

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas

2 *As Engrossed: H2/6/19 H2/27/19 S3/20/19*

3 92nd General Assembly

A Bill

4 Regular Session, 2019

HOUSE BILL 1341

5

6 By: Representatives Cavanaugh, Bentley, Bragg, Payton, *Brown, Christiansen, Della Rosa, Gates, M.*

7 *Gray, Ladyman, Lundstrum, Lynch, McCollum, Penzo, Petty, Rushing, S. Smith, Speaks, Vaught*

8 By: Senator B. Ballinger

9

10 For An Act To Be Entitled

11 AN ACT CONCERNING STATE ACCOUNTING AND BUDGETARY
12 *PROCEDURES; TO CREATE THE GOVERNMENT FINANCIAL*
13 *DISCLOSURE AND ACCOUNTABILITY ACT OF 2019; TO AMEND*
14 *THE LAW CONCERNING THE BUDGET REQUESTS OF CERTAIN*
15 *STATE OFFICES AND DEPARTMENTS; TO AMEND THE LAW*
16 *CONCERNING THE EXPENDITURE OF CASH FUNDS; AND FOR*
17 *OTHER PURPOSES.*

18

19

20 Subtitle

21 *TO CREATE THE GOVERNMENT FINANCIAL*
22 *DISCLOSURE AND ACCOUNTABILITY ACT OF*
23 *2019.*

24

25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27

28 *SECTION 1. DO NOT CODIFY. Title.*

29 *This act shall be known and may be cited as the "Government Financial*
30 *Disclosure and Accountability Act of 2019".*

31

32 *SECTION 2. DO NOT CODIFY. Legislative intent.*

33 *(a) It is the intent of the General Assembly:*

34 *(1) To provide for additional transparency in the budgeting and*
35 *expenditure procedures used by constitutional officers and agencies;*

36 *(2) To require additional financial disclosures to better enable*



1 the General Assembly to responsibly appropriate state funds;

2 (3) To ensure that the state and the public have the necessary
3 information to determine whether state funds are being used in an appropriate
4 and fiscally responsible manner;

5 (4) That, to the extent this act conflicts with any provision of
6 the Arkansas Constitution, the Arkansas Constitution applies; and

7 (5) To require that cash funds have an appropriation authorized
8 by the General Assembly and that budget requests submitted during budget
9 hearings include the information necessary for the General Assembly to make
10 informed appropriation decisions.

11 (b) It is not the intent of the General Assembly to:

12 (1) Make the constitutional officers and agencies state agencies
13 for purposes of state accounting and budgetary procedures;

14 (2) Require the constitutional officers and agencies to submit
15 annual operations plans that are the same as the annual operations plans
16 required for state agencies;

17 (3) Apply the procurement laws in Arkansas Code, Title 19,
18 Chapter 11, to the constitutional officers and agencies to the extent that
19 the procurement laws do not already apply; or

20 (4) Require legislative approval of any expenditure of an office
21 or agency if such approval would conflict with the Arkansas Constitution.

22
23 SECTION 3. Arkansas Code § 19-4-201(b)(2), concerning the authority of
24 the Governor with respect to the execution of the state budget, is amended to
25 read as follows:

26 (2)(A) Budget requests for administration and operation of the
27 legislative branch, the judicial branch, the elective constitutional offices,
28 the Arkansas Department of Transportation, the Office of the Arkansas
29 Lottery, and the Arkansas State Game and Fish Commission shall be submitted
30 directly to the Legislative Council without any recommendation by the
31 Governor.

32 (B) Each budget request submitted under subdivision
33 (b)(2)(A) of this section shall:

34 (i) Include all of the information required for
35 other public entities under this chapter;

36 (ii) Be in substantially the same format as budget

1 requests for other public entities under this chapter; and
2 (iii) Include a detailed listing of any
3 unappropriated funds, including without limitation the sources of the funds,
4 the fund balances, and the expenditures of the funds for the previous fiscal
5 year.

6
7 SECTION 4. Arkansas Code Title 19, Chapter 4, Subchapter 8, is amended
8 to add an additional section to read as follows:

9 19-4-817. Constitutional officers and agencies.

10 (a) Beginning with fiscal year 2021, cash funds of the following
11 constitutional officers and departments shall be budgeted and proposed
12 expenditures approved by enactments of the General Assembly:

13 (1) The Governor;

14 (2) The Secretary of State;

15 (3) The Attorney General;

16 (4) The Treasurer of State;

17 (5) The Auditor of State;

18 (6) The Commissioner of State Lands;

19 (7) The Supreme Court and its justices;

20 (8) The Arkansas State Game and Fish Commission;

21 (9) The Arkansas Department of Transportation;

22 (10) The General Assembly; and

23 (11) The respective staffs of the officers listed in this
24 subsection.

25 (b) The General Assembly shall budget, approve, and appropriate
26 expenditures of cash funds by the enactment of separate appropriation bills
27 setting forth the purpose for which the moneys are to be expended and the
28 dollar amount to be expended for that purpose.

29 (c) The constitutional officers and agencies listed in subsection (a)
30 of this section shall submit any budgetary information requested by the
31 Legislative Council and shall undertake whatever budgetary procedures the
32 Legislative Council may establish for the appropriation of cash funds.

33 (d) The constitutional officers and agencies listed in subsection (a)
34 of this section shall not be charged a service charge under § 19-5-206 when
35 complying with this section.

36 (e) This section does not provide the General Assembly with the

1 authority to approve expenditures of the Arkansas State Game and Fish
2 Commission or the Arkansas Department of Transportation, which shall be
3 subject only to review and appropriation by the General Assembly.

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/s/Cavanaugh