

Flag List #8

Requested Amendment to the DFA - Disbursing Officer appropriation bill as special language:

Transfer authority for Cabinet Level Departments, except the Department of Human Services which already has Reallocation of Resources language.

SECTION XX. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. CABINET-LEVEL DEPARTMENT-WIDE TRANSFERS.

(a)(1) With the exception of the Department of Human Services, which has separate Reallocation of Resources Transfer special language, the General Assembly finds that transfer authority may be necessary from time to time to improve the delivery of services or that a cabinet-level department may operate more efficiently with additional flexibility.

(2) Therefore, the General Assembly authorizes cabinet-level departments to make transfers as provided under this section.

(b)(1) The secretary of a cabinet-level department may request from the Chief Fiscal Officer of the State and the Secretary of the Department of Transformation and Shared Services, a transfer of positions, funds, and appropriation within the cabinet-level department.

(2) Transfers may be made only within a cabinet-level department appropriation act or between other appropriation acts authorized for the cabinet-level department.

(c) A transfer request under subsection (b) of this section shall include the following information:

(1) For each position transfer request, the position number, authorized position title, class code, grade, business area, and name of the division, section, or unit to and from which the position transfer request is made;

(2) For each appropriation transfer request, the fund center, appropriation, appropriation amount and commitment item or items, business area, and name of the division, section, or unit to and from which the appropriation transfer request is made; and

(3) For each funding transfer request, the fund code, amount, business area, and name of the division, section, or unit to and from which the funding transfer

request is made.

(d) Upon approval of the Chief Fiscal Officer of the State and the Secretary of the Department of Transformation and Shared Services, after receiving the prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, the Chief Fiscal Officer of the State shall initiate the necessary documents reflecting the transfer of positions, appropriation, and funds under this section on his or her books, the books of the Treasurer of State, and the books of the Auditor of State.

(e)(1) A cabinet-level department shall be limited to no more than four (4) transfer requests during a fiscal year under this section.

(2) Multiple items may be submitted for consideration in each request submitted under this section.

(3) The total of any transfer or cumulative total of multiple transfers in a fiscal year shall not exceed the cumulative appropriation total, funding total, or total positions authorized for the cabinet-level department.

(f) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law. Further, the General Assembly has determined that the cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently if some flexibility is provided as authorized under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(g) The provisions of this section shall be in effect only from July 1, 2020, through June 30, 2021.