

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 710

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

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

Subtitle

11 AN ACT TO AMEND THE ARKANSAS REVENUE
12 STABILIZATION LAW.
13
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code 19-5-205(e)(1)(B)(i) is amended to reflect
20 current sources of special revenue income to the State Central Services Fund
21 to read as follows:

22 (i) Those special revenues as specified in subdivisions (9), (11),
23 (19), (21), (37), (75), (76), (77), (78), (79), (82), (83), (84), (85), (86),
24 (87), (88), (89), (91), (96), (116), (118), (120), (124), (149), and (188),
25 and ten percent (10%) of those special revenues as set out in subdivision
26 (20) of § 19-6-301 of the Revenue Classification Law of Arkansas, § 19-6-101
27 et seq.;

28
29 SECTION 2. Arkansas Code 19-5-303(1)(1) is amended to reflect a name
30 change for Westark College to read as follows:

31 (1)(1) ~~Westark College~~ University of Arkansas at Fort Smith Fund. (A) There
32 is established on the books of the Treasurer of State, the Auditor of State,
33 and Chief Fiscal Officer of the State a fund to be known as the ~~Westark~~
34 College University of Arkansas at Fort Smith Fund.

35 (B) This fund shall be used for the maintenance, operation, and improvement
36 of the ~~Westark College~~ University of Arkansas at Fort Smith.



1
 2 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 3 is amended
 3 by adding the following new sections concerning institution of higher
 4 education general revenue funds:

5 (aa) (1) Cossatot Community College of the University of Arkansas Fund. There
 6 is hereby established on the books of the Treasurer of State, the Auditor of
 7 State, and the Chief Fiscal Officer of the State a fund to be known as the
 8 Cossatot Community College of the University of Arkansas Fund, there to be
 9 used for the maintenance, operation, and improvement of the Cossatot
 10 Community College of the University of Arkansas.

11 (2) The fund shall consist of:

12 (A) Such general revenues as may be provided by law; and

13 (B) Any other funds made available for the support of the Cossatot Community
 14 College of the University of Arkansas which are required to be deposited into
 15 the State Treasury by law.

16
 17 (bb) (1) University of Arkansas Community College at Morrilton Fund. There is
 18 hereby established on the books of the Treasurer of State, the Auditor of
 19 State, and the Chief Fiscal Officer of the State a fund to be known as the
 20 University of Arkansas Community College at Morrilton Fund. The fund shall be
 21 used for the maintenance, operation, and improvement of the University of
 22 Arkansas Community College at Morrilton.

23 (2) The fund shall consist of:

24 (A) Such general revenues as may be provided by law; and

25 (B) Any other funds made available for the support of the University of
 26 Arkansas Community College at Morrilton which are required to be deposited
 27 into the State Treasury by law.

28
 29 (cc) (1) Arkansas State University-Mountain Home Fund. There is hereby
 30 established on the books of the Treasurer of State, the Auditor of State, and
 31 the Chief Fiscal Officer of the State a fund to be known as the Arkansas
 32 State University-Mountain Home Fund, there to be used for the maintenance,
 33 operation, and improvement of the Arkansas State University-Mountain Home.

34 (2) The fund shall consist of:

35 (A) Such general revenues as may be provided by law; and

36 (B) Any other funds made available for the support of the Arkansas State

1 University-Mountain Home which are required to be deposited into the State
 2 Treasury by law.

3
 4 SECTION 4. Arkansas Code 19-5-304(8)(G), is amended to reflect a name
 5 change for Great Rivers Comprehensive Lifelong Learning Center to read as
 6 follows:

7 (G)(i) The Great Rivers ~~Comprehensive Lifelong Learning Center~~ Technical
 8 Institute Fund Account shall be used for the maintenance, operation, and
 9 improvement of the Great Rivers ~~Comprehensive Lifelong Learning Center~~
 10 Technical Institute.

11 (ii) The fund account shall consist of:

12 (a) Such general revenues as may be provided by law; and

13 (b) Any other funds made available for the support of the Great Rivers
 14 ~~Comprehensive Lifelong Learning Center~~ Technical Institute which are required
 15 to be deposited into the State Treasury by law.

16
 17 SECTION 5. Arkansas Code 19-5-304(8)(D) is repealed.

