

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1646

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR MAINTAINING AND
10 OPERATING A CONTINUING EDUCATION PROGRAM FOR THE
11 COUNTY AND CIRCUIT CLERKS, COUNTY TREASURERS, AND
12 COUNTY COLLECTORS FOR THE BIENNIAL PERIOD ENDING JUNE
13 30, 2003; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE AUDITOR OF STATE - FOR
17 CONTINUING EDUCATION OF LOCAL OFFICIALS
18 APPROPRIATION FOR THE 2001-2003
19 BIENNIAL PERIOD.
20
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. APPROPRIATION - CONTINUING EDUCATION - COUNTY AND CIRCUIT
26 CLERKS. There is hereby appropriated, to the Auditor of State, to be payable
27 from the County and Circuit Clerks Continuing Education Fund, for the County
28 and Circuit Clerks' Continuing Education Board in carrying out the
29 responsibilities for maintaining and operating a continuing education program
30 and certification program for county and circuit clerks by the County and
31 Circuit Clerks' Continuing Education Board for the biennial period ending June
32 30, 2003, the following:
33

ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) MAINTENANCE AND OPERATION OF CONTINUING		

EDUCATION AND CERTIFICATION PROGRAMS \$ 95,000 \$ 95,000

SECTION 2. APPROPRIATION - CONTINUING EDUCATION - COUNTY TREASURERS. There is hereby appropriated, to the Auditor of State, to be payable from the County Treasurer's Continuing Education Fund, for the County Treasurers' Continuing Education Board in carrying out their responsibilities for maintaining and operating a continuing education program for county treasurers by the County Treasurers' Continuing Education Board for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINTENANCE AND OPERATION OF A CONTINUING EDUCATION PROGRAM	\$ <u>61,250</u>	\$ <u>61,250</u>

SECTION 3. APPROPRIATION - CONTINUING EDUCATION - COUNTY COLLECTORS. There is hereby appropriated, to the Auditor of State, to be payable from the County Collector's Continuing Education Trust Fund, for the County Collectors' Continuing Education Board in carrying out their responsibilities for maintaining and operating a continuing education program and certification program for county collectors by the County Collectors' Continuing Education Board for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINTENANCE AND OPERATION OF CONTINUING EDUCATION AND CERTIFICATION PROGRAMS	\$ <u>61,250</u>	\$ <u>61,250</u>

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY TREASURERS. Arkansas Code 14-15-811(c) is amended to read as follows: "(c) There is created on the books of the State Treasurer, State Auditor, and the Chief Fiscal Officer of the State, the County Treasurer's Continuing Education Fund. The quorum court of each county shall annually appropriate and pay into the County Treasurer's Continuing Education Fund in the State Treasury the sum of four hundred fifty dollars (\$450.00) from fees of the

1 office of county treasurer. If any quorum court shall fail or refuse to
2 appropriate and pay over the funds to the County Treasurer's Continuing
3 Education Fund in the State Treasury, the State Treasurer shall withhold funds
4 from the county aid due to the county and shall credit the funds to the County
5 Treasurer's Continuing Education Fund."

6 The provisions of this section shall be in effect only from July 1, 2001
7 through June 30, 2003.

8
9 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
10 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
11 COLLECTORS. Arkansas Code 14-15-1001(c)(1) is amended to read as follows:

12
13 "(c)(1) There is created on the books of the State Treasurer, Auditor of
14 State, and the Chief Fiscal Officer of the State, the County Collector's
15 Continuing Education Trust Fund. The quorum court of each county shall
16 annually appropriate and pay into the County Collector's Continuing Education
17 Trust Fund in the State Treasury the sum of four hundred fifty dollars
18 (\$450.00) from fees of the office of county collector. If any quorum court
19 shall fail or refuse to appropriate and pay over the funds to the County
20 Collector's Continuing Education Trust Fund in the State Treasury, the State
21 Treasurer shall withhold funds from the county aid due to the county and shall
22 credit the funds to the County Collector's Continuing Education Trust Fund."

23 The provisions of this section shall be in effect only from July 1, 2001
24 through June 30, 2003.

25
26 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
27 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REAL ESTATE
28 TRANSFER TAX. Arkansas Code 26-60-112(b)(1) is hereby amended to read as
29 follows:

30 "(1) Ten percent (10%) of the remainder shall be distributed as special
31 revenues, as follows:

32 (A) The first sixty thousand dollars (\$60,000) thereof during each
33 fiscal year shall be credited to the County and Circuit Clerks Continuing
34 Education Fund, which is established in the State Treasury, to be used for
35 defraying the expenses of training seminars and other educational projects
36 benefiting county and circuit clerks in this state, as provided by

1 appropriations enacted by the General Assembly; and

2 (B) The remainder of the ten percent (10%) thereof available for
3 distribution during each fiscal year shall be credited as special revenues to
4 the County Aid Fund, to be distributed in the manner provided by law to the
5 circuit clerk in the county in which the property upon which the tax is paid
6 is situated, to be paid over by the circuit clerk to the county general fund;
7 " The provisions of this section shall be in effect only from July 1, 2001
8 through June 30, 2003.

9
10 SECTION 7. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
11 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
12 appropriations as provided in this Act, the agency disbursing officer shall
13 monitor the level of fund balances in relation to expenditures on a monthly
14 basis. If any proposed expenditures would cause a fund balance to decline to
15 less than fifty percent (50%) of the balance available on July 1, 2001, the
16 disbursing officer shall immediately notify the executive head of the agency.
17 Prior to any obligations being made under these circumstances, the agency
18 head shall file written documentation with the Chief Fiscal Officer of the
19 State requesting approval of the expenditures. Such documentation shall
20 provide sufficient financial data to justify the expenditures and shall
21 include the following:

- 22 1) a plan that clearly indicates the specific fiscal impact of such
23 expenditures on the fund balance.
- 24 2) information clearly indicating and explaining what programs would be cut or
25 any other measures to be taken by the agency to restore the fund balance.
- 26 3) the extent to which any of the planned expenditures are for one-time costs
27 or one-time purchase of capitalized items.
- 28 4) a statement certifying that the expenditure of fund balances will not
29 jeopardize the financial health of the agency, nor result in a permanent
30 depletion of the fund balance.

31 (B) The Chief Fiscal Officer of the State shall review the request and
32 approve or disapprove all or any part of the request , after having sought
33 prior review by the Legislative Council.

34
35 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by
36 this act shall be limited to the appropriation for such agency and funds made

1 available by law for the support of such appropriations; and the restrictions
2 of the State Purchasing Law, the General Accounting and Budgetary Procedures
3 Law, the Revenue Stabilization Law, the Regular Salary Procedures and
4 Restrictions Act, or their successors, and other fiscal control laws of this
5 State, where applicable, and regulations promulgated by the Department of
6 Finance and Administration, as authorized by law, shall be strictly complied
7 with in disbursement of said funds.

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

17
18 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a two (2) year period; that the
21 effectiveness of this Act on July 1, 2001 is essential to the operation of the
22 agency for which the appropriations in this Act are provided, and that in the
23 event of an extension of the Regular Session, the delay in the effective date
24 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
25 administration and provision of essential governmental programs. Therefore, an
26 emergency is hereby declared to exist and this Act being necessary for the
27 immediate preservation of the public peace, health and safety shall be in full
28 force and effect from and after July 1, 2001.