

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1548

5 By: Representative Jean
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE REVENUE STABILIZATION LAW; TO
9 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE REVENUE STABILIZATION LAW;
12 AND TO DECLARE AN EMERGENCY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. DO NOT CODIFY. The purpose of this act is to amend the
20 Revenue Stabilization Law.
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22 SECTION 2. Arkansas Code § 19-5-302(9)(C), concerning revenues for the
23 Miscellaneous Agencies Fund Account, is amended to read as follows:

24 (C) If there are not sufficient funds available in the
25 Miscellaneous Agencies Fund Account to support the amounts appropriated from
26 the Miscellaneous Agencies Fund Account, the Chief Fiscal Officer of the
27 State shall determine the amount of moneys to be made available for each of
28 the appropriations made from the Miscellaneous Agencies Fund Account, after
29 having first provided full funding for all national and regional association
30 dues ~~and ensured that the appropriations made for the Arkansas State Highway~~
31 ~~and Transportation Department for road and bridge repair and maintenance are~~
32 ~~funded pursuant to the maximum funding allocation provided by law;~~
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34 SECTION 3. Arkansas Code § 19-5-302(13), concerning the Higher
35 Education Salary Distribution Fund Account, is repealed.

36 ~~(13) Higher Education Salary Distribution Fund Account.~~



~~(A) The Higher Education Salary Distribution Fund Account shall be used for the distribution of salary and cost of living adjustments to the various institutions of higher education.~~

~~(B) The Higher Education Salary Distribution Fund Account shall consist of those general revenues and any other funds as may be provided by law;~~

SECTION 4. Arkansas Code § 19-5-303(z), concerning the Two-year College Model Formula Fund, is repealed.

~~(z) Two-year College Model Formula Fund.~~

~~(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Two-Year College Model Formula Fund".~~

~~(2) The Two-Year College Model Formula Fund shall be used for the distribution of funds to the various two-year colleges by the Department of Higher Education as may be authorized by law.~~

~~(3) The Two-Year College Model Formula Fund shall consist of:~~

~~(A) Those general revenues as may be provided by law; and~~

~~(B) Any other funds made available by the General Assembly.~~

SECTION 5. Arkansas Code § 19-5-902 is repealed.

~~19-5-902. Income Tax Protest Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Income Tax Protest Fund".~~

~~(b) The Income Tax Protest Fund shall consist of such moneys paid into the State Treasury by individuals and corporations for income tax liabilities that are paid under protest.~~

~~(c)(1) Upon certification as to the validity of such tax liability, either in whole or in part, by the court or the Chief Fiscal Officer of the State, the Treasurer of State shall transfer that part judged to be due the state to the General Revenue Fund Account of the State Apportionment Fund, there to be distributed as provided for general revenues.~~

~~(2) The Treasurer of State shall transfer that part of the protested tax liability as certified thereof as not being due the state to the appropriate income tax withholding fund, as established in §§ 19-5-903 and~~

~~19-5-904, there to be refunded to the taxpayer.~~

SECTION 6. Arkansas Code § 19-5-920 is repealed.

~~19-5-920. Social Security Contribution Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Social Security Contribution Fund".~~

~~(b) The fund shall consist of trust fund income provided by law.~~

~~(c) The fund shall be used for the purpose of complying with the old age, survivors, disability, and hospital insurance provisions of the federal Social Security Act and for such other purposes as may be authorized by law.~~

SECTION 7. Arkansas Code § 19-5-937 is repealed.

~~19-5-937. Fraud Prevention Fund.~~

~~There is established the Fraud Prevention Fund to be established from the state's share of moneys recovered by the Fraud Prevention Unit of the Department of Human Services, and from federal reimbursement for fraud prevention activities.~~

SECTION 8. Arkansas Code § 19-5-938 is repealed.

~~19-5-938. Vocational Technical Education Contingency Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Vocational Technical Education Contingency Fund".~~

~~(b) The Vocational Technical Education Contingency Fund shall be used for transfer to the Vocational Technical Schools Fund [now the Department of Career Education Fund Account] from funds.~~

SECTION 9. Arkansas Code § 19-5-943 is repealed.

~~19-5-943. Department of Arkansas Heritage Endowment Trust Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Department of Arkansas Heritage Endowment Trust Fund".~~

~~(b) The fund shall consist of gifts, grants, memorials, and bequests, there to be used to provide support for the programs of the Department of Arkansas Heritage.~~

1
2 SECTION 10. Arkansas Code § 19-5-997 is repealed.