18 ~~(D)(i) The Delta Technical Institute Fund Account shall be used for the~~
 19 ~~maintenance, operation, and improvement of the Delta Technical Institute.~~

20 ~~(ii) The fund account shall consist of:~~

21 ~~—— (a) Such general revenues as may be provided by law; and~~

22 ~~—— (b) Any other funds made available for the support of the Delta~~
 23 ~~Technical Institute which are required to be deposited into the State~~
 24 ~~Treasury by law.~~

25
 26 SECTION 6. Arkansas Code 19-5-305(b), concerning sources of funds for
 27 the Public School Fund, is amended to read as follows:

28 (b) The Public School Fund shall consist of those moneys as may be provided
 29 by:

30 (1) The Revenue Stabilization Law, § 19-5-101 et seq.;

31 (2) Balances of the Public School Fund Account-Grants and Aid Account and
 32 Vocational Grants-in-Aid Account remaining on June 30, 1973;

33 (3) Any federal mineral leasing funds, federal forest reserve funds, federal
 34 flood control funds, or any other similar turnback funds in the State
 35 Treasury for which the eligible county or school district cannot be
 36 identified;

1 (4) Fines collected pursuant to § 6-21-410 under the Free Textbook Act of
 2 1975, § 6-21-401 et seq.;

3 (5) Funds remitted by county treasurers for those school districts which
 4 have local revenue per student in excess of the local base per student, as
 5 set out in § 26-80-101(c);

6 (6) Amusement machine revenues up to and including \$30,000, as set out in §
 7 26-57-407; ~~and~~

8 (7) Additional rental vehicle tax revenues in excess of \$2,850,000, § 26-52-
 9 311(c)(3)(B), to be used exclusively for teacher salaries; and

10 ~~(7)~~ (8) Such other funds as may be authorized by law.

11
 12 SECTION 7. Arkansas Code 19-6-306(4)(A), concerning the Youth Services
 13 Fund Account, is amended to read as follows:

14 (4)(A) Youth Services Fund Account. The Youth Services Fund Account shall be
 15 used for the maintenance, operation, and improvement required by the Division
 16 of Youth Services of the Department of Human Services in carrying out the
 17 powers, functions, and duties as set out in ~~§ 25-10-301 et seq. [repealed]~~ §§
 18 9-28-201 -- 216, including serious offender and community-based programs and
 19 the youth service centers.

20
 21 SECTION 8. Arkansas Code 19-5-306(7)(B)(ii), concerning sources of
 22 special revenues for the Aging and Adult Services Fund Account, is amended to
 23 read as follows:

24 (ii) Fifty percent (50%) of those special revenues as specified in
 25 subdivision (201) of § 19-6-301, there to be used to assist the Meals-on-
 26 Wheels Program, and any other ~~Special~~ special revenues as may be provided by
 27 law;

28
 29 SECTION 9. Arkansas Code 19-5-306(10) is amended by adding the
 30 following new subdivision to reflect sources of special revenue for the
 31 Department of Human Services Grants Fund Account to read as follows:

32 (C) The fund account shall also consist of fifty percent (50%) of those
 33 special revenues as specified in subdivision (201) of 19-6-301, there to be
 34 used as set out in § 26-57-1103.

35
 36 SECTION 10. Arkansas Code 19-5-307(b)(1), concerning sources of special

1 revenue funds for the Public Health Fund, is amended to read as follows:

2 (1) Those special revenues as set out in subdivisions (65), (68), (69),
3 (80), (97), (131), (132), (133), (136), (137), (140), (141), (142), (143),
4 (144), (147), (155), (166), (177), (178), (194), (204), (205) and that
5 portion of subdivision (58) of § 19-6-301 of the Revenue Classification Law,
6 § 19-6-101 et seq.;

7

8 SECTION 11. Arkansas Code 19-5-311(f), is amended to reflect a name
9 change for Ozarka College to read as follows:

10 (f) There is hereby established on the books of the Treasurer of State, the
11 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
12 known as the Ozarka ~~Technical~~ College Fund, there to be used for the
13 maintenance, operation, and improvement of the Ozarka ~~Technical~~ College. The
14 fund shall consist of:

- 15 (1) Such general revenues as may be provided by law; and
- 16 (2) Any other funds made available for the support of the Ozarka ~~Technical~~
17 College which are required to be deposited into the State Treasury by law.

