

**Stricken language would be deleted from and underlined language would be added to the Arkansas  
Constitution.**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

HJR 1009

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5 By: Representative Rosenbaum  
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**HOUSE JOINT RESOLUTION**

9 TO PROPOSE AN AMENDMENT TO THE ARKANSAS  
10 CONSTITUTION TO CREATE THE BUDGET RESERVE TRUST  
11 FUND; TO PROVIDE INITIAL FUNDING OF THE BUDGET  
12 RESERVE FUND BY TRANSFERRING ALL MONEYS IN THE  
13 ARKANSAS RAINY DAY FUND TO THE BUDGET RESERVE  
14 TRUST FUND ON JANUARY 1, 2009; TO PROVIDE  
15 SUBSEQUENT FUNDING TO THE BUDGET RESERVE TRUST  
16 FUND BY TRANSFERRING A PERCENTAGE OF SURPLUS  
17 REVENUE UNTIL THE BUDGET RESERVE TRUST FUND  
18 REACHES A BALANCE OF TWO HUNDRED FIFTY MILLION  
19 DOLLARS (\$250,000,000); TO LIMIT DISBURSEMENTS  
20 FROM THE BUDGET RESERVE TRUST FUND BY REQUIRING  
21 THREE-FOURTHS OF THE MEMBERS ELECTED TO EACH  
22 HOUSE OF THE GENERAL ASSEMBLY TO APPROVE THE  
23 TRANSFER, APPROPRIATION, OR WITHDRAWAL OF FUNDS.  
24

**Subtitle**

25  
26 PROPOSING AN AMENDMENT TO THE ARKANSAS  
27 CONSTITUTION TO CREATE THE BUDGET  
28 RESERVE TRUST FUND.  
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31 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL  
32 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
33 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
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35 That the following is proposed as an amendment to the Constitution of  
36 the State of Arkansas, and upon being submitted to the electors of the state



1 for approval or rejection at the next general election for Representatives  
2 and Senators, if a majority of the electors voting thereon at the election,  
3 adopt the amendment, the amendment shall become a part of the Constitution of  
4 the State of Arkansas, to wit:

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6 SECTION 1. Creation of the Budget Reserve Trust Fund.

7 (a) There is created on the books of the Treasurer of State, the  
8 Auditor of State, and the Chief Fiscal Officer of the State a constitutional  
9 trust fund to be known as the "Budget Reserve Trust Fund".

10 (b) Income or interest of the fund shall be retained in the fund.  
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12 SECTION 2. Purpose of the Budget Reserve Trust Fund.

13 The purpose of the Budget Reserve Trust Fund is to provide a source of  
14 funding in times when the budgetary needs of the state for the provision of  
15 essential state services exceed the revenue available because of an economic  
16 downturn.  
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18 SECTION 3. Initial funding of the Budget Reserve Trust Fund.

19 Following the adoption of this amendment, on January 1, 2009, the  
20 Treasurer of State shall transfer all moneys in the Arkansas Rainy Day Fund  
21 to the Budget Reserve Trust Fund.  
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23 SECTION 4. Subsequent funding of the Budget Reserve Trust Fund.

24 (a) As used in this section, "surplus general revenue" means the  
25 amount of unobligated funds in the General Revenue Fund Account of the State  
26 Apportionment Fund or a subsequent fund that is used for the distribution of  
27 the state general revenue for each biennium.

28 (b) Beginning on January 1, 2011, on the first day of each odd-  
29 numbered calendar year, the Treasurer of State shall transfer ten percent  
30 (10%) of any surplus general revenue to the Budget Reserve Trust Fund based  
31 on the determination made by the Chief Fiscal Officer of the State under  
32 subsection (c) of this section and subject to subsection (d) of this section.

33 (c) Ten (10) days before the first day of each odd-numbered calendar  
34 year, the Chief Fiscal Officer of the State shall provide the Treasurer of  
35 State with an official forecast of general revenues that includes a  
36 determination of the amount of surplus general revenue that is available on

1 the first day of the next month.

2 (d)(1) If at the time that the Chief Fiscal Officer of the State makes  
3 his or her determination under subsection (c) of this section, the Budget  
4 Reserve Trust Fund has a balance of two hundred fifty million dollars  
5 (\$250,000,000) or more, then the Treasurer of State shall not transfer any  
6 funds to the Budget Reserve Trust Fund on the first day of the next month.

7 (2) If the Chief Fiscal Officer of the State determines under  
8 subsection (c) of this section that no surplus general revenue exists or that  
9 the surplus general revenue is less than ten percent (10%), the Treasurer of  
10 State shall not transfer any funds to the Budget Reserve Trust Fund on the  
11 first day of the next month.

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13 SECTION 5. Transfer, appropriation, or withdrawal funds.

14 No moneys shall be transferred, appropriated, or otherwise withdrawn  
15 from the Budget Reserve Trust Fund unless the votes of three-fourths (3/4) of  
16 the members elected to each House of the General Assembly approves the  
17 transfer, appropriation, or withdrawal.

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