

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM 3 1073

By: Representatives Fuller, Hutchinson, Flanagan, Kerr and Glover

For An Act To Be Entitled

"AN ACT TO CREATE THE 'ARKANSAS DRUG WAR MATCHING FUND ACT OF 1989'; TO REQUIRE ALL STATE AGENCIES HAVING FORTY (40) OR MORE EMPLOYEES ON JANUARY 1, 1990 TO REDUCE THE NUMBER OF EMPLOYEES IN EACH AGENCY BY TEN PERCENT (10%) DURING THE REMAINDER OF THE 1989-91 BIENNIUM THROUGH RETIREMENT, RESIGNATION OR DEATH OF EMPLOYEES AND TO TRANSFER THE MONIES SAVED INTO THE ARKANSAS WAR ON DRUG FUND TO FINANCE A SUPPLEMENTAL APPROPRIATION TO INCREASE THE FUNDING FOR THE STATE AND LOCAL MATCH NECESSARY TO OBTAIN FEDERAL GRANT MONEY FOR DRUG ENFORCEMENT PROGRAMS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

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

SECTION 1. This Act shall be know as the "Arkansas Drug War Matching Fund Act of 1989."

SECTION 2. (a) Each agency and department of State government having forty (40) or more employees on the payroll on January 1, 1990 shall, through the retirement, resignation or death of employees in each such agency and department, reduce the number of personnel employed by each such agency and department by a maximum of ten percent (10%) during the remainder of the 1989-91 biennium. In carrying out the mandate of this Act, agencies and departments shall eliminate managerial, administrative and supervisory personnel and only support personnel who do not provide direct services to the clientele served by the agency or department. State agency or department, for the purposes of this Act, shall mean a unit of state government which has an administrator, commissioner or director who is appointed by the governor, a board or a commission.

(b) The following agencies and departments shall be exempt from this act:

- (1) all state supported institutions of higher education, and
- (2) the Arkansas State Police.

SECTION 3. (a) When an employee of any state agency or department retires, resigns or dies, the vacancy created thereby shall not be filled unless the Director of the Department of Finance and Administration determines that failure to fill the vacant position will create a severe hardship for the agency or department in which event the position may be filled.

(b) Each agency or department subject to the provisions of this Act shall have its staffing patterns and positions utilization analyzed by the staff of the Arkansas Legislative Council not later than the conclusion of the third quarter of the first fiscal year of each biennium and the results of such analysis reported by the staff of the Arkansas Legislative Council to the Arkansas General Assembly as provided for in Act 199 of 1969, as amended by Act 981 of 1985.

SECTION 4. Nothing contained herein shall be construed to impair the authority of any agency or department to honor existing contracts for personnel nor to otherwise require a reduction in staff to such extent as to seriously impair the ability of such agencies or departments to maintain their accreditation or certification and to provide essential personnel to operate such agencies or departments, nor to interfere with any existing Executive Orders regarding a freeze on the hiring of personnel by State agencies or departments. The Director of the Department of Finance and Administration shall adopt appropriate rules, regulations and guidelines concerning compliance with the provisions of this Act by all State agencies and departments.

SECTION 5. There is hereby established in the State Treasury a fund to be known as the "Arkansas Drug War Matching Fund" to consist of such payroll savings transfers or special or general revenues or other monies that may be deposited therein as provided by the General Assembly, to be used for the purpose of providing matching funds for the state and local governments of the State of Arkansas to match federal funds for drug enforcement programs.

SECTION 6. (a) The monies saved by the state for all state employee vacancies which remain unfilled as result of the mandate of this Act shall be set aside and transferred by the State agency and department to the Director of the Department of Finance and Administration and the State Treasurer in the amount, and in accordance with procedures, set forth in this section.

(b) (1) Beginning the month after the month in which such reductions in the numbers of state employees occur, the Director of the Department of Finance and Administration shall determine the amount of the revenue savings, by fund or fund account, based upon the previous month's agency or department payroll.

(2) During each fiscal year, the Director of the Department of Finance and Administration shall cause to be transferred on his books and those of the State Treasurer, the amount of the monthly payroll savings from each affected agency or department fund, or fund account, to the Revenue Holding Fund Account before the close of business on the last day of each month.

(c) The State Treasurer shall transfer the total amount of such payroll savings as certified to the State Treasurer by the Director of the Department of Finance and Administration from the Revenue Holding Fund Account to the Arkansas Drug War Matching Fund to be used to make monthly distributions therefrom, in the manner provided by law, to the respective state agencies and local governments for monies necessary to match federal grant money for drug enforcement programs as provided for in this Act.

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 9. EMERGENCY. It is hereby found and determined by the Seventy-Seventh General Assembly of the State of Arkansas meeting in the Third Extraordinary Session of 1989 that it is necessary to finance the State and local government matching portion for federal grant money for drug enforcement

programs and that the best method to finance these new drug enforcement programs is from payroll savings from the reductions in the number of employees in each State agency and department. Therefore, in order to fund the State and local matching portion of this new federal drug enforcement program, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.