations; and the restrictions  
2 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
3 Law, the Revenue Stabilization Law, the Regular Salary Procedures and  
4 Restrictions Act, or their successors, and other fiscal control laws of this  
5 State, where applicable, and regulations promulgated by the Department of  
6 Finance and Administration, as authorized by law, shall be strictly complied  
7 with in disbursement of said funds.

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

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18 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General  
19 Assembly, that the Constitution of the State of Arkansas prohibits the  
20 appropriation of funds for more than a two (2) year period; that the  
21 effectiveness of this Act on July 1, 2001 is essential to the operation of the  
22 agency for which the appropriations in this Act are provided, and that in the  
23 event of an extension of the Regular Session, the delay in the effective date  
24 of this Act beyond July 1, 2001 could work irreparable harm upon the proper  
25 administration and provision of essential governmental programs. Therefore, an  
26 emergency is hereby declared to exist and this Act being necessary for the  
27 immediate preservation of the public peace, health and safety shall be in full  
28 force and effect from and after July 1, 2001.

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31 APPROVED: 2/21/2001  
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