18

19 SECTION 12. Arkansas Code 19-5-311(b) is repealed.

20 ~~(b) There is hereby established on the books of the Treasurer of State, the~~
21 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
22 ~~known as the Cossatot Technical College Fund, there to be used for the~~
23 ~~maintenance, operation, and improvement of the Cossatot Technical College.~~
24 ~~The fund shall consist of:~~

- 25 ~~(1) Such general revenues as may be provided by law; and~~
- 26 ~~(2) Any other funds made available for the support of the Cossatot Technical~~
27 ~~College which are required to be deposited into the State Treasury by law.~~

28

29 SECTION 13. Arkansas Code 19-5-311(g) is repealed.

30 ~~(g)(1) There is hereby established on the books of the Treasurer of State,~~
31 ~~the Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
32 ~~known as the Petit Jean College Fund.~~

33 ~~(2) The fund shall be used for the maintenance, operation, and improvement~~
34 ~~of the Petit Jean College.~~

35 ~~(3) The fund shall consist of:~~

- 36 ~~(A) Such general revenues as may be provided by law; and~~

1 ~~(B) Any other funds made available for the support of the Petit Jean College~~
 2 ~~which are required to be deposited into the State Treasury by law.~~

3
 4 SECTION 14. Arkansas Code 19-5-311(k) is repealed.

5 ~~(k) There is hereby established on the books of the Treasurer of State, the~~
 6 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
 7 ~~known as the Arkansas State University Mountain Home Fund, there to be used~~
 8 ~~for the maintenance, operation, and improvement of the Arkansas State~~
 9 ~~University Mountain Home. The fund shall consist of:~~

10 ~~(1) Such general revenues as may be provided by law; and~~

11 ~~(2) Any other funds made available for the support of the Arkansas State~~
 12 ~~University Mountain Home which are required to be deposited into the State~~
 13 ~~Treasury by law.~~

14
 15 SECTION 15. Arkansas Code 19-5-922(b), concerning sources of funds for
 16 the State Insurance Department Trust Fund, is amended to read as follows:

17 (b) Such fund shall consist of those special revenues as specified in § 19-
 18 6-301(172), ~~the first \$100,000 of workers' compensation premium taxes~~
 19 ~~transferred from the various funds created in § 11-9-301 as provided in § 11-~~
 20 ~~9-303(e),~~ grants, refunds, gifts, and any remaining funds of the Arkansas
 21 Earthquake Authority as provided in § 23-102-119 and examination of insurers
 22 payments as set out in §§ 23-61-201 - 23-61-206, there to be used to defray
 23 the expenses of the State Insurance Department in the discharge of its
 24 administrative and regulatory powers and duties as prescribed by law and as
 25 set out in § 23-61-701 et seq.

26
 27 SECTION 16. Arkansas Code 19-5-926 is repealed.

28 ~~19-5-926. Arkansas Tuition Trust Operating Fund.~~

29 ~~(a) There is hereby established on the books of the Treasurer of State,~~
 30 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
 31 ~~known as the Arkansas Tuition Trust Operating Fund.~~

32 ~~(b) Such fund shall consist of funds transferred from the Arkansas Tuition~~
 33 ~~Trust Reserve Fund and interest income, there to be used for the operating~~
 34 ~~expenses of the Arkansas Tuition Trust Authority and for the costs of~~
 35 ~~administering the Arkansas College Savings Program.~~

SECTION 17. Arkansas Code 19-5-931 is repealed.

~~19-5-931. Nongame Preservation Fund.~~

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

~~(b) This fund shall consist of moneys contributed to the Nongame Preservation Program through the state income tax refund check-off system, there to be used to those purposes set out in §§ 15-45-301—15-45-306 and 26-51-434 [repealed].~~

SECTION 18. Arkansas Code 19-5-1106(b), concerning sources of funds for the State Insurance Department Prepaid Trust Fund, is amended by adding the following new subdivision to read as follows:

(3) The fund shall also consist of the assets of the Prepaid Funeral Contracts Recovery Program Fund, there to be administered by the Insurance Commissioner and the Prepaid Funeral Contracts Recovery Program Board as set out in § 23-40-125.

SECTION 19. Arkansas Code Title 19, Chapter 5, Subchapter 11 is amended by adding the following new sections concerning the establishment of trust funds to read as follows:

19-5-1123. Capitol Grounds Monument and Memorial Preservation Fund.

