

Estimated Available & Distributions of One-time or Surplus Funds**(D.1 thru D.4)****2021-23 Biennium****Available Surplus:**

Current Rainy Day - Set Aside for Quick Action Closing	\$30,000,000 ¹
Current Rainy Day - Set Aside for Discretionary Releases.	\$8,574,997 ²
Current Rain Day - Set Aside for Dept. of Correction Lease Payments	\$2,639,432
Beginning Surplus (Previous Years Receipts over Obligations)	\$241,380,902
Restrict Reserve Fund Balance (Current Balance \$14.9M + RSA pending Deposits \$23.3M)	\$65,207,148
LESS: Restricted Reserve Funds to be distributed to Department of Transportation per ACA §19-5-202(b)(2)(B)(iii) to the State Highway and Transportation Department Fund	(\$35,000,000)
Estimated FY21 Surplus and Recouped General Revenue	See FY21 Estimates at bottom of Page ³
Total Current Surplus Funds	\$312,802,479

Distribution of Surplus:

Rainy Day Fund	\$10,000,000
PLUS: Carry Forward of unexpended Rainy Day Discretionary Funds	\$8,574,997 ²
Total Rainy Day Fund	\$18,574,997

Rainy Day Fund to expire on 12-31-22 & any remaining balances are transferred to Long Term Reserve

Quick Action Closing Fund Set-Aside. (Carry Forward of unexpended balance from previous biennium. This Set-Aside requires reporting only for any distribution)	\$30,000,000 ¹
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Restricted Reserve FundItem A Requires a majority Approval Vote by ALC prior to release of funds

A. General Discretionary Majority Vote Set-Aside	\$15,000,000
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Items B & C Requiring 3/5 Approval Vote by ALC prior to release of funds

B. Executive/Legislative Set-Aside	\$133,500,000
C. State Police Vehicles Set-Aside	\$3,000,000

Items D & E Do Not Require any General Assembly Vote - Releases are Reported

D. Economic Stimulus Programs Set-Aside	\$5,800,000
E. Department of Correction Lease Payments	\$14,105,000

Total Restricted Reserve Fund Set-Asides	\$171,405,000
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*Any remaining balances at end of the 21-23 Biennium transferred to Long Term Reserve Fund***Long Term Reserve Fund**

Remaining Current Surplus Balance (without FY21 Surplus)	\$92,822,482
Current Long Term Reserve Balance	\$209,985,461
FY21 Surplus - Estimated Collections above Forecast is \$550 million - Less \$101M not available to be recouped.	\$448,380,456 ³
FY21 Estimated unobligated GR that can be recouped	\$10,000,000 ³

Less: FY21 25% Transfer to Highway and Transportation Department Fund	(\$50,000,000)³
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Long Term Reserve Fund Estimated Total	\$711,188,399
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ARKANSAS SENATE

93rd General Assembly - Regular Session, 2021

Amendment Form

DRAFT

Subtitle of Senate Bill No. 375

AN ACT TO DEFINE THE MONIES TO BE AVAILABLE IN THE RESTRICTED RESERVE FUND; AND TO ALLOW THAT ADDITIONAL FUNDS MAY BE MADE AVAILABLE FOR STATE AGENCIES AND INSTITUTIONS APPROPRIATIONS; AND FOR OTHER PURPOSES

Amendment No. ___ to Senate Bill No. 375

Amend Senate Bill No. 375 as originally introduced:

Page 2, line 17 delete "Restricted Reserve Fund" and substitute the following:

"Restricted Reserve Fund" or the "Rainy Day Fund" as authorized in subsection (a)(2) herein

AND

Page 2, delete lines 24 and 25 in their entirety and substitute the following:

"shall be transferred to the Rainy Day Fund, on July 1, 2021;"

AND

Page 2, line 31 delete "authorized in Section 3(d)(3)" and substitute "Set-Aside authorized in Section 3(a)(3)(B)"

AND

Page 3, line 16, delete "law; and" and substitute "law."

AND

Page 3, delete lines 17 through 20 in their entirety

AND

DRAFT

KMW066 - 04-21-2021 11:25:17

Page 1 of 6

Page 3, Delete SECTION 3 in its entirety and substitute the following:

SECTION 3. DO NOT CODIFY. RESTRICTED RESERVE FUND DISTRIBUTION AND SET-ASIDES. (a) After having transferred or set-aside the obligations as set out in §19-5-202(b)(2)(B)(iii) as determined by the Chief Fiscal Officer of the State, those funds transferred and credited to the Restricted Reserve Fund as authorized in Section 2 of this Act and any current unobligated balances in the Restricted Reserve Fund, the State Treasurer shall first set-aside one hundred seventy one million four hundred and five thousand dollars (\$171,405,000) for the "Restricted Reserve Fund Set-Asides" as enumerated in subsections (a)(1) through (a)(3) of this section, with the exception of (a)(3)(B) Quick Action Closing Fund Carry Forward Set-Aside funds to be made available as authorized in Section 2(a)(3) of this Act.

(1) Notwithstanding other provisions of law as set out in 19-5-1263(c) the Set-Asides authorized in subsections (a)(1)(A) and (B) herein shall require prior approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership by the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly in the vote for the disbursements;

(A) Executive/Legislative 3/5 Vote Set-Aside. For transfers from time to time as determined by the Chief Fiscal Officer of the State, in a sum not to exceed \$133,500,000;

(B) State Police Vehicles 3/5 Vote Set-Aside. For transfers from time to time as determined by the Chief Fiscal Officer of the State for the Division of State Police Fund for State Police Vehicles, in a sum not to exceed \$3,000,000.

(2) Notwithstanding other provisions of law as set out in 19-5-1263(c) the Unallocated Restricted Reserve Majority Vote Set-Aside authorized in subsections (a)(2)(A) herein shall only require a majority affirmative vote as set out in the rules of the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly for prior approval of the disbursement;

(A) Unallocated Restricted Reserve Majority Vote Set-Aside. For transfers from time to time as determined by the Chief Fiscal Officer of the State, in a sum not to exceed \$15,000,000.

(3) Notwithstanding other provisions of law the Set-Asides authorized in subsections (a)(3)(A) through (C) herein shall not be subject to the approval requirements set out 19-5-1263(c) and shall only require reporting of the date and amount of transfers;

(A) Economic Stimulus Programs Set-Aside. For transfers from time to time to the Department of Commerce Arkansas Economic Development Commission to fund or fund accounts as determined by the Chief Fiscal Officer of the State for funding for economic stimulus activities throughout the state, in a sum not to exceed \$5,800,000;

(B) Quick Action Closing Fund Carry Forward Set-Aside. To the Economic Development Incentive Quick Action Closing Fund, for incentives to attract new business and economic development to the state, for transfers from time to time from funds made available as authorized in Section 2(a)(3) of this Act;

(C) Department of Correction Lease Payments Set-Aside. For the Department of Correction to the Development and Enhancement Fund or its successor fund or fund accounts or any appropriation authorized by the General Assembly for the Department of Correction debt service payments, in a sum not to exceed \$14,105,000.

