

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 188

5 By: Senator D. Johnson
6 By: Representatives Vines, Williams
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 19 OF
10 THE ARKANSAS CODE CONCERNING PUBLIC FINANCE; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 19
16 OF THE ARKANSAS CODE CONCERNING PUBLIC
17 FINANCE.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 19-5-303(o), concerning the Garland County
23 Community College Fund, is repealed because the college the fund was created
24 to support was merged with another educational institution to become National
25 Park Community College, which is funded by the National Park Community
26 College Fund.

27 ~~(o)(1) Garland County Community College Fund. There is established~~
28 ~~on the books of the Treasurer of State, the Auditor of State, and the Chief~~
29 ~~Fiscal Officer of the State a fund to be known as the "Garland County~~
30 ~~Community College Fund".~~

31 ~~(2) The Garland County Community College Fund shall be used for~~
32 ~~the maintenance, operation, and improvement of Garland County Community~~
33 ~~College.~~

34 ~~(3) The Garland County Community College Fund shall consist of:~~
35 ~~(A) Those general revenues as may be provided by law; and~~
36 ~~(B) Any other funds made available for the support of~~



1 ~~Garland County Community College which are required to be deposited into the~~
 2 ~~State Treasury by law.~~

3
 4 SECTION 2. Arkansas Code § 19-5-1227(c) and (d), concerning the
 5 Educational Adequacy Fund, are amended to read as follows to reflect
 6 amendments made to the fund by Acts 2003 (2nd Ex. Sess.), No. 107:

7 ~~(c)(1) The Chief Fiscal Officer of the State will determine, from time~~
 8 ~~to time, the amount of funds required from the Educational Adequacy Fund~~
 9 ~~which, when added to other resources available to the Department of Education~~
 10 ~~Public School Fund Account of the Public School Fund and the Department of~~
 11 ~~Education Fund Account of the Education Fund, is needed to fulfill the~~
 12 ~~financial obligation of the state to provide an adequate educational system~~
 13 ~~as authorized by law and shall certify the amounts to the Treasurer of State.~~

14 ~~(2) At the end of each month, the Treasurer of State shall~~
 15 ~~transfer all moneys available from the Educational Adequacy Fund to the~~
 16 ~~Department of Education Public School Fund Account of the Public School Fund~~
 17 ~~and to the Department of Education Fund Account of the Education Fund until~~
 18 ~~the sum of all transfers from the Educational Adequacy Fund equal the amounts~~
 19 ~~determined in subdivision (c)(1) of this section, there to be used as~~
 20 ~~determined by law~~ On the last day of the month, the Treasurer of State shall
 21 transfer amounts available in the Educational Adequacy Fund to the Department
 22 of Education Public School Fund Account to be used for the purposes provided
 23 by law. The Treasurer of State shall make the transfer after making the
 24 deductions required from the net special revenues as stated in § 19-5-
 25 203(b)(2)(A).

26 ~~(d)(1) In the event the Chief Fiscal Officer of the State determines~~
 27 ~~that the transfers from the Educational Adequacy Fund, when added to the~~
 28 ~~other resources available to the Department of Education Public School Fund~~
 29 ~~Account of the Public School Fund, are not sufficient to meet the state's~~
 30 ~~financial obligation to provide an adequate educational system as authorized~~
 31 ~~by law, the additional amount required shall be transferred from the other~~
 32 ~~funds and fund accounts, except the Educational Facilities Partnership Fund~~
 33 ~~Account, within §§ 19-5-402(a) and 19-5-404(a) [repealed] based upon the~~
 34 ~~proportion that each of the remaining fund and fund accounts, excluding the~~
 35 ~~Educational Facilities Partnership Fund Account, bears to the total of the~~
 36 ~~remaining funds and fund accounts in §§ 19-5-402(a) and 19-5-404(a)~~

1 ~~{repealed}~~ Additionally, for each of the state's fiscal years beginning July
 2 1, 2004, the Chief Fiscal Officer of the State shall determine as an annual
 3 allocation amount for the Educational Adequacy Fund an amount equivalent to
 4 the revenues generated by § 26-52-316 which shall be equal to total net
 5 general revenues as enumerated in § 19-6-201(1) and (2), which were collected
 6 in the immediate past year, multiplied by a factor of 0.0125.

7 (2) On the last day of each month of the fiscal year, the
 8 Chief Fiscal Officer of the State shall certify to the Treasurer of State an
 9 amount equal to one-twelfth (1/12) of the annual allocation amount determined
 10 in subdivision (d)(1) of this section for transfer to the Educational
 11 Adequacy Fund.

12 (3) The Treasurer of State shall make the transfer of the
 13 amount certified in subdivision (d)(2) of this section from general revenues
 14 after making the deductions required from the net general revenues under §
 15 19-5-202(b)(2)(B)(i).

16
 17 SECTION 3. Arkansas Code § 19-10-212 is amended to read as follows to
 18 conform the dollar amount in the section to the dollar amount set out in
 19 uncodified sections of acts passed by the General Assembly pertaining to the
 20 same subject and to clarify the wording:

21 19-10-212. Reports of state agency liability.

22 ~~(a) It is the intent of the General Assembly that when any state~~
 23 ~~agency, board, commission, or institution of higher education admits~~
 24 ~~liability to a claim filed with the Arkansas State Claims Commission and the~~
 25 ~~claim involves a contract with a state agency, board, commission, or~~
 26 ~~institution of higher education or the claim exceeds ten thousand dollars~~
 27 ~~(\$10,000), that the agency, board, commission, or institution of higher~~
 28 ~~education file a written report of the claim to the Litigation Reports~~
 29 ~~Oversight Subcommittee of the Legislative Council.~~

30 ~~(b)(1) The report shall include a concise statement of facts with an~~
 31 ~~explanation of the agency's liability.~~

32 ~~(2) Further, the report shall be filed with the subcommittee~~
 33 ~~within thirty (30) days after the claim has been adjudicated by the Arkansas~~
 34 ~~State Claims Commission.~~

35 (a)(1) As used in this section, "state agency" means a department,
 36 office, board, commission, or institution of this state, including a state-

1 supported institution of higher education.

2 (2) When a state agency admits liability to a claim filed with
3 the Arkansas State Claims Commission, the state agency shall file a written
4 report of the claim with the Litigation Reports Oversight Subcommittee of the
5 Legislative Council if the claim:

6 (A) Involves a contract with the state agency; or

7 (B) Exceeds twelve thousand five hundred dollars
8 (\$12,500).

9 (3) The state agency shall include in its report a concise
10 statement of facts with an explanation of the state agency's liability.

11 (4) The state agency shall file its report within thirty (30)
12 days after the claim has been adjudicated by the Arkansas State Claims
13 Commission.

14 (b) The Arkansas Lottery Commission shall file its report under
15 subsection (a) of this section with the Arkansas Lottery Commission
16 Legislative Oversight Committee.

17
18 SECTION 4. DO NOT CODIFY. The enactment and adoption of this act
19 shall not repeal, expressly or impliedly, the acts passed at the regular
20 session of the Eighty-Ninth General Assembly. All such acts shall have the
21 full force and effect and, so far as those acts intentionally vary from or
22 conflict with any provision contained in this act, those acts shall have the
23 effect of subsequent acts and as amending or repealing the appropriate parts
24 of the Arkansas Code of 1987.