3 ~~19-5-997. Center for Rural Arkansas Trust Fund.~~

4 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
5 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
6 ~~"Center for Rural Arkansas Trust Fund".~~

7 ~~(b) The fund shall consist of those funds that may be received from private,~~
8 ~~foundation, and corporate sources and funds provided by the General Assembly~~
9 ~~to be used to finance the Center for Rural Arkansas. The Rural Services~~
10 ~~Division of the Arkansas Economic Development Commission shall only transfer~~
11 ~~the interest earnings from the fund annually to finance the appropriations~~
12 ~~made for its matching grant programs with the principal amount to remain in~~
13 ~~the fund.~~

14
15 SECTION 11. Arkansas Code § 19-5-1017 is repealed.

16 ~~19-5-1017. Property Reappraisal Revolving Fund.~~

17 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
18 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
19 ~~"Property Reappraisal Revolving Fund".~~

20 ~~(b) The Property Reappraisal Revolving Fund shall consist of funds~~
21 ~~transferred to it from the Special Needs Fund and such other funds authorized~~
22 ~~by law.~~

23
24 SECTION 12. Arkansas Code § 19-5-1022 is repealed.

25 ~~19-5-1022. Helena Harbor Port Project Fund.~~

26 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
27 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
28 ~~"Helena Harbor Port Project Fund".~~

29 ~~(b) The fund shall consist of such moneys as may be provided by the General~~
30 ~~Assembly to be used by the Arkansas Waterways Commission in making available~~
31 ~~state funds that may be required by the United States Congress in connection~~
32 ~~with the Helena Harbor Port Project, in the event the United States Congress~~
33 ~~shall authorize the project and shall provide funds to the United States Army~~
34 ~~Corps of Engineers therefor, conditioned upon the State of Arkansas providing~~
35 ~~financial assistance in connection with defraying a portion of the cost of~~
36 ~~the project.~~

1
2 SECTION 13. Arkansas Code § 19-5-1026 is repealed.

3 ~~19-5-1026. Arkansas Adult Probation Commission Fund.~~

4 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
5 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
6 ~~"Arkansas Adult Probation Commission Fund".~~

7 ~~(b) The fund shall consist of gifts, grants, and such general revenues as~~
8 ~~may be made available by the General Assembly, there to be used for the~~
9 ~~maintenance, operation, and improvement of the Board of Corrections.~~

10
11 SECTION 14. Arkansas Code § 19-5-1032 is repealed.

12 ~~19-5-1032. Future Operations Reserve Fund.~~

13 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
14 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
15 ~~"Future Operations Reserve Fund".~~

16 ~~(b) The Future Operations Reserve Fund shall consist of such general~~
17 ~~revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et~~
18 ~~seq., and such other funds provided by law.~~

19 ~~(c) The Chief Fiscal Officer of the State shall transfer the balance of~~
20 ~~funds in the Future Operations Reserve Fund at the end of each month to the~~
21 ~~General Improvement Fund, there to be used as provided by law.~~

22
23 SECTION 15. Arkansas Code § 19-5-1050 is repealed.

24 ~~19-5-1050. Child Welfare Compliance and Oversight Fund.~~

25 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
26 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
27 ~~"Child Welfare Compliance and Oversight Fund".~~

28 ~~(b) The fund shall consist of those funds as provided in Acts 1992 (1st Ex.~~
29 ~~Sess.), No. 23, and any other provided by law, there to be used by the Child~~
30 ~~Welfare Compliance and Oversight Committee [abolished] to assure compliance~~
31 ~~with child welfare restructuring provisions.~~

32
33 SECTION 16. Arkansas Code § 19-5-1070 is repealed.

34 ~~19-5-1070. Arkansas Agricultural Marketing Grants Fund.~~

35 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
36 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~

~~"Arkansas Agricultural Marketing Grants Fund".~~

~~(b) The fund shall consist of such moneys as may be provided by law, there to be used exclusively for making payments of grants to eligible Arkansas wineries with respect to the purchase of grapes, fruits, berries, or vegetables produced in this state and purchased for use in this state for the production of wine.~~

SECTION 17. Arkansas Code § 19-5-1073 is repealed.

~~19-5-1073. Higher Education Classified Employee Salary Adjustment Fund.~~

~~(a) The "Higher Education Classified Employee Salary Adjustment Fund" is created upon the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.~~

~~(b) The Higher Education Classified Employee Salary Adjustment Fund shall consist of moneys transferred from the Merit Adjustment Fund, there to be used to provide the general revenue share of salary increases and resulting fringe benefit costs for classified employees of institutions of higher education and in such amounts as transferred to the various institutions of higher education general revenue funds.~~

SECTION 18. Arkansas Code § 19-5-1101 is repealed.