(b) The next ten million dollars (\$10,000,000) shall be transferred to the Rainy Day Fund. This transfer to the Rainy Day Fund shall not be subject to the approval requirements set out 19-5-1263(c), however after the funds are transferred to the Rainy Day Fund those funds shall be subject to any requirements set out in law for Rainy Day Fund distributions for reporting or prior approval by the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly.

(c) Then all remaining unobligated funds not set-aside, that are transferred or credited to the Restricted Reserve Fund and any future collections, deposits and transfers authorized in Section 2 of this Act shall be transferred and credited to the Long Term Reserve Fund.

(d) On July 1, 2023 any unobligated funds remaining in the Restricted Reserve Fund Set-Asides established in subsection (a) herein shall be transferred to the Long Term Reserve Fund.”

SECTION 4. CODE AMENDMENT. Arkansas Code § 19-5-1262 is repealed.

~~19-5-1262. Rainy Day Fund.~~

~~(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Rainy Day Fund”.~~

~~(b) The Rainy Day Fund shall consist of:~~

~~(1) Funds transferred to the Rainy Day Fund from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund;~~

~~(2) Attorney General settlement funds;~~

~~(3) Interagency transfers of funds to the Rainy Day Fund;~~

~~(4) Any revenues provided by law; and~~

~~(5) Any other funds and fund transfers provided for by law.~~

~~(c) The Chief Fiscal Officer of the State shall use the Rainy Day Fund for transfers to:~~

~~(1)(A) Provide funding for one (1) or more appropriations or reappropriations enacted by the General Assembly from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund.~~

~~(B) At the time of a transfer under subdivision (c)(1)(A) of this section, the Chief Fiscal Officer of the State shall notify the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, of the transfer of funds, the amount of funds transferred, and the purpose of the transfer; and~~

~~(2) One (1) or more funds or fund accounts authorized by the General Assembly, other than the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, upon prior approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.~~

SECTION 5. EFFECTIVE DATE. Section 4 of this act is effective on and after December 31, 2022 and any remaining unobligated balances in the Rainy Day Fund shall be transferred to the Long Term Reserve Fund at that time.

SECTION 6. CODE AMENDMENT. Arkansas Code § 19-5-406, concerning the transfer of remaining general revenues is amended to read as follows:
19-5-406. Transfer of remaining revenues.

After making the maximum annual allocation as provided for in § 19-5-402:

(1) The first two hundred million shall be distributed as follows:

~~(1)(A)~~ Seventy-five percent (75%) of the remaining general revenues available for distribution during each fiscal year shall be transferred on the last day of business in each calendar month to the General Revenue Allotment Reserve Fund, there to be used for the respective purposes as provided by law; and

~~(2)(B)~~ Twenty-five percent (25%) of the remaining general revenues available for distribution during each fiscal year shall be transferred on the last day of business in each calendar month to the ~~Arkansas Highway Transfer Fund~~ State Highway and Transportation Department Fund.

(2) Any additional revenues available after the distributions in subsection (1) shall be transferred on the last day of business in each calendar month to the General Revenue Allotment Reserve Fund, there to be used for the respective purposes as provided by law."

AND

Page 7, delete SECTION 7 in its entirety and substitute the following:

" SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly that the effectiveness of this Act on the date of its passage and approval is essential to allow transfers which can provide an additional funding mechanism for the operation of state departments, agencies and institutions of higher education, as well as to address unforeseen needs of the state through the disbursement of state funds with the Restricted Reserve Fund as authorized in this Act, and that in the event of an extension of the Session, the delay in the effective date of this Act beyond the date of its passage and approval could work irreparable harm upon the proper transfer of funds, administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval.

If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

AND

Appropriately renumber all SECTION numbers of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Dismang
KMW/KMW - 04-21-2021 11:25:17
KMW066

Secretary

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 375

4
5 By: Senators J. Dismang, Hickey

For An Act To Be Entitled

8 AN ACT TO DEFINE THE MONIES TO BE AVAILABLE IN THE
9 RESTRICTED RESERVE FUND; AND TO ALLOW THAT ADDITIONAL
10 FUNDS MAY BE MADE AVAILABLE FOR STATE AGENCIES AND
11 INSTITUTIONS APPROPRIATIONS; AND FOR OTHER PURPOSES

Subtitle

15 AN ACT TO DEFINE THE MONIES TO BE
16 AVAILABLE IN THE RESTRICTED RESERVE FUND;
17 AND TO ALLOW THAT ADDITIONAL FUNDS MAY BE
18 MADE AVAILABLE FOR STATE AGENCIES AND
19 INSTITUTIONS APPROPRIATIONS; AND FOR
20 OTHER PURPOSES

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

25 SECTION 1. DO NOT CODIFY. Legislative findings – Nonseverability.

26 (a) The General Assembly finds that:

27 (1) Determining the maximum amount of appropriation and funding
28 for a state agency or institution each fiscal year is the prerogative of the
29 General Assembly;

30 (2) Determining the maximum amount of appropriation and funding
31 for a state agency or institution is usually accomplished by delineating the
32 maximum amounts in the appropriation acts for the state agency or institution
33 and in the general revenue allocations authorized for each relevant fund and
34 fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et
35 seq.;

36 (3) The Restricted Reserve Fund has established procedures for



1 the transfer of funds to various funds and fund accounts for the efficient
 2 and effective operation of state government; and

3 (4) It is necessary and appropriate that the General Assembly
 4 maintain oversight by requiring prior approval of the Legislative Council or,
 5 if the General Assembly is in session, the Joint Budget Committee, as
 6 provided in § 19-5-1263(c).

7 (b) The requirement of approval by the Legislative Council or, if the
 8 General Assembly is in session, the Joint Budget Committee, is not a
 9 severable part of § 19-5-1263. If the requirement of approval by the
 10 Legislative Council or, if the General Assembly is in session, the Joint
 11 Budget Committee, is ruled unconstitutional by a court of competent
 12 jurisdiction, § 19-5-1263 (c)(d) and (e) are void in their entirety.