(a)(1) There is created 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 Arkansas Capitol Grounds Monument and Memorial Preservation Fund.

(2) The fund shall consist of funds made available from private donations received by the Capitol Arts and Grounds Commission or the Secretary of State, fees paid by sponsors of the monuments and memorials, and any additional moneys appropriated to the fund by the General Assembly.

(b)(1) Upon passage of an act authorizing the memorial or monument by the General Assembly and before beginning construction, improvement, or placement, any group or organization that sponsors and pays the cost of the construction, improvement, or placement of a memorial or monument on the State Capitol grounds shall pay into the fund a fee of ten percent (10%) of the cost of construction, improvement, or placement of the monument or memorial.

1 (2) The amount of the fee shall be determined by the commission and the
2 initial basis of the fee shall be determined by the group or organization
3 sponsoring the monument or memorial and paying the cost of construction or
4 placement.

5 (3) After construction, improvement, or placement is complete, the sponsor
6 shall submit to the commission an affidavit stating the actual cost of
7 construction, improvement, or placement, and if the commission determines
8 that the actual cost is higher or lower than the estimate, the commission
9 shall adjust the fee.

10 (4) The sponsor may donate or request a refund of any amount paid in excess
11 of the fee.

12 (5) If the initial fee paid into the fund is insufficient, the sponsor shall
13 pay to the commission the additional fee.

14 (c)(1) All moneys deposited into the fund and any accrued interest shall
15 remain in the fund for the purpose of maintaining, restoring, and preserving
16 all monuments and memorials on the State Capitol grounds.

17 (2) The fund shall be administered by the commission.

18 (3) The commission may determine the amount of funds to allocate from the
19 fund to maintain, preserve, and restore the monuments and memorials on the
20 State Capitol grounds.

21 (4) The accrued interest from the fund shall be appropriated to the fund.

22 (d)(1) The commission and the Secretary of State may receive gifts, grants,
23 and donations from private or public sources for the fund.

24 (2) The gifts, grants, and donations, in addition to any other moneys
25 appropriated or transferred by the General Assembly, shall be transmitted to
26 the Treasurer of State, who shall credit the amount to the fund.

27
28 19-5-1124. Arkansas Public Transit Trust Fund.

29 (a) There is created on the books of the Treasurer of State, the Auditor of
30 State, and the Chief Fiscal Officer of the State a fund to be known as the
31 Arkansas Public Transit Trust Fund.

32 (b)(1) This fund shall consist of the first \$2,850,000 each year of the net
33 revenues derived from the additional rental vehicle tax as imposed in § 26-
34 52-311(c).

35 (c) The fund shall be used by the Arkansas State Highway and Transportation
36 Department for the purpose of acquiring federal matching funds for the

1 purchase of public transportation vehicles, for public transit equipment or
 2 facilities, and for the operation of the United States Department of
 3 Transportation Federal Transit Administration Assistance programs.

4
 5 SECTION 20. Arkansas Code 19-5-1005(b) and (c), concerning sources of
 6 funds and purposes of the General Improvement Fund, are amended to read as
 7 follows:

8 (b) This fund shall consist of ~~the balance on June 30, 1973, that remains in~~
 9 ~~the General Improvement Fund Account~~ those special revenues as specified in
 10 subdivision (171) of § 19-6-301 and any other funds as may be made available
 11 by the General Assembly from time to time.

12 (c)(1) The fund shall be used ~~for the same purposes as the General~~
 13 ~~Improvement Fund Account~~ to provide financing of various projects as
 14 authorized by the General Assembly and to make temporary loans to funds
 15 receiving general revenue as set out in § 19-5-302.

