

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1529

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 6-5-301 TO PROVIDE FOR
10 DISTRIBUTION OF FUNDS IN THE EDUCATIONAL EXCELLENCE
11 TRUST FUND; AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO PROVIDE THE MEANS TO
15 DISTRIBUTE FUNDS IN THE EDUCATIONAL
16 EXCELLENCE TRUST FUND."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code §6-5-301 is amended to read as follows:

22
23 "6-5-301. Creation - Funding.
24

25 (a) There is hereby established on the books of the Treasurer of
26 State, Auditor of State, and the Chief Fiscal Officer of the State a fund to
27 be known as the "Educational Excellence Trust Fund", ~~which shall consist of~~
28 ~~the following amounts: One hundred ninety-two million five hundred thousand~~
29 ~~dollars (\$192,500,000) for each of the fiscal years ending June 30, 1997, 1998~~
30 and 1999. For fiscal year 1999-2000, the fund shall consist of the amount Two
31 Hundred Nine Million Nine Hundred Thousand dollars (\$209,900,000) adjusted as
32 provided in §6-5-301(c)(1). For fiscal year 2000-2001, and thereafter, the
33 fund shall consist of the amount estimated for that fiscal year as provided in
34 §6-5-301(d) as adjusted as provided in §6-5-301(c)(2). ~~Provided however, that~~
35 ~~as soon as possible prior to the convening of the Eighty-Second General~~
36 ~~Assembly, the Chief Fiscal Officer of the State will conduct such studies as~~

1 ~~are necessary, in cooperation with the Legislative Joint Auditing Committee,~~
2 ~~to determine the amounts of revenue which would have been attributable to the~~
3 ~~fiscal years ending June 30, 1998 and 1999 from those additional revenues~~
4 ~~enacted by the Seventy-Eight [sic] General Assembly meeting in regular session~~
5 ~~and make the amount so determined available for each fiscal year of the~~
6 ~~succeeding biennium.~~

7 (b) The For purposes of this section, the term "revenue generated"
8 shall mean those additional tax revenues phrase "those additional revenues"
9 shall be limited to any increases enacted in those taxes classified as general
10 revenues in the Revenue Classification Law, § 19-6-201 enacted during the
11 Seventy-Eighth General Assembly meeting in regular session, limited to any
12 increases enacted in those taxes classified as "general revenues" in the
13 Revenue Classification Law, §19-6-201.

14 (c)(1) As soon as reasonably possible following the close of the fiscal
15 year ending June 30, 1999, the Chief Fiscal Officer of the State will conduct
16 such studies as are necessary, in cooperation with the Legislative Joint
17 Auditing Committee, to determine the amount of revenue generated attributable
18 to fiscal year 1998-1999. This amount will be compared to the amount of
19 \$192,500,000 distributed for fiscal year 1998-1999, resulting in a positive
20 difference if the revenue generated exceeded the amount distributed, or a
21 negative difference if the revenue generated was less than the amount
22 distributed. This difference will then be applied, positively or negatively,
23 to increase or reduce the amount of \$209,900,000 estimated for fiscal year
24 1999-2000.

25 (c)(2) As soon as reasonably possible following the close of the fiscal
26 year ending June 30, 2000, and each fiscal year thereafter, the Chief Fiscal
27 Officer of the State will conduct such studies as are necessary, in
28 cooperation with the Legislative Joint Auditing Committee, to determine the
29 amount of revenue generated attributable to the fiscal year just ended. This
30 amount will be compared to the amount distributed for the fiscal year just
31 ended, resulting in a positive difference if the revenue generated exceeds the
32 amount distributed, or a negative difference if the revenue generated is less
33 than the amount distributed. This difference will then be applied, positively
34 or negatively, to increase or reduce the amount estimated for the current
35 fiscal year.

36 (c)(3) For purposes of this section the term "adjusted estimate" shall

1 refer to the amount calculated as provided in 6-5-301(c)(1) or 6-5-301(c)(2),
 2 as applicable to the appropriate fiscal year.

3 (d) Prior to the convening of the Eighty-Third General Assembly, and prior
 4 to the convening of each General Assembly thereafter, the Chief Fiscal Officer
 5 of the State will conduct such studies as are necessary, in cooperation with
 6 the Legislative Joint Auditing Committee, to estimate the amounts that will be
 7 available from revenue generated for each of the two years of the next
 8 legislative biennium to distribute to the Educational Excellence Trust Fund.

9 (e)(1) On the last day of each month of fiscal year 1999-2000 prior to
 10 calculating the adjusted estimate, the Chief Fiscal Officer of the State shall
 11 certify to the State Treasurer \$17,491,667 for fiscal year 1999-2000. On the
 12 last day of each month following the calculation of the adjusted estimate, the
 13 Chief Fiscal Officer of the State shall certify to the State Treasurer an
 14 amount equal to the adjusted estimate less the amount previously distributed
 15 by the State Treasurer under the provisions of this section for fiscal year
 16 1999-2000 divided by the number of months remaining in fiscal year 1999-2000.

17 (e)(2) On the last day of each month of each fiscal year, 2000-2001 and
 18 thereafter, prior to calculating the adjusted estimate, the Chief Fiscal
 19 Officer of the State shall certify to the State Treasurer an amount equal to
 20 one-twelfth (1/12) of the estimate made for that fiscal year as provided in §
 21 6-5-301(d). On the last day of each month following the calculation of the
 22 adjusted estimate, the Chief Fiscal Officer of the State shall certify to the
 23 State Treasurer an amount equal to the adjusted estimate less the amount
 24 previously distributed by the State Treasurer for the current fiscal year
 25 under the provisions of this section divided by the number of months remaining
 26 in the current fiscal year.

27 ~~(b)(f)~~ On the last day of each month, the Treasurer of State, after making
 28 the deductions required from the net general revenues as set out in § 19-5-
 29 202(b)(2)(B)(i), shall also deduct from said net revenues ~~such amounts as are~~
 30 the amount certified to the State Treasurer by the Chief Fiscal Officer of the
 31 State ~~as having accrued from those additional revenues as provided in 6-5-~~
 32 301(e)(1) or (e)(2), as applicable to the current fiscal year, and shall
 33 transfer ~~them~~ the same to the Educational Excellence Trust Fund."

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 35 SECTION 2. EMERGENCY CLAUSE. It is hereby found and determined by the
 36 Eighty-second General Assembly that change in fiscal laws must take effect at

1 the beginning of the state's fiscal year. Therefore, an emergency is declared
2 to exist and this act being immediately necessary for the preservation of the
3 public peace, health and safety shall become effective on July 1, 1999.

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