13
 14 SECTION 2. DO NOT CODIFY. TRANSFERS TO THE RESTRICTED RESERVE FUND.
 15 Immediately upon the effective date of this Act, as soon thereafter as is
 16 practical or as authorized in this Section the State Treasurer shall transfer
 17 and credit to the "Restricted Reserve Fund", upon certification of the
 18 amounts thereof by the Chief Fiscal Officer of the State, the following:

19 (a)(1) Any unobligated funds, which are set aside as authorized in
 20 Subsections (b)(2)(4)(5)(6) and (7) of Section 3 of Act 1023 of 2019,
 21 remaining in the Rainy Day Fund, on July 1, 2021;

22 (2) Any unobligated funds remaining in the Rainy Day Fund from funds
 23 made available Subsections (d)(1) and (2) of Section 3 of Act 1023 of 2019
 24 shall be transferred to the Unallocated Restricted Reserve General Set-Aside
 25 as authorized in Section (3)(b)(2)(A) and (B) of this Act, on July 1, 2021;

26 (3) Any unobligated funds remaining in the Rainy Day Fund from funds
 27 made available for the Debt Obligations/Priority Rainy Day Set-Aside, for a
 28 transfer to the Economic Development Incentive Quick Action Closing Fund as
 29 authorized in subsection (b)(3) of Section 3 of Act 1023 of 2019 shall be
 30 transferred and credited to the Restricted Reserve Fund for the Quick Action
 31 Closing Fund Carry Forward authorized in Section 3(d)(3) of this Act, on July
 32 1, 2021;

33 (b) All unobligated and unallocated monies remaining in the "General
 34 Improvement Fund" or the "Development and Enhancement Fund" on June 30, 2021
 35 which are not required to finance projects to be financed therefrom pursuant
 36 to appropriations enacted by the General Assembly, or which have not been

1 reappropriated or reallocated for financing from the "Development and
 2 Enhancement Fund" by the 93rd General Assembly;

3 (c)(1) Any unobligated or unallocated funds remaining on July 2, 2021 in
 4 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
 5 which are not required to finance enactments of the 93rd General Assembly
 6 that do not expire on June 30, 2021, including all General Revenue Funds
 7 recovered from remaining fund balances;

8 (2) All General Revenue Funds recovered from remaining fund balances
 9 in the "General Revenue Allotment Reserve Fund" from monies accruing thereto
 10 during the 2021-2022 fiscal year which are not required to finance enactments
 11 of the 93rd General Assembly that do not expire on June 30, 2022, including
 12 all General Revenue Funds recovered from remaining fund balances;

13 (d) Those special revenues credited to the General Improvement Fund or
 14 the Development and Enhancement Fund from estate taxes as set out in Arkansas
 15 Code § 19-6-301(171);

16 (e) Other revenues as may be transferred or authorized by law; and

17 (f) Any funds provided by the Arkansas Attorney General from the
 18 Attorney General Consumer Education and Enforcement Account, received by the
 19 State of Arkansas through Settlement agreements or as designated by court
 20 order.

21
 22 SECTION 3. DO NOT CODIFY. RESTRICTED RESERVE FUND DISTRIBUTION AND
 23 SET-ASIDES. (a) After having transferred or set-aside the obligations as set
 24 out in §19-5-202(b)(2)(B)(iii) as determined by the Chief Fiscal Officer of
 25 the State, those funds transferred and credited to the Restricted Reserve
 26 Fund as authorized in Section 2 of this Act and any current unobligated
 27 balances in the Restricted Reserve Fund, the State Treasurer shall first set-
 28 aside ninety two million three hundred thousand dollars (\$92,300,000) and any
 29 Carry Forward of unspent discretionary Rainy Day Funds authorized in
 30 subsection (b)(2)(B) herein, for the "Restricted Reserve Fund Set-Asides"
 31 enumerated in subsections (b)(1) through (b)(6) of this section.

32 (b) Restricted Reserve Fund Set-Asides Requiring Approval by the General
 33 Assembly for Disbursement:

34 (1) To establish Restricted Reserve Fund Set-Asides within the
 35 Restricted Reserve Fund to be distributed from time to time in amounts as
 36 determined by the Chief Fiscal Officer of the State as authorized in

1 subsections (b)(2) through (b)(6) after meeting the requirements of 19-5-
2 1263.

3 (2)(A) Unallocated Restricted Reserve General Set-Aside. For
4 transfers from time to time as authorized 19-5-1263, in a sum not to exceed
5 \$25,000,000;

6 (B) Carry Forward of Unspent Discretionary Rainy Day Funds. Any
7 funds transferred to the Unallocated Restricted Reserve General Set-Aside
8 from transfers authorized from Section 2(a)(2) of this Act shall be in
9 addition to those funds authorized in subsection (b)(2)(A) herein.

10 (3) Educational Facilities Set-Aside. For transfer to the
11 Educational Facilities Partnership Fund, in a sum not to exceed \$28,500,000;

12 (4) Broadband Set-Aside. For transfers to the Arkansas Acceleration
13 Fund for Rural Broadband, in a sum not to exceed \$30,000,000;

14 (5) State Police Vehicles Set-Aside. For a transfer for the Division
15 of State Police Fund for State Police Vehicles, in a sum not to exceed
16 \$3,000,000;

17 (6) Economic Stimulus Programs. To the Department of Commerce
18 Arkansas Economic Development Commission to fund or fund accounts as
19 determined by the Chief Fiscal Officer of the State for funding for economic
20 stimulus activities throughout the state, in a sum not to exceed \$5,800,000.

21 (c) On July 1, 2023 any unobligated funds remaining in the Restricted
22 Reserve Fund Set-Asides established in subsection (b) herein shall be
23 transferred to the Long Term Reserve Fund.

24 (d) Additional Restricted Reserve Fund Transfers to various fund or fund
25 accounts:

26 (1) Then, of those funds remaining, transferred and credited to the
27 Restricted Reserve Fund as authorized in Section 2 of this Act, after the
28 transfers to the Restricted Reserve Set Asides established in subsection (b)
29 funds shall be set-aside in the Restrict Reserve Fund to be transferred from
30 time to time as set out in subsections (d)(2) through (4).