16 ~~(2) The fund shall also be used for establishing, as a loan, a Permanent~~
 17 ~~Insurance Reserve Fund in the Public Elementary and Secondary School~~
 18 ~~Insurance Fund. This loan shall not be repaid to the General Improvement Fund~~
 19 ~~during the fiscal year in which the loan was made. It is the intent of the~~
 20 ~~General Assembly that the loan shall be repaid in installments, whenever the~~
 21 ~~Self Insurance Committee or the State Board of Education determines there is~~
 22 ~~an excess of funds to the credit of the Public Elementary and Secondary~~
 23 ~~School Insurance Fund beyond the requirements of maintaining a permanent~~
 24 ~~insurance reserve of two million dollars (\$2,000,000).~~

25
 26 SECTION 21. Arkansas Code 19-5-1006(b), concerning sources of funds for
 27 the Disaster Assistance Fund, is amended to read as follows:

28 (b) The Disaster Assistance Fund shall consist of moneys received from the
 29 Budget Stabilization Trust Fund in such amounts as may be required to provide
 30 state moneys for each declared emergency or major disaster as required by §
 31 12-75-101 et seq., but not to exceed in the aggregate the sum of ~~nine million~~
 32 ~~five hundred thousand dollars (\$9,500,000)~~ ten million two hundred fifty
 33 thousand dollars (\$10,250,000) per fiscal year.

34
 35 SECTION 22. Arkansas Code 19-5-1055(b)(2), concerning purposes of the
 36 Department of Information Systems Revolving Fund, is amended to read as

1 follows:

2 (2) The fund shall be used for ~~major information technology acquisitions,~~
 3 ~~personal services,~~ the maintenance, operation, and improvement of ~~only those~~
 4 ~~activities or programs~~ of the Department of Information Systems ~~which are~~
 5 ~~responsible for providing the services from which the revenues are derived~~ as
 6 set out in Title 25, Chapter 4.

7

8 SECTION 23. Arkansas Code Title 19, Chapter 5, Subchapter 12 is amended
 9 by adding the following new sections concerning the establishment of
 10 miscellaneous funds to read as follows:

11 19-5-1219. Port Priority Improvement Fund.

12 (a) There is hereby established on the books of the Treasurer of State, the
 13 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
 14 known as the Port Priority Improvement Fund.

15 (b)(1) This fund shall consist of the funds or other moneys that may be
 16 deposited in the fund as provided by the General Assembly.

17 (2) The fund shall be used for the purpose of providing financial assistance
 18 to public port authorities as set out in Title 15, Chapter 23, Subchapter 9
 19 and for development of port infrastructure, including engineering and
 20 construction costs.

21

22 19-5-1220. Nursing Student Loan Revolving Fund.

23 (a) There is hereby established on the books of the Treasurer of State, the
 24 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
 25 known as the Nursing Student Loan Revolving Fund.

26 (b)(1) This fund shall consist of the current assets of the fund, there to be
 27 used as may be provided by law.

28

29 19-5-1221. Committed to Education Fund.

30 (a) There is hereby established on the books of the Treasurer of State, the
 31 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
 32 known as the Committed to Education Fund.

33 (b)(1) This fund shall consist of the special motor vehicle license plate
 34 design use contribution fee as set out in § 27-15-303.

35 (2) The fund shall be used by the Arkansas Committed to Education Foundation
 36 for the purpose of establishing a program for elementary-age children to

1 recognize and reward academic and character achievement through technology-
 2 based incentives as set out in § 27-15-303.

3
 4 19-5-1222. Title Insurance Agents' Licensing Board Fund.

5 (a) There is hereby established on the books of the Treasurer of State, the
 6 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
 7 known as the Title Insurance Agents' Licensing Board Fund.

8 (b)(1) This fund shall consist of the license and examination fees as set out
 9 in § 23-103-204.

10 (2) The fund shall be used by the Arkansas Title Insurance Agents' Licensing
 11 Board for the payment of all expenses and expenditures incurred under Title
 12 23, Chapter 103.

13
 14 19-5-1223. Judicial Filing Fee Fund.

15 (a) There is hereby established on the books of the Treasurer of State, the
 16 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
 17 known as the Judicial Filing Fee Fund.

18 (b)(1) This fund shall consist of the nonpartisan judicial offices filing
 19 fees as set out in § 7-10-103.

20 (2) The fund shall be used for covering the cost of election expenses of the
 21 State Board of Election Commissioners as set out in Title 7, Chapter 10.

22
 23 SECTION 24. Arkansas Code 19-5-1212, which was incorrectly codified as
 24 a miscellaneous fund, is repealed.