~~19-5-1101. Post-Secondary Education Holding Trust Fund.~~

~~There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State the "Post-Secondary Education Holding Trust Fund" which shall consist of those funds set aside from the various technical institutes and comprehensive lifelong learning centers awaiting the conclusions of the study required by the Task Force on Non-Baccalaureate Post-Secondary Education Act, Acts 1999, No. 1160 [expired].~~

SECTION 19. Arkansas Code § 19-5-1201 is repealed.

~~19-5-1201. Institutional and Community Development Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Institutional and Community Development Fund".~~

~~(b)(1) The fund shall consist of moneys provided by the General Assembly.~~

~~(2) The fund shall be disbursed by the disbursing officer of the~~

1 ~~Department of Finance and Administration as determined by the Commission on~~
2 ~~Institutional and Community Development.~~

3
4 SECTION 20. Arkansas Code § 19-5-1204 is repealed.

5 ~~19-5-1204. Balanced Budget Reserve Fund.~~

6 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
7 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
8 ~~"Balanced Budget Reserve Fund".~~

9 ~~(b)(1) The fund shall consist of those funds provided by the General~~
10 ~~Assembly.~~

11 ~~(2) The fund shall be used for making distribution of additional funds~~
12 ~~to general revenues as set out by law.~~

13
14 SECTION 21. Arkansas Code § 19-5-1208 is repealed.

15 ~~19-5-1208. Arkansas Research Matching Fund.~~

16 ~~(a) There is created the Arkansas Research Matching Fund.~~

17 ~~(b) The Arkansas Research Matching Fund shall be administered by the~~
18 ~~Executive Director of the Arkansas Economic Development Commission and shall~~
19 ~~be for the benefit of colleges and universities located within the State of~~
20 ~~Arkansas.~~

21 ~~(c)(1) In order to qualify for the research moneys to be made available~~
22 ~~through the Arkansas Research Matching Fund, a school must be a two-year or~~
23 ~~four-year accredited institution of post-secondary education.~~

24 ~~(2) Consortia of eligible institutions are eligible and encouraged~~
25 ~~to apply for these funds.~~

26 ~~(d) The Arkansas Research Matching Fund shall be focused on basic and~~
27 ~~strategic research.~~

28 ~~(e) The Arkansas Research Matching Fund shall consist of those moneys~~
29 ~~transferred from the General Improvement Fund and any other funds made~~
30 ~~available by the General Assembly.~~

31
32 SECTION 22. Arkansas Code § 19-5-1226 is repealed.

33 ~~19-5-1226. Federal Fiscal Relief Fund.~~

34 ~~(a) There is established on the books of the Treasurer of State, the Auditor~~
35 ~~of State, and the Chief Fiscal Officer of the State a fund to be known as the~~
36 ~~"Federal Fiscal Relief Fund".~~

~~(b)(1)(A) The Federal Fiscal Relief Fund shall consist of those moneys remaining in the State Treasury received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Pub. L. No. 108-27, which have not been transferred to other funds prior to February 3, 2004.~~

~~(B) The Chief Fiscal Officer of the State and the Treasurer of State shall transfer those moneys as set out in subdivision (b)(1)(A) of this section from the funds in which they reside to the Federal Fiscal Relief Fund.~~

~~(2) The Chief Fiscal Officer of the State shall, from time to time, determine any balances of the moneys transferred from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Pub. L. No. 108-27, to other funds due to enactments of the Eighty-Fourth General Assembly meeting in Second Extraordinary Session that are no longer required to fulfill the purpose for which the funds were transferred and shall transfer those balances to the Federal Fiscal Relief Fund.~~

~~(3)(A) An amount not to exceed twenty-five million dollars (\$25,000,000) in the Federal Fiscal Relief Fund may be used to supplement general revenues if required to meet the current forecast of general revenues which is in effect on February 3, 2004.~~

~~(B) The Chief Fiscal Officer of the State may transfer the amount required to supplement general revenues from the Federal Fiscal Relief Fund to the General Revenue Fund Account of the State Apportionment Fund after review by the Legislative Council or the Joint Budget Committee.~~

~~(C) Any remaining moneys in the Federal Fiscal Relief Fund shall be used for those purposes as may be authorized by the General Assembly.~~

~~(e) Any enactment of the Eighty-Fourth General Assembly meeting in Second Extraordinary Session that requires a transfer of moneys received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Pub. L. No. 108-27, shall be deemed to be from the Federal Fiscal Relief Fund.~~

SECTION 23. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, and that if the current legislative session is extended such that the ninety-day period is later than July 1, 2017, the changes required by this act will not be timely. Therefore, an emergency is declared to exist, and this act being

necessary for the preservation of the public peace, health, and safety shall
become effective on July 1, 2017.