31 (2) Notwithstanding other provisions of law, transfers from set-
32 asides in subsection (d)(3) and (4) shall not be subject to the approval
33 requirements set out 19-5-1263(c) and shall only require reporting of the
34 date and amount of transfers:

35 (3) Quick Action Closing Fund Carry Forward Set-Aside. To the
36 Economic Development Incentive Quick Action Closing Fund, for incentives to

1 attract new business and economic development to the state, from funds made
 2 available as authorized in Section 2(a)(3) of this Act;

3 (4) Department of Correction Lease Payments Set-Aside. For the
 4 Department of Correction to the Development and Enhancement Fund or its
 5 successor fund or fund accounts or any appropriation authorized by the
 6 General Assembly for debt service payments, in a sum not to exceed
 7 \$14,105,000;

8 (e) On July 1, 2023 any unobligated funds remaining in the Restricted
 9 Reserve Fund Set-Asides established in subsection (d) herein shall be
 10 transferred to the Long Term Reserve Fund.

11 (f) Then all remaining unobligated funds transferred and credited to
 12 the Restricted Reserve Fund and future collections, deposits and transfers
 13 authorized in Section 2 of this Act shall be transferred and credited to the
 14 Long Term Reserve Fund.

15
 16 SECTION 4. Arkansas Code § 19-5-1263(c) and (d), concerning the
 17 Restricted Reserve Fund, are amended to read as follows:

18 (c) For the purpose of and after meeting the requirements of subsection
 19 (d) of this section, the Chief Fiscal Officer of the State may from time to
 20 time transfer on his or her books and those of the Treasurer of State and the
 21 Auditor of State funds from the Restricted Reserve Fund to one (1) or more
 22 general revenue operating funds or fund accounts, the Miscellaneous Agencies
 23 Fund Account, the Arkansas Department of Transportation for state matching
 24 funds, ~~and~~ the State Central Services Fund, the Development and Enhancement
 25 Fund, and any fund, fund account, or appropriations authorized by the General
 26 Assembly upon prior approval of the greater of three-fifths (3/5) of the
 27 quorum present or a majority of the membership of the Legislative Council or,
 28 if the General Assembly is in session, the Joint Budget Committee.

29 (d)(1) If at any time during the fiscal year a department, state
 30 agency, board, commission, state institution of higher education, or
 31 constitutional officer determines that it is necessary to perform its duties
 32 or is in the best interest of the citizens of the State of Arkansas to
 33 request a transfer from the Restricted Reserve Fund, that entity shall submit
 34 a detailed request in writing to the Chief Fiscal Officer of the State
 35 stating:

36 (A) The need and purpose of the transfer;

- 1 (B) Efforts to find efficiencies and savings prior to making
- 2 the request;
- 3 (C) Current year-to-date budget and expenditures by line
- 4 item; and
- 5 (D) A detailed line item budget reflecting proposed
- 6 expenditures in the amount requested.

7 (2) The Chief Fiscal Officer of the State may request additional
 8 information to make a determination and may then approve, modify, or deny the
 9 request.

10 (3) Upon the determination by the Chief Fiscal Officer of the
 11 State that a transfer is necessary, the Chief Fiscal Officer of the State
 12 shall submit the entity's request and his or her recommendation for approval
 13 as required in subsection (c) of this section.

14
 15 SECTION 5. DO NOT CODIFY. Conditions and Audit. (a) Transfer of funds
 16 from the "Restricted Reserve Fund" shall be made only after the Chief Fiscal
 17 Officer of the State has determined that all criteria or pre-conditions
 18 established in the appropriation act to receive the transfer have been met
 19 and that a Method of Finance has been filed with the Office of Accounting in
 20 the Department of Finance and Administration, if required.

21 (b) Any matching funds as may be provided in law shall be certified to
 22 the Chief Fiscal Officer of the State prior to the commencement of the
 23 project.

24 (c) Any recipient of the funds appropriated herein are also subject to
 25 an audit by the Arkansas Legislative Audit of the Legislative Joint Auditing
 26 Committee in order to determine that the use of the funds was in compliance
 27 with the intent and appropriated purposes of the General Assembly.

28
 29 SECTION 6. DO NOT CODIFY. Funding Authority. (a) Any enactment of the 93rd
 30 General Assembly in either regular, fiscal or extraordinary session
 31 appropriating, transferring or allocating funds to the "Restricted Reserve
 32 Fund" may be deemed to be payable from the "Restricted Reserve Fund".

33 (b) Appropriations which are not enumerated in this Act may be
 34 financed from monies accruing to the "Restricted Reserve Fund" to fund
 35 appropriations authorized by the General Assembly and as set out in law.

36

1 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
2 General Assembly of the State of Arkansas that changes in the state's fiscal
3 laws must take effect at the beginning of the fiscal year, and that if the
4 current legislative session is such that the ninety-day period is later than
5 July 1, 2021, the changes required by this act will not be timely.
6 Therefore, an emergency is declared to exist, and this act being necessary
7 for the preservation of the public peace, health, and safety shall become
8 effective on July 1, 2021.

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Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

DRAFT

Subtitle of House Bill No. 1187

AN ACT FOR THE SECRETARY OF STATE APPROPRIATION FOR THE 2021-2022 FISCAL YEAR.

Amendment No. ___ to House Bill No. 1187

Amend House Bill No. 1187 as engrossed H3/15/21 (version: 03/15/2021 3:47:01 PM):

Page 2, line 34, delete "2" and substitute with "4"

AND

Page 3, line 13, delete "162" and substitute with "164"

AND

Page 3, line 31, delete "\$9,103,837" and substitute with "\$9,197,811"

AND

Page 3, line 33, delete "3,019,886" and substitute with "3,046,199"

AND

Page 4, line 8, delete "\$21,177,519" and substitute with "\$21,297,806".

DRAFT

The Amendment was read _____
By: Joint Budget Committee
By: Senator A. Clark
JAR/JAR - 03-18-2021 15:21:45
JAR089

Chief Clerk

Stricken language will be deleted and underlined language will be added.

1 State of Arkansas *As Engrossed: H1/27/21 H3/15/21*
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

HOUSE BILL 1187

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6

By: Joint Budget Committee

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11

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE SECRETARY OF STATE FOR
THE FISCAL YEAR ENDING JUNE 30, 2022; AND FOR OTHER
PURPOSES.

12
13
14

Subtitle

AN ACT FOR THE SECRETARY OF STATE
APPROPRIATION FOR THE 2021-2022 FISCAL
YEAR.

15
16
17
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19

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

21

22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the Secretary of State for the 2021-2022 fiscal year, the following
24 maximum number of regular employees.