25 ~~19-5-1212. Capitol Grounds Monument and Memorial Preservation Fund.~~

26 ~~-(a)(1) There is created 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 ~~Arkansas Capitol Grounds Monument and Memorial Preservation Fund.~~

29 ~~(2) The fund shall consist of funds made available from private donations~~
 30 ~~received by the Capitol Arts and Grounds Commission or the Secretary of~~
 31 ~~State, fees paid by sponsors of the monuments and memorials, and any~~
 32 ~~additional moneys appropriated to the fund by the General Assembly.~~

33 ~~(b)(1) Upon passage of an act authorizing the memorial or monument by the~~
 34 ~~General Assembly and before beginning construction, improvement, or~~
 35 ~~placement, any group or organization that sponsors and pays the cost of the~~
 36 ~~construction, improvement, or placement of a memorial or monument on the~~

1 ~~State Capitol grounds shall pay into the fund a fee of ten percent (10%) of~~
 2 ~~the cost of construction, improvement, or placement of the monument or~~
 3 ~~memorial.~~

4 ~~(2) The amount of the fee shall be determined by the commission and the~~
 5 ~~initial basis of the fee shall be determined by the group or organization~~
 6 ~~sponsoring the monument or memorial and paying the cost of construction or~~
 7 ~~placement.~~

8 ~~(3) After construction, improvement, or placement is complete, the sponsor~~
 9 ~~shall submit to the commission an affidavit stating the actual cost of~~
 10 ~~construction, improvement, or placement, and if the commission determines~~
 11 ~~that the actual cost is higher or lower than the estimate, the commission~~
 12 ~~shall adjust the fee.~~

13 ~~(4) The sponsor may donate or request a refund of any amount paid in excess~~
 14 ~~of the fee.~~

15 ~~(5) If the initial fee paid into the fund is insufficient, the sponsor shall~~
 16 ~~pay to the commission the additional fee.~~

17 ~~(c)(1) All moneys deposited into the fund and any accrued interest shall~~
 18 ~~remain in the fund for the purpose of maintaining, restoring, and preserving~~
 19 ~~all monuments and memorials on the State Capitol grounds.~~

20 ~~(2) The fund shall be administered by the commission.~~

21 ~~(3) The commission may determine the amount of funds to allocate from the~~
 22 ~~fund to maintain, preserve, and restore the monuments and memorials on the~~
 23 ~~State Capitol grounds.~~

24 ~~(4) The accrued interest from the fund shall be appropriated to the fund.~~

25 ~~(d)(1) The commission and the Secretary of State may receive gifts, grants,~~
 26 ~~and donations from private or public sources for the fund.~~

27 ~~(2) The gifts, grants, and donations, in addition to any other moneys~~
 28 ~~appropriated or transferred by the General Assembly, shall be transmitted to~~
 29 ~~the Treasurer of State, who shall credit the amount to the fund.~~

30
 31 SECTION 25. Arkansas Code 19-5-302(10), concerning the State General
 32 Services Fund Account, is amended to read as follows:

33 (10)(A) ~~State General Services~~ Miscellaneous Agencies Fund Account. The
 34 ~~State General Services~~ Miscellaneous Agencies Fund Account may be used for
 35 the state's membership in regional or national ~~associations~~ associations,
 36 grants to certain organizations and maintenance, operations, and improvements

1 of appropriation units as may be authorized by the General Assembly,
 2 ~~including, but not necessarily limited thereto, inclusive or exclusive, the~~
 3 ~~following:~~

4 ~~—— (i) Grants to the following:~~

5 ~~—— (a) Arkansas Children's Hospital;~~
 6 ~~—— (b) Community Project Grants; and~~
 7 ~~—— (c) EDA Matching;~~

