

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S2/11/15 S3/23/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 175

4

5 By: Senators Rapert, Caldwell, J. Cooper, D. Johnson, Teague, E. Cheatham, *Maloch*

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,

9 Richmond, Rushing, Sabin, Shepherd, B. Smith, Sullivan, Talley, Tosh, Tucker, Wallace, Wardlaw,

10 Wright

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## For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR CONSTRUCTION,

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IMPROVEMENTS, EQUIPMENT, RENOVATION AND MAINTENANCE

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EXPENSES FOR THE HUMAN DEVELOPMENT CENTERS FOR THE

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DEPARTMENT OF HUMAN SERVICES - DIVISION OF

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DEVELOPMENTAL DISABILITIES SERVICES FOR THE FISCAL

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YEAR ENDING JUNE 30, 2015; AND FOR OTHER PURPOSES.

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## Subtitle

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AN ACT FOR THE DEPARTMENT OF HUMAN

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SERVICES - DIVISION OF DEVELOPMENTAL

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DISABILITIES SERVICES - HUMAN DEVELOPMENT

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CENTERS APPROPRIATION FOR THE 2014-2015

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FISCAL YEAR.

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

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SECTION 1. APPROPRIATION - HUMAN DEVELOPMENT CENTERS. There is hereby

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appropriated, to the Department of Human Services - Division of Developmental

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Disabilities Services, to be payable from the paying account as determined by

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the Chief Fiscal Officer of the State, for construction, improvements,

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equipment, renovation and maintenance expenses for the Human Development

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Centers of the Department of Human Services - Division of Developmental

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Disabilities Services for the fiscal year ending June 30, 2015, the



1 following:

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

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

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

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

1 Any carry forward of unexpended balance of funding as authorized  
2 herein, may be carried forward under the following conditions:

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

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

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

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

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

36 (B) The restrictions of any applicable provisions of the State Purchasing

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

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

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

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29 /s/Rapert  
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