25

				Maximum Annual
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Year
No.	Code	Title	Employees	2021-2022
30	(1)	Q171U SEC OF STATE CHIEF DEPUTY	1	\$125,986
31	(2)	Q172U SEC OF STATE DEPUTY	2	\$112,900
32	(3)	Q174U SEC OF STATE SENIOR INFO TECHNICIAN	1	\$103,970
33	(4)	Q173U SEC OF STATE GENERAL COUNSEL	1	\$101,175
34	(5)	Q175U SEC OF STATE INFO TECHNICIAN	1	\$93,445
35	(6)	Q178U SEC OF STATE CAPITOL POLICE CHIEF	1	\$90,670
36	(7)	Q176U SEC OF STATE DEPARTMENT DIRECTOR	7	\$90,670



1	(8)	Q177U SEC OF STATE ASSOCIATE COUNSEL	1	\$81,257
2	(9)	Q179U SEC OF STATE SYSTEMS ANALYST	1	\$75,054
3	(10)	Q184U SEC OF STATE BUDGET ANALYST	1	\$72,822
4	(11)	Q183U SEC OF STATE DEPARTMENT MANAGER	1	\$72,822
5	(12)	Q182U SEC OF STATE SENIOR SUPERVISOR	1	\$72,822
6	(13)	Q181U SEC OF STATE CAPITOL POLICE CAPTAIN	1	\$72,822
7	(14)	Q190U SEC OF STATE INFO TECH ANALYST	1	\$67,267
8	(15)	Q185U SEC OF STATE PROGRAMMER ANALYST	1	\$67,267
9	(16)	Q197U SEC OF STATE PROJECT COORDINATOR II	3	\$65,265
10	(17)	Q192U SEC OF STATE DEPARTMENT SUPERVISOR	2	\$65,265
11	(18)	Q188U SEC OF STATE TRADE SUPERVISOR	2	\$65,265
12	(19)	Q187U SEC OF STATE POLICE SERGEANT	5	\$65,265
13	(20)	Q186U SEC OF STATE ASSISTANT DIRECTOR	3	\$65,265
14	(21)	Q195U SEC OF STATE INFO TECH ADMINISTRATOR	2	\$60,288
15	(22)	Q231U SEC OF STATE PROJECT COORDINATOR I	4	\$58,493
16	(23)	Q212U SEC OF STATE BLDGS & GRND SUPERVISOR I	3	\$58,493
17	(24)	Q201U SEC OF STATE CORPORAL	24	\$58,493
18	(25)	Q198U SEC OF STATE BUSINESS ACCOUNTANT II	3	\$58,493
19	(26)	Q194U SEC OF STATE CREATIVE SPECIALIST III	1	\$58,493
20	(27)	Q193U SEC OF STATE MASTER TRADESPERSON	2	\$58,493
21	(28)	Q191U SEC OF STATE ELECTION COORDINATOR	5	\$58,493
22	(29)	Q180U SEC OF STATE PUBLIC EVENTS COORD	1	\$58,493
23	(30)	Q199U SEC OF STATE INFO TECH SPECIALIST	1	\$54,035
24	(31)	Q210U SEC OF STATE CORPORATIONS REP III	4	\$52,425
25	(32)	Q209U SEC OF STATE TRADESPERSON	2	\$52,425
26	(33)	Q208U SEC OF STATE MAINTENANCE WORKER II	4	\$52,425
27	(34)	Q204U SEC OF STATE EXECUTIVE ASSISTANT	4	\$52,425
28	(35)	Q203U SEC OF STATE CREATIVE SPECIALIST II	2	\$52,425
29	(36)	Q202U SEC OF STATE VOTER SVCS ADMINISTRATOR	2	\$52,425
30	(37)	Q200U SEC OF STATE CUSTOMER SVCS COORD II	3	\$52,425
31	(38)	Q215U SEC OF STATE ADMINISTRATIVE ASST III	7	\$46,987
32	(39)	Q214U SEC OF STATE FACILITIES SVC REP II	1	\$46,987
33	(40)	Q213U SEC OF STATE CREATIVE SPECIALIST I	1	\$46,987
34	(41)	Q211U SEC OF STATE RECORDS SPECIALIST	2	\$46,987
35	(42)	Q206U SEC OF STATE BLDG SVCS COORDINATOR	1	\$46,987
36	(43)	Q222U SEC OF STATE MAINTENANCE WORKER I	4	\$42,117

1	(44)	Q221U SEC OF STATE FACILITIES SVC REP I	4	\$42,117
2	(45)	Q219U SEC OF STATE CORPORATIONS REP II	11	\$42,117
3	(46)	Q218U SEC OF STATE BUSINESS ASSISTANT I	3	\$42,117
4	(47)	Q216U SEC OF STATE ADMINISTRATIVE ASST II	3	\$42,117
5	(48)	Q229U SEC OF STATE MAIL CLERK	1	\$37,749
6	(49)	Q225U SEC OF STATE DISPATCHER	2	\$37,749
7	(50)	Q224U SEC OF STATE CUSTODIAN II	1	\$37,749
8	(51)	Q223U SEC OF STATE CORPORATIONS REP I	4	\$37,749
9	(52)	Q220U SEC OF STATE ADMINISTRATIVE ASST I	5	\$37,749
10	(53)	Q227U SEC OF STATE CUSTODIAN I	5	\$33,836
11	(54)	Q226U SEC OF STATE BLDG SVCS REP	2	\$33,836
12	(55)	Q230U SEC OF STATE RECEPTIONIST I	<u>1</u>	\$31,900
13		MAX. NO. OF EMPLOYEES	162	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Secretary of State - Operations for the 2021-2022 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: forty-five (45) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Secretary of State, to be payable from the State Central Services Fund, for personal services and operating expenses of the Secretary of State for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
NO.	2021-2022
(01) REGULAR SALARIES	\$9,103,837
(02) EXTRA HELP	144,909
(03) PERSONAL SERVICES MATCHING	3,019,886
(04) OVERTIME	33,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	4,258,525

1	(B) CONF. & TRAVEL	65,651
2	(C) PROF. FEES	205,956
3	(D) CAP. OUTLAY	210,000
4	(E) DATA PROC.	0
5	(06) BUILDING & GROUNDS MAINTENANCE	372,678
6	(07) SPECIAL MAINTENANCE	675,048
7	(08) ELECTION EXPENSES	<u>3,088,029</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$21,177,519</u>

9

10 SECTION 4. APPROPRIATION - CAPITOL GROUNDS MONUMENT/MEMORIAL

11 PRESERVATION. There is hereby appropriated, to the Secretary of State, to be

12 payable from the Capitol Grounds Monument And Memorial Preservation Fund, for

13 various construction and operating expenses for the preservation of Monuments

14 and Memorials on the State Capitol Grounds by the Secretary of State for the

15 fiscal year ending June 30, 2022, the following:

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2021-2022</u>
19	(01) VARIOUS OPERATING & CONSTRUCTION	
20	EXPENSES FOR MONUMENT/MEMORIAL	
21	PRESERVATION	<u>\$77,456</u>

22

23 SECTION 5. APPROPRIATION - ARKANSAS STATE CAPITOL BUILDINGS & GROUNDS

24 RESTORATION - CASH. There is hereby appropriated, to the Secretary of State,

25 to be payable from the cash fund deposited in the State Treasury as

26 determined by the Chief Fiscal Officer of the State, from contributions and

27 donations for maintenance and restoration projects by the Secretary of State

28 for the fiscal year ending June 30, 2022, the following:

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2021-2022</u>
32	(01) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	\$25,000
34	(B) CONF. & TRAVEL	0
35	(C) PROF. FEES	0
36	(D) CAP. OUTLAY	0

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

DRAFT

Subtitle of Senate Bill No. 95

AN ACT FOR THE ARKANSAS PUBLIC DEFENDER COMMISSION APPROPRIATION FOR THE 2021-2022
FISCAL YEAR.

