

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Joint Budget Committee

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7

# A Bill

SENATE BILL

148

## For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR TRANSFERS TO VARIOUS  
9 STATE AGENCIES FOR THE DEPARTMENT OF FINANCE AND  
10 ADMINISTRATION - DISBURSING OFFICER FOR THE BIENNIAL  
11 PERIOD ENDING JUNE 30, 1997; AND FOR OTHER PURPOSES."

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## Subtitle

14 "AN ACT FOR THE DEPARTMENT OF FINANCE  
15 AND ADMINISTRATION - DISBURSING OFFICER  
16 APPROPRIATION FOR THE 1995-97 BIENNIUM."

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

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20 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the  
21 Department of Finance and Administration - Disbursing Officer, to be payable  
22 from the Miscellaneous State Treasury Funds, for the purpose of providing  
23 various state agencies with a method of disbursing proceeds received from  
24 refunds, for the biennial period ending June 30, 1997, the following:

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26	ITEM	FISCAL YEARS	
27	NO.	1995-96	1996-97
28	(01) REFUND TO EXPENDITURES	<u>\$ 3,000,000,000</u>	<u>\$ 3,000,000,000</u>

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30 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the  
31 Department of Finance and Administration - Disbursing Officer, to be payable  
32 from the Miscellaneous State Treasury Funds, for the purpose of providing  
33 various offices of the elected Constitutional Officers, including the Bureau  
34 of Legislative Research, the Division of Legislative Audit, and the Judicial  
35 Department with supplemental appropriations for payment of regular salaries

1 for the biennial period ending June 30, 1997, the following:

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3 ITEM	FISCAL YEARS	
4 NO.	1995-96	1996-97
5 (01) REGULAR SALARIES - ELECTED OFFICIALS	\$ 1,500,000	\$
6 <u>1,500,000</u>		

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8 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the

9 Department of Finance and Administration - Disbursing Officer, to be payable

10 from the Miscellaneous State Treasury Funds, for the purpose of providing

11 State agencies with supplemental appropriation for payment of overtime

12 compensation, personal services matching, and regular salaries for the

13 ~~biennial period ending June 30, 1997, the following:~~ \_\_\_\_\_

15 ITEM	FISCAL YEARS	
16 NO.	1995-96	1996-97
17 (01) OVERTIME COMPENSATION	\$ 5,000,000	\$
18 5,000,000		
19 (02) PERSONAL SERVICES MATCHING	4,000,000	
20 4,000,000		
21 (03) REGULAR SALARIES - STATE EMPLOYEES	<u>1,000,000</u>	
22 <u>1,000,000</u>		
23 TOTAL AMOUNT APPROPRIATED	<u>\$ 10,000,000</u>	\$
24 <u>10,000,000</u>		

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26 SECTION 4. TRANSFER PROCEDURES - MATCHING. In the event that there is

27 not sufficient appropriation, from funds deposited in the State Treasury,

28 provided for by the General Assembly for personal services matching for any

29 state agency for the biennial period ending June 30, 1997, said agency shall

30 request a transfer from appropriation provided by item (02) of Section 3

31 herein, from the Chief Fiscal Officer of the State, stating clearly the

32 amounts required for each item. Upon approval of the Chief Fiscal Officer of

33 the State, the State Auditor shall be notified as to the amount and the

34 purposes for which said appropriation is to be made and shall be established

35 upon the books of the Department of Finance and Administration and the State

1 Auditor. Provided further, if desired, that said appropriation shall be  
2 supplemental to those regularly appropriated for such purposes by the General  
3 Assembly for that agency. Provided, however, that in the event the amount of  
4 transfer requested exceeds One Thousand Dollars (\$1,000), the Chief Fiscal  
5 Officer of the State shall seek prior review by the Arkansas Legislative  
6 Council before said transfer shall be made.