8 ~~—— (ii) Operating appropriations to the following:~~

9 ~~—— (a) Department of Finance and Administration Drug Enforcement Program;~~
 10 ~~—— (b) Alcoholic Beverage Control;~~
 11 ~~—— (c) Disabled Veteran's Service Office;~~
 12 ~~—— (d) Arkansas Veteran's Child Welfare Office;~~
 13 ~~—— (e) Arkansas Waterways Commission;~~
 14 ~~—— (f) Weather Warning System;~~
 15 ~~—— (g) Arkansas Commission on Law Enforcement Standards and Training;~~
 16 ~~—— (h) Department of Workforce Education;~~
 17 ~~—— (i) Arkansas Spinal Cord Commission;~~
 18 ~~—— (j) Arkansas Sentencing Commission;~~
 19 ~~—— (k) Commission for Arkansas' Future;~~
 20 ~~—— (l) Arkansas Geological Commission;~~
 21 ~~—— (m) Arkansas Code Revision Commission;~~
 22 ~~—— (n) Department of Veterans' Affairs and Veteran's Home Commission on~~
 23 ~~Human Resources;~~
 24 ~~—— (o) Health Services Permit Agency;~~
 25 ~~—— (p) Arkansas State Building Services;~~
 26 ~~—— (q) Public Employees Claims Insurance Department;~~
 27 ~~—— (r) Livestock and Poultry Show premiums;~~
 28 ~~—— (s) State Crime Laboratory;~~
 29 ~~—— (t) Department of Rural Services;~~
 30 ~~—— (u) Arkansas Department of Emergency Management;~~
 31 ~~—— (v) Arkansas State Highway and Transportation Department;~~
 32 ~~—— (w) Post Prison Transfer Board;~~
 33 ~~—— (x) Assessment Coordination Department of the Public Service~~
 34 ~~Commission;~~
 35 ~~—— (y) Arkansas Science and Technology Authority;~~
 36 ~~—— (z) Martin Luther King, Jr. Commission; and~~

- 1 ~~—— (aa) Arkansas Soil and Water Conservation Commission; and~~
- 2 ~~—— (iii) Memberships to the following;~~
- 3 ~~—— (a) Council of State Governments;~~
- 4 ~~—— (b) National Conference of State Legislatures;~~
- 5 ~~—— (c) Council of State Planning Agencies;~~
- 6 ~~—— (d) National Association of State Budget Officers;~~
- 7 ~~—— (e) Southern Growth Policy Board;~~
- 8 ~~—— (f) National Governor's Conference;~~
- 9 ~~—— (g) Southern Nuclear Energy Board;~~
- 10 ~~—— (h) Interstate Mining Compact;~~
- 11 ~~—— (i) National Conference of State Insurance Legislators;~~
- 12 ~~—— (j) Commission on Uniform State Laws; and~~
- 13 ~~—— (k) Such other appropriations made payable from the State General~~
- 14 ~~Services Fund Account which are not enumerated elsewhere.~~

15 (B) ~~The State General Services~~ Miscellaneous Agencies Fund Account
 16 shall consist of:

- 17 (i) Those general revenues as may be provided by law;
- 18 (ii) Nonrevenue income derived from services provided by the various
- 19 agencies and programs funded from the ~~State General Services~~ Miscellaneous
- 20 Agencies Fund Account; and

21 (iii)(a) Federal reimbursement received on account of eligible
 22 expenditures of the various agencies and programs receiving primary support
 23 from the ~~State General Services~~ Miscellaneous Agencies Fund Account.

24 (b) ~~In the event there are not sufficient funds available in the State~~
 25 ~~General Services Fund Account to support the amounts appropriated from the~~
 26 ~~State General Services Fund Account, the Chief Fiscal Officer of the State~~
 27 ~~shall determine the amount of moneys to be made available for each of the~~
 28 ~~appropriations made from the State General Services Fund Account.~~ (1) In the
 29 event that the amount of funds estimated to be available for the
 30 Miscellaneous Agencies Fund Account is less than the total of the
 31 appropriations made from the Miscellaneous Agencies Fund Account, the Chief
 32 Fiscal Officer of the State shall use the following procedure to determine
 33 the amount of each appropriation to be financed after full funding is
 34 provided for all national and regional association dues:

35 (A) Determine from each appropriation the lesser of the actual
 36 expenditures for the fiscal year preceding the fiscal year for which the

1 funding level is to be determined and the amount of the appropriation for the
 2 fiscal year for which the funding level is to be determined. This result
 3 shall be called the "base appropriation".

4 (B) From the amount determined in (A) subtract the amount appropriated
 5 for the fiscal year for which the funding level is to be determined. This
 6 result shall be called the "improvement level".

7 (C) The sum of the amounts determined in (A) shall be subtracted from
 8 the estimated amount to be available in the Miscellaneous Agencies Fund
 9 Account.

10 (D) If the amount estimated to be available for the Miscellaneous
 11 Agencies Fund Account is less than the sum of all base appropriations then
 12 the amount of funding to be made available to each appropriation shall be
 13 determined by multiplying each appropriation's base appropriation percentage
 14 of the sum of all base appropriations by the amount estimated to be available
 15 for the Miscellaneous Agencies Fund Account.