Amendment No. ___ to Senate Bill No. 95

Amend Senate Bill No. 95 as originally introduced:

Page 2, line 2, delete "1" and substitute with "2"

AND

Page 2, line 4, delete "19" and substitute with "20"

AND

Page 2, line 23, delete "\$1,449,507" and substitute with "\$1,481,912"

AND

Page 2, line 25, delete "439,394" and substitute with "446,199"

AND

Page 2, line 32, delete "\$3,093,239" and substitute with "\$3,132,449"

AND

Page 6, line 12, delete "0" and substitute with "10,000"

AND

Page 6, line 13, delete "25,000" and substitute with "75,000"

AND

Page 6, line 16, delete "2,160,231" and substitute with "3,600,231"

AND

DRAFT

Page 6, line 17, delete "\$3,183,156" and substitute with "\$4,683,156".

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Senator A. Clark

JAR/JAR - 03-29-2021 12:43:03

JAR090

Secretary

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 95

4
5 By: Joint Budget Committee

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC
10 DEFENDER COMMISSION FOR THE FISCAL YEAR ENDING JUNE
11 30, 2022; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
16 COMMISSION APPROPRIATION FOR THE 2021-
17 2022 FISCAL YEAR.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. REGULAR SALARIES - STATE OPERATIONS. There is hereby
23 established for the Arkansas Public Defender Commission - State Operations
24 for the 2021-2022 fiscal year, the following maximum number of regular
25 employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2021-2022
31	(1) U082U	PUBLIC DEF COMM EXEC DIRECTOR	1	GRADE SE02
32	(2) G012N	PUBLIC DEFENDER III	9	GRADE GS13
33	(3) G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
34	(4) X056C	CAPITAL CONFLICTS INVESTIGATOR	2	GRADE GS07
35	(5) G146C	MITIGATION SPECIALIST	1	GRADE GS07
36	(6) G179C	LEGAL SERVICES SPECIALIST	2	GRADE GS06



1	(7) G122C PUBLIC DEFENDER PROGRAM COORDINATOR	1	GRADE GS06
2	(8) C012C PUBLIC DEFENDER SUPT SVCS SPECIALIST	1	GRADE GS05
3	(9) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
4	MAX. NO. OF EMPLOYEES	19	

5
6 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
7 for the Arkansas Public Defender Commission - State Operations for the 2021-
8 2022 fiscal year, the following maximum number of part-time or temporary
9 employees, to be known as "Extra Help", payable from funds appropriated
10 herein for such purposes: three (3) temporary or part-time employees, when
11 needed, at rates of pay not to exceed those provided in the Uniform
12 Classification and Compensation Act, or its successor, or this act for the
13 appropriate classification.

14
15 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
16 appropriated, to the Arkansas Public Defender Commission, to be payable from
17 the State Central Services Fund, for personal services and operating expenses
18 of the Arkansas Public Defender Commission - State Operations for the fiscal
19 year ending June 30, 2022, the following:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2021-2022</u>
23	(01) REGULAR SALARIES	\$1,449,507
24	(02) EXTRA HELP	12,000
25	(03) PERSONAL SERVICES MATCHING	439,394
26	(04) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	247,648
28	(B) CONF. & TRAVEL	19,690
29	(C) PROF. FEES	925,000
30	(D) CAP. OUTLAY	0
31	(E) DATA PROC.	<u>0</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$3,093,239</u>

33
34 SECTION 4. REGULAR SALARIES - TRIAL PUBLIC DEFENDER OFFICE. There is
35 hereby established for the Arkansas Public Defender Commission - Trial Public
36 Defender Office for the 2021-2022 fiscal year, the following maximum number

1 operating expenses and parent counsel refunds/reimbursements of the
 2 Commission for Parent Counsel for the fiscal year ending June 30, 2022, the
 3 following:

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2021-2022</u>
7 (01) REGULAR SALARIES	\$467,476
8 (02) EXTRA HELP	310,000
9 (03) PERSONAL SERVICES MATCHING	170,449
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	50,000
12 (B) CONF. & TRAVEL	0
13 (C) PROF. FEES	25,000
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	0
16 (05) PARENT COUNSEL REIMBURSEMENTS	<u>2,160,231</u>
17 TOTAL AMOUNT APPROPRIATED	<u>\$3,183,156</u>

18
 19 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDIGENT
 21 PARENT COUNSEL REPRESENTATION. The Commission for Parent Counsel shall have
 22 the authority to use the appropriation provided in line item Parent Counsel
 23 Reimbursements of the Parent Counsel Program appropriation herein for the
 24 purpose of entering into independent professional service contracts on a
 25 full-time or part-time basis with attorneys who are qualified to provide
 26 counsel for indigent parents in dependency-neglect cases.

27 The provisions of this section shall be in effect only from July 1, 2020
 28 2021 through June 30, ~~2021~~ 2022.

29
 30 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 32 PROVISION – LINE ITEMS - COMMISSION FOR PARENT COUNSEL. After receiving
 33 approval from the Chief Fiscal Officer of the State and prior review by the
 34 Arkansas Legislative Council or Joint Budget Committee, the Director of the
 35 Arkansas Public Defender Commission is authorized to transfer appropriation,
 36 with the exception of Personal Services Matching, between the line items

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

DRAFT

Subtitle of Senate Bill No. 375

AN ACT TO DEFINE THE MONIES TO BE AVAILABLE IN THE RESTRICTED RESERVE FUND; AND TO
ALLOW THAT ADDITIONAL FUNDS MAY BE MADE AVAILABLE FOR STATE AGENCIES AND
INSTITUTIONS APPROPRIATIONS; AND FOR OTHER PURPOSES

Amendment No. ___ to Senate Bill No. 375

Amend Senate Bill No. 375 as originally introduced:

Page 2, line 17 delete "Restricted Reserve Fund" and substitute the following:

"Restricted Reserve Fund" or the "Rainy Day Fund" as authorized in subsection (a)(2) herein"

AND

Page 2, delete lines 24 and 25 in their entirety and substitute the following:

"shall be transferred to the Rainy Day Fund, on July 1, 2021;"

AND

Page 2, line 31 delete "authorized in Section 3(d)(3)" and substitute "Set-Aside authorized in Section 3(a)(3)(B)"

AND

Page 3, line 16, delete "law; and" and substitute "law."

