

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S2/11/15

A Bill

SENATE BILL 175

5 By: Senators Rapert, Caldwell, J. Cooper, D. Johnson, Teague, *E. Cheatham*
6 *By: Representatives Womack, Beck, Branscum, Brown, Della Rosa, C. Douglas, D. Douglas, Eubanks,*
7 *Farrer, C. Fite, L. Fite, Gonzales, Gossage, Hammer, Harris, Henderson, Hickerson, Holcomb, Jett,*
8 *Ladyman, Lampkin, Leding, Lowery, G. McGill, D. Meeks, Neal, B. Overbey, Payton, Richey, Richmond,*
9 *Rushing, Sabin, Shepherd, B. Smith, Sullivan, Talley, Tosh, Tucker, Wallace, Wardlaw, Wright*

For An Act To Be Entitled

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12 AN ACT TO MAKE AN APPROPRIATION FOR CONSTRUCTION,
13 IMPROVEMENTS, EQUIPMENT, RENOVATION AND MAINTENANCE
14 EXPENSES FOR THE HUMAN DEVELOPMENT CENTERS FOR THE
15 DEPARTMENT OF HUMAN SERVICES - DIVISION OF
16 DEVELOPMENTAL DISABILITIES SERVICES FOR THE FISCAL
17 YEAR ENDING JUNE 30, 2015; AND FOR OTHER PURPOSES.

Subtitle

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20 AN ACT FOR THE DEPARTMENT OF HUMAN
21 SERVICES - DIVISION OF DEVELOPMENTAL
22 DISABILITIES SERVICES - HUMAN DEVELOPMENT
23 CENTERS APPROPRIATION FOR THE 2014-2015
24 FISCAL YEAR.

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

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29 SECTION 1. APPROPRIATION - HUMAN DEVELOPMENT CENTERS. There is hereby
30 appropriated, to the Department of Human Services - Division of Developmental
31 Disabilities Services, to be payable from the paying account as determined by
32 the Chief Fiscal Officer of the State, for construction, improvements,
33 equipment, renovation and maintenance expenses for the Human Development
34 Centers of the Department of Human Services - Division of Developmental
35 Disabilities Services for the fiscal year ending June 30, 2015, the
36 following:



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| ITEM | FISCAL YEAR |
|--------------------------------|---------------------|
| <u>NO.</u> | <u>2014-2015</u> |
| (01) HUMAN DEVELOPMENT CENTERS | <u>\$15,000,000</u> |

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER AND REVIEW. Immediately upon the effective date of this Act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of fifteen million dollars (\$15,000,000) from the General Revenue Allotment Reserve Fund to the paying account as determined by the Chief Fiscal Officer of the State for funds for construction, improvements, equipment, renovation and maintenance expenses for the Human Development Centers of the Department of Human Services - Division of Developmental Disabilities Services.

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEGISLATIVE REVIEW. The Department of Human Services - Division of Development Disabilities Services shall seek prior review by the Arkansas Legislative Council or Joint Budget Committee before expending any of the funds appropriated in Section 1 of this act.

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the paying account as determined by the Chief Fiscal Officer of the State for construction, improvements, equipment, renovation, and maintenance expenses for the Human Development Centers of the Department of Human Services - Division of Developmental Disabilities Services at the end of a fiscal year shall remain in the paying account as determined by the Chief Fiscal Officer of the State and made available to fund appropriations authorized by law and made payable from the paying account as determined by the Chief Fiscal Officer of the State for the following fiscal year.
Any carry forward of unexpended balance of funding as authorized

1 herein, may be carried forward under the following conditions:

2 (1) Prior to June 30, 2015 the Agency shall by written statement set
3 forth its reason(s) for the need to carry forward said funding to the
4 Department of Finance and Administration Office of Budget;

5 (2) The Department of Finance and Administration Office of Budget shall
6 report to the Arkansas Legislative Council all amounts carried forward by the
7 September Arkansas Legislative Council or Joint Budget Committee meeting
8 which report shall include the name of the Agency and the amount of the
9 funding carried forward, the program name or line item, the funding source of
10 that appropriation and a copy of the written request set forth in (1) above;

11 (3) The Agency shall provide a written report to the Arkansas
12 Legislative Council or Joint Budget Committee containing all information set
13 forth in item (2) above, along with a written statement as to the current
14 status of the project, contract, purpose etc. for which the carry forward was
15 originally requested no later than thirty (30) days prior to the time the
16 Agency presents its budget request to the Arkansas Legislative Council/Joint
17 Budget Committee; and

18 (4) Thereupon, the Department of Finance and Administration shall
19 include all information obtained in item (3) above in the budget manuals
20 and/or a statement of non-compliance by the Agency, Board, Commission or
21 Institution.

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23 SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
24 obligations otherwise incurred in relation to the project or projects
25 described herein in excess of the State Treasury funds actually available
26 therefor as provided by law. Provided, however, that institutions and
27 agencies listed herein shall have the authority to accept and use grants and
28 donations including Federal funds, and to use its unobligated cash income or
29 funds, or both available to it, for the purpose of supplementing the State
30 Treasury funds for financing the entire costs of the project or projects
31 enumerated herein. Provided further, that the appropriations and funds
32 otherwise provided by the General Assembly for Maintenance and General
33 Operations of the agency or institutions receiving appropriation herein shall
34 not be used for any of the purposes as appropriated in this act.

35 (B) The restrictions of any applicable provisions of the State Purchasing
36 Law, the General Accounting and Budgetary Procedures Law, the Revenue

1 Stabilization Law and any other applicable fiscal control laws of this State
2 and regulations promulgated by the Department of Finance and Administration,
3 as authorized by law, shall be strictly complied with in disbursement of any
4 funds provided by this act unless specifically provided otherwise by law.

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6 SECTION 6. 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
9 which 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 7. EMERGENCY CLAUSE. It is found and determined by the General
16 Assembly, that the Constitution of the State of Arkansas prohibits the
17 appropriation of funds for more than a one (1) year period; that the
18 effectiveness of this Act on the date of its passage and approval is
19 essential to the operation of the agency for which the appropriations in this
20 Act are provided, and that in the event of an extension of the legislative
21 session, the delay in the effective date of this Act beyond the date of its
22 passage and approval could work irreparable harm upon the proper
23 administration and provision of essential governmental programs. Therefore,
24 an emergency is hereby declared to exist and this Act being necessary for the
25 immediate preservation of the public peace, health and safety shall be in
26 full force and effect from and after the date of its passage and approval.

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28 /s/Rapert
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