

1 State of Arkansas  
2 94th General Assembly  
3 First Extraordinary Session, 2023  
4

Call Item 2

# A Bill

SENATE BILL 1

5 By: Senators Hickey, J. Boyd, Crowell, J. Dismang, J. Dotson, Gilmore, Hester, Hill, Irvin, B. Johnson, J.  
6 Payton

7 By: Representatives Jean, M. Shepherd, Eaves  
8

## For An Act To Be Entitled

10 AN ACT TO CREATE AND TRANSFER FUNDS TO THE ARKANSAS  
11 RESERVE FUND SET-ASIDE IN THE RESTRICTED RESERVE FUND  
12 TO ALLOW THAT ADDITIONAL FUNDS MAY BE MADE AVAILABLE  
13 FOR STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS;  
14 AND FOR OTHER PURPOSES.

## Subtitle

18 TO CREATE AND TRANSFER FUNDS TO THE  
19 ARKANSAS RESERVE FUND SET-ASIDE IN THE  
20 RESTRICTED RESERVE FUND TO ALLOW THAT  
21 ADDITIONAL FUNDS MAY BE MADE AVAILABLE  
22 FOR STATE DEPARTMENTS, AGENCIES, AND  
23 INSTITUTIONS; AND FOR OTHER PURPOSES.

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

28 SECTION 1. DO NOT CODIFY. Arkansas Reserve Fund Set-Aside.

29 (a) There is created on the books of the Treasurer of State, the  
30 Auditor of State, and the Chief Fiscal Officer of the State a sub-fund within  
31 the Restricted Reserve Fund to be known as the "Arkansas Reserve Fund Set-  
32 Aside".

33 (b) Immediately upon the effective date of this act, the Chief Fiscal  
34 Officer of the State shall transfer on his or her books and those of the  
35 Treasurer of State and the Auditor of the State seven hundred ten million six  
36 hundred twelve thousand five hundred eight dollars (\$710,612,508) from the



1 General Revenue Allotment Reserve Fund to the Arkansas Reserve Fund Set-  
2 Aside.

3 (c)(1) Notwithstanding other provisions of law under § 19-5-1263,  
4 funds in the Arkansas Reserve Fund Set-Aside may be released from time to  
5 time to one (1) or more general revenue operating funds or fund accounts, the  
6 Miscellaneous Agencies Fund Account, and the State Central Services Fund as  
7 set out in subdivisions (c)(2) and (3) of this section.

8 (2)(A) The Chief Fiscal Officer of the State may determine that  
9 circumstances exist that require utilization of the Arkansas Reserve Fund  
10 Set-Aside.

11 (B) The Chief Fiscal Officer of the State shall gather  
12 sufficient financial data that will enable the verification of the existence  
13 of adequate circumstances and the amount necessary to address the need to  
14 submit a proposed distribution of moneys with documentation of the need and  
15 the purpose of the transfer from the Arkansas Reserve Fund Set-Aside to the  
16 Legislative Council or, if the General Assembly is in session, the Joint  
17 Budget Committee for prior approval.

18 (3)(A) After receiving approval of at least two-thirds (2/3) of  
19 the members of the Legislative Council or, if the General Assembly is in  
20 session, at least two-thirds (2/3) of the members of the Joint Budget  
21 Committee, the Chief Fiscal Officer of the State shall cause the required  
22 transfer or transfers under this subsection to be made.

23 (B) The Chief Fiscal Officer of the State shall ensure  
24 that the amounts transferred in a fiscal year to the funds and fund accounts  
25 in the Revenue Stabilization Law, § 19-5-101 et seq., do not cause the funds  
26 released from the Arkansas Reserve Fund Set-Aside when combined with general  
27 revenue funding to exceed the maximum allocations authorized in the Revenue  
28 Stabilization Law, § 19-5-101 et seq.

29 (d) The General Assembly finds that:

30 (1) Determining the maximum amount of appropriation and funding  
31 for a state agency or institution each fiscal year is the prerogative of the  
32 General Assembly;

33 (2) Determining the maximum amount of appropriation and funding  
34 for a state agency or institution is usually accomplished by delineating the  
35 maximum amounts in the appropriation acts for the state agency or institution  
36 and in the general revenue allocations authorized for each relevant fund and

1 fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et  
2 seq.;

3 (3) The Arkansas Reserve Fund Set-Aside has established  
4 procedures for the transfer of funds to various funds and fund accounts for  
5 the efficient and effective operation of state government; and

6 (4) It is necessary and appropriate that the General Assembly  
7 maintain oversight by requiring prior approval of the Legislative Council or,  
8 if the General Assembly is in session, the Joint Budget Committee, as  
9 provided in this section.

10 (e)(1) The requirement of approval by the Legislative Council or, if  
11 the General Assembly is in session, the Joint Budget Committee, is not a  
12 severable part of this section.

13 (2) If the requirement of approval by the Legislative Council or  
14 the Joint Budget Committee under this section is ruled unconstitutional by a  
15 court of competent jurisdiction, this entire section is void.

16  
17 SECTION 2. DO NOT CODIFY. Duplicate Acts. If the House and the Senate  
18 duplicate bills “to create and transfer funds to the Arkansas Reserve Fund  
19 Set-Aside in the Restricted Reserve Fund to allow that additional funds may  
20 be made available for State Departments, Agencies, and Institutions” are both  
21 enacted and adopted by the General Assembly in the First Extraordinary  
22 Session of 2023 in identical form, then the last Act passed or latest  
23 expression shall supersede the other.