AND

Page 3, delete lines 17 through 20 in their entirety

AND

DRAFT

Page 3, Delete SECTION 3 in its entirety and substitute the following:

SECTION 3. DO NOT CODIFY. RESTRICTED RESERVE FUND DISTRIBUTION AND SET-ASIDES. (a) After having transferred or set-aside the obligations as set out in §19-5-202(b)(2)(B)(iii) as determined by the Chief Fiscal Officer of the State, those funds transferred and credited to the Restricted Reserve Fund as authorized in Section 2 of this Act and any current unobligated balances in the Restricted Reserve Fund, the State Treasurer shall first set-aside one hundred seventy one million four hundred and five thousand dollars (\$171,405,000) for the "Restricted Reserve Fund Set-Asides" as enumerated in subsections (a)(1) through (a)(3) of this section, with the exception of (a)(3)(B) Quick Action Closing Fund Carry Forward Set-Aside funds to be made available as authorized in Section 2(a)(3) of this Act.

(1) Notwithstanding other provisions of law as set out in 19-5-1263(c) the Set-Asides authorized in subsections (a)(1)(A) and (B) herein shall require prior approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership by the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly in the vote for the disbursements;

(A) Executive/Legislative 3/5 Vote Set-Aside. For transfers from time to time as determined by the Chief Fiscal Officer of the State, in a sum not to exceed \$133,500,000;

(B) State Police Vehicles 3/5 Vote Set-Aside. For transfers from time to time as determined by the Chief Fiscal Officer of the State for the Division of State Police Fund for State Police Vehicles, in a sum not to exceed \$3,000,000.

(2) Notwithstanding other provisions of law as set out in 19-5-1263(c) the Unallocated Restricted Reserve Majority Vote Set-Aside authorized in subsections (a)(2)(A) herein shall only require a majority affirmative vote as set out in the rules of the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly for prior approval of the disbursement;

(A) Unallocated Restricted Reserve Majority Vote Set-Aside. For transfers from time to time as determined by the Chief Fiscal Officer of the State, in a sum not to exceed \$15,000,000.

(3) Notwithstanding other provisions of law the Set-Asides authorized in subsections (a)(3)(A) through (C) herein shall not be subject to the approval requirements set out 19-5-1263(c) and shall only require reporting of the date and amount of transfers;

(A) Economic Stimulus Programs Set-Aside. For transfers from time to time to the Department of Commerce Arkansas Economic Development Commission to fund or fund accounts as determined by the Chief Fiscal Officer of the State for funding for economic stimulus activities throughout the state, in a sum not to exceed \$5,800,000;

(B) Quick Action Closing Fund Carry Forward Set-Aside. To the Economic Development Incentive Quick Action Closing Fund, for incentives to attract new business and economic development to the state, for transfers from time to time from funds made available as authorized in Section 2(a)(3) of this Act;

(C) Department of Correction Lease Payments Set-Aside. For the Department of Correction to the Development and Enhancement Fund or its successor fund or fund accounts or any appropriation authorized by the General Assembly for the Department of Correction debt service payments, in a sum not to exceed \$14,105,000.

(b) The next ten million dollars (\$10,000,000) shall be transferred to the Rainy Day Fund. This transfer to the Rainy Day Fund shall not be subject to the approval requirements set out 19-5-1263(c), however after the funds are transferred to the Rainy Day Fund those funds shall be subject to any requirements set out in law for Rainy Day Fund distributions for reporting or prior approval by the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly.

(c) Then all remaining unobligated funds not set-aside, that are transferred or credited to the Restricted Reserve Fund and any future collections, deposits and transfers authorized in Section 2 of this Act shall be transferred and credited to the Long Term Reserve Fund.

(d) On July 1, 2023 any unobligated funds remaining in the Restricted Reserve Fund Set-Asides established in subsection (a) herein shall be transferred to the Long Term Reserve Fund.”

SECTION 4. CODE AMENDMENT. Arkansas Code § 19-5-1262 is repealed.

~~19-5-1262. Rainy Day Fund.~~

~~(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Rainy Day Fund”.~~

~~(b) The Rainy Day Fund shall consist of:~~

~~(1) Funds transferred to the Rainy Day Fund from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund;~~

~~(2) Attorney General settlement funds;~~

~~(3) Interagency transfers of funds to the Rainy Day Fund;~~

~~(4) Any revenues provided by law; and~~

~~(5) Any other funds and fund transfers provided for by law.~~

~~(c) The Chief Fiscal Officer of the State shall use the Rainy Day Fund for transfers to:~~

~~(1)(A) Provide funding for one (1) or more appropriations or reappropriations enacted by the General Assembly from the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund.~~

~~(B) At the time of a transfer under subdivision (c)(1)(A) of this section, the Chief Fiscal Officer of the State shall notify the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, of the transfer of funds, the amount of funds transferred, and the purpose of the transfer; and~~

~~(2) One (1) or more funds or fund accounts authorized by the General Assembly, other than the General Improvement Fund or its successor fund or fund accounts, including the Development and Enhancement Fund, upon prior approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.~~

SECTION 5. EFFECTIVE DATE. Section 4 of this act is effective on and after December 31, 2022 and any remaining unobligated balances in the Rainy Day Fund shall be transferred to the Long Term Reserve Fund at that time.

SECTION 6. CODE AMENDMENT. Arkansas Code § 19-5-406, concerning the transfer of remaining general revenues is amended to read as follows:
19-5-406. Transfer of remaining revenues.

After making the maximum annual allocation as provided for in § 19-5-402:

(1) The first two hundred million shall be distributed as follows:

~~(1)(A)~~ Seventy-five percent (75%) of the remaining general revenues available for distribution during each fiscal year shall be transferred on the last day of business in each calendar month to the General Revenue Allotment Reserve Fund, there to be used for the respective purposes as provided by law; and

~~(2)~~(B) Twenty-five percent (25%) of the remaining general revenues available for distribution during each fiscal year shall be transferred on the last day of business in each calendar month to the Arkansas Highway Transfer Fund.