16 (E) If the amount estimated to be available for the Miscellaneous
 17 Agencies Fund Account is greater than the sum of all base appropriations,
 18 each appropriation shall first receive full funding of its base appropriation
 19 and then its proportionate share of the amounts determined in (B) based upon
 20 the total of all improvements levels.

21 Upon completing the procedure above, the Chief Fiscal Officer of the State
 22 shall notify the Legislative Council.

23 (F) Provided, however, the Chief Fiscal Officer of the State shall
 24 determine for any appropriation authorized for a biennial period, the portion
 25 of the biennial appropriation that shall be used in the computations as "base
 26 appropriation" and that portion which shall be used as the "improvement
 27 level".

28
 29 (2) The Department of Finance and Administration may, upon approval of the
 30 Chief Fiscal Officer of the State and the Arkansas Legislative Council or the
 31 Joint Budget Committee transfer any savings that may accrue in any fiscal
 32 year in the Miscellaneous Agencies Fund Account to the Department of Rural
 33 Services, Science and Technology Authority, Soil and Water Commission and the
 34 Spinal Cord Commission to enable those agencies to fund critical needs of
 35 grant and service recipients across the state with the savings from other
 36 agencies funded by the Miscellaneous Agencies Fund Account.

1 Determining the maximum number of employees and the maximum amount of
 2 appropriation and general revenue funding for a state agency each fiscal year
 3 is the prerogative of the General Assembly. This is usually accomplished by
 4 delineating such maximums in the appropriation act(s) for a state agency and
 5 the general revenue allocations authorized for each fund and fund account by
 6 amendment to the Revenue Stabilization Law. Further, the General Assembly
 7 has determined that the Department of Finance and Administration may operate
 8 more efficiently if some flexibility is provided to the Department of Finance
 9 and Administration authorizing broad powers under this subdivision.
 10 Therefore, it is both necessary and appropriate that the General Assembly
 11 maintain oversight by requiring prior approval of the Legislative Council or
 12 Joint Budget Committee as provided by this subdivision. The requirement of
 13 approval by the Legislative Council or Joint Budget Committee is not a
 14 severable part of this section. If the requirement of approval by the
 15 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
 16 court of competent jurisdiction, this entire section is void.

17
 18 SECTION 26. Arkansas Code 19-5-1110 is repealed.
 19 ~~19-5-1110. Property Tax Relief Trust Fund.~~

20 ~~-(a) There is hereby created on the books of the Treasurer of State, the~~
 21 ~~Auditor of State, and the Chief Fiscal Officer of the State a special revenue~~
 22 ~~fund to be known as the Property Tax Relief Trust Fund.~~

23 ~~(b) The fund shall consist of such revenues as generated by §§ 26-52-302(e)~~
 24 ~~and 26-53-107(e) and shall be used for such purposes as set out herein.~~

25
 26 SECTION 27. Arkansas Code 19-5-205(c)(1)(C), concerning the use of fund
 27 balances in the Constitutional Officers Fund, is amended to read as follows:

28 (C) Any balance which remains in the Constitutional Officers Fund at the end
 29 of a fiscal year which exceeds seven percent (7%) of the appropriations
 30 funded from the Constitutional Officers Fund for the fiscal year just ended,
 31 or which is estimated to be available for the fiscal year, may be transferred
 32 from time to time to the State Central Services Fund for use in the next
 33 fiscal year. If the funds transferred to the State Central Services Fund were
 34 based on an estimated balance which is less than the actual balance on June
 35 30, the difference shall be transferred to the State Central Services Fund on
 36 or before August 1. If the funds transferred to the State Central Services

1 Fund were based on an estimated balance which is higher than the actual
2 balance on June 30, the difference shall be transferred from the State
3 Central Services Fund to the Constitutional Officers Fund on or before August
4 1.

5
6 SECTION 28. EMERGENCY CLAUSE. It is hereby found and determined by
7 the General Assembly that changes in the state's fiscal laws must take effect
8 at the beginning of the fiscal year and that if the current legislative
9 session is extended such that the 90 day period is later than July 1, 2003
10 such changes will not be timely. Therefore, an emergency is declared to
11 exist and this act being immediately necessary for the preservation of the
12 public peace, health and safety shall become effective on July 1, 2003.