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8       SECTION 5. TRANSFER OF APPROPRIATION - ELECTED OFFICERS. If it is  
9 determined by any office of an elected Constitutional Officer, including the  
10 Bureau of Legislative Research, Division of Legislative Audit or the Judicial  
11 Department, that there is not sufficient appropriation for Regular Salaries  
12 to pay the maximum salaries which have been set by the General Assembly for  
13 the employees of such Office, the Director of the Office shall notify the  
14 Chief Fiscal Officer of the fact and the amount of appropriation which has  
15 been determined to be required. Upon receipt of such notification, and after  
16 seeking prior review by the Legislative Council or Joint Budget Committee,  
17 the Chief Fiscal Officer of the State shall transfer on his books the amount  
18 of appropriation required from the appropriation provided in Section 2 hereof  
19 to the Fund or Fund Account from which the Office's employees are paid and  
20 shall notify the State Auditor to process such transfer upon his books of  
21 record.

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23       SECTION 6. TRANSFER PROCEDURES - REGULAR SALARIES. In the event that  
24 there is not sufficient appropriation provided for by the General Assembly  
25 for payment of Regular Salaries for any state agency for the biennial period  
26 ending June 30, 1997, said agency may request a transfer from appropriations  
27 provided by item (03) of Section 3 herein, from the Chief Fiscal Officer of  
28 the State, stating clearly the amount required. Upon approval of the Chief  
29 Fiscal Officer of the State, and after seeking prior review by the Arkansas  
30 Legislative Council, the State Auditor shall be notified as to the amount and  
31 the purposes for which said appropriation is to be made. The appropriation  
32 shall then be established upon the books of the Department of Finance and  
33 Administration and the State Auditor. Provided further, that if desired,  
34 said appropriation shall be supplemental to those regularly appropriated for  
35 such purposes by the General Assembly for the agency.

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SECTION 7. RESTRICTIONS. Nothing in this Act is to be construed as an authority to transfer a like amount of current general revenues to fund appropriations provided for in this Act.

SECTION 8. TRANSFER PROVISIONS. The Department of Finance and Administration shall transfer appropriation as provided in Section 1 hereof in such amounts as funds are deposited into the State Treasury or financial institutions for proceeds received from insurance policies for casualty losses, overpayment of obligations, overpayment of salaries, over-allocation of federal assistance, maturity or redemption of investments, and subrogation payments received for workers' compensation claims paid, for the benefit of various state agencies. Provided, however, that the Chief Fiscal Officer of the State is hereby authorized to promulgate such rules, regulations, procedures, and guidelines as he may deem necessary and proper in order to carry out the provisions of this act.

SECTION 9. TRANSFER PROCEDURES - OVERTIME. In the event that there is not sufficient appropriation provided for by the General Assembly for overtime compensation pursuant to Arkansas Code 19-4-1612 for any state agency for the biennial period ending June 30, 1997, said agency shall request a transfer from appropriations provided by item (01) of Section 3 herein, from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State, and after seeking prior review by the Arkansas Legislative Council, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. The appropriation shall be established upon the books of the Department of Finance and Administration and the State Auditor. Provided, further, that if desired, said appropriation shall be supplemental to those regularly appropriated for such purposes by the General Assembly for that agency.

SECTION 10. CLASSIFICATION AND USE OF APPROPRIATIONS. The appropriations authorized in Section 1 hereof which are transferred to the various agencies as authorized by Section 8 hereof are to be used for the

1 same purposes and shall be expended under the same provisions as cited in  
2 Arkansas Code 19-4-501 through 19-4-525, the same being the General  
3 Accounting and Budgetary Procedures Law of Arkansas, or its successor.

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5       SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
6 authorized by this Act shall be limited to the appropriation for such agency  
7 and funds made available by law for the support of such appropriations; and  
8 the restrictions of the State Purchasing Law, the General Accounting and  
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
10 Procedures and Restrictions Act, or their successors, and other fiscal  
11 control laws of this State, where applicable, and regulations promulgated by  
12 the Department of Finance and Administration, as authorized by law, shall be  
13 strictly complied with in disbursement of said funds.

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

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24       SECTION 13. CODE. All provisions of this Act of a general and  
25 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and  
26 the Arkansas Code Revision Commission shall incorporate the same in the Code.

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28       SECTION 14. SEVERABILITY. If any provision of this Act or the  
29 application thereof to any person or circumstance is held invalid, such  
30 invalidity shall not affect other provisions or applications of the Act which  
31 can be given effect without the invalid provision or application, and to this  
32 end the provisions of this Act are declared to be severable.

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34       SECTION 15. GENERAL REPEALER. All laws and parts of laws in conflict  
35 with this Act are hereby repealed.

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SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, 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 July 1, 1995.