(2) Any additional revenues available after the distributions in subsection (1) shall be transferred on the last day of business in each calendar month to the General Revenue Allotment Reserve Fund, there to be used for the respective purposes as provided by law."

AND

Page 7, delete SECTION 7 in its entirety and substitute the following:

" SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly that the effectiveness of this Act on the date of its passage and approval is essential to allow transfers which can provide an additional funding mechanism for the operation of state departments, agencies and institutions of higher education, as well as to address unforeseen needs of the state through the disbursement of state funds with the Restricted Reserve Fund as authorized in this Act, and that in the event of an extension of the Session, the delay in the effective date of this Act beyond the date of its passage and approval could work irreparable harm upon the proper transfer of funds, administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval.

If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

AND

Appropriately renumber all SECTION numbers of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee
By: Representative Dotson
KMW/KMW - 04-21-2021 12:31:21
KMW067

Secretary

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 375

4
5 By: Senators J. Dismang, Hickey

For An Act To Be Entitled

8 AN ACT TO DEFINE THE MONIES TO BE AVAILABLE IN THE
9 RESTRICTED RESERVE FUND; AND TO ALLOW THAT ADDITIONAL
10 FUNDS MAY BE MADE AVAILABLE FOR STATE AGENCIES AND
11 INSTITUTIONS APPROPRIATIONS; AND FOR OTHER PURPOSES

Subtitle

15 AN ACT TO DEFINE THE MONIES TO BE
16 AVAILABLE IN THE RESTRICTED RESERVE FUND;
17 AND TO ALLOW THAT ADDITIONAL FUNDS MAY BE
18 MADE AVAILABLE FOR STATE AGENCIES AND
19 INSTITUTIONS APPROPRIATIONS; AND FOR
20 OTHER PURPOSES

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

25 SECTION 1. DO NOT CODIFY. Legislative findings – Nonseverability.

26 (a) The General Assembly finds that:

27 (1) Determining the maximum amount of appropriation and funding
28 for a state agency or institution each fiscal year is the prerogative of the
29 General Assembly;

30 (2) Determining the maximum amount of appropriation and funding
31 for a state agency or institution is usually accomplished by delineating the
32 maximum amounts in the appropriation acts for the state agency or institution
33 and in the general revenue allocations authorized for each relevant fund and
34 fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et
35 seq.;

36 (3) The Restricted Reserve Fund has established procedures for



1 the transfer of funds to various funds and fund accounts for the efficient
 2 and effective operation of state government; and

3 (4) It is necessary and appropriate that the General Assembly
 4 maintain oversight by requiring prior approval of the Legislative Council or,
 5 if the General Assembly is in session, the Joint Budget Committee, as
 6 provided in § 19-5-1263(c).

7 (b) The requirement of approval by the Legislative Council or, if the
 8 General Assembly is in session, the Joint Budget Committee, is not a
 9 severable part of § 19-5-1263. If the requirement of approval by the
 10 Legislative Council or, if the General Assembly is in session, the Joint
 11 Budget Committee, is ruled unconstitutional by a court of competent
 12 jurisdiction, § 19-5-1263 (c)(d) and (e) are void in their entirety.

13
 14 SECTION 2. DO NOT CODIFY. TRANSFERS TO THE RESTRICTED RESERVE FUND.
 15 Immediately upon the effective date of this Act, as soon thereafter as is
 16 practical or as authorized in this Section the State Treasurer shall transfer
 17 and credit to the "Restricted Reserve Fund", upon certification of the
 18 amounts thereof by the Chief Fiscal Officer of the State, the following:

19 (a)(1) Any unobligated funds, which are set aside as authorized in
 20 Subsections (b)(2)(4)(5)(6) and (7) of Section 3 of Act 1023 of 2019,
 21 remaining in the Rainy Day Fund, on July 1, 2021;

22 (2) Any unobligated funds remaining in the Rainy Day Fund from funds
 23 made available Subsections (d)(1) and (2) of Section 3 of Act 1023 of 2019
 24 shall be transferred to the Unallocated Restricted Reserve General Set-Aside
 25 as authorized in Section (3)(b)(2)(A) and (B) of this Act, on July 1, 2021;

26 (3) Any unobligated funds remaining in the Rainy Day Fund from funds
 27 made available for the Debt Obligations/Priority Rainy Day Set-Aside, for a
 28 transfer to the Economic Development Incentive Quick Action Closing Fund as
 29 authorized in subsection (b)(3) of Section 3 of Act 1023 of 2019 shall be
 30 transferred and credited to the Restricted Reserve Fund for the Quick Action
 31 Closing Fund Carry Forward authorized in Section 3(d)(3) of this Act, on July
 32 1, 2021;

33 (b) All unobligated and unallocated monies remaining in the "General
 34 Improvement Fund" or the "Development and Enhancement Fund" on June 30, 2021
 35 which are not required to finance projects to be financed therefrom pursuant
 36 to appropriations enacted by the General Assembly, or which have not been

1 reappropriated or reallocated for financing from the "Development and
 2 Enhancement Fund" by the 93rd General Assembly;

3 (c)(1) Any unobligated or unallocated funds remaining on July 2, 2021 in
 4 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
 5 which are not required to finance enactments of the 93rd General Assembly
 6 that do not expire on June 30, 2021, including all General Revenue Funds
 7 recovered from remaining fund balances;

8 (2) All General Revenue Funds recovered from remaining fund balances
 9 in the "General Revenue Allotment Reserve Fund" from monies accruing thereto
 10 during the 2021-2022 fiscal year which are not required to finance enactments
 11 of the 93rd General Assembly that do not expire on June 30, 2022, including
 12 all General Revenue Funds recovered from remaining fund balances;

13 (d) Those special revenues credited to the General Improvement Fund or
 14 the Development and Enhancement Fund from estate taxes as set out in Arkansas
 15 Code § 19-6-301(171);

16 (e) Other revenues as may be transferred or authorized by law; and

17 (f) Any funds provided by the Arkansas Attorney General from the
 18 Attorney General Consumer Education and Enforcement Account, received by the
 19 State of Arkansas through Settlement agreements or as designated by court
 20 order.

21
 22 SECTION 3. DO NOT CODIFY. RESTRICTED RESERVE FUND DISTRIBUTION AND
 23 SET-ASIDES. (a) After having transferred or set-aside the obligations as set
 24 out in §19-5-202(b)(2)(B)(iii) as determined by the Chief Fiscal Officer of
 25 the State, those funds transferred and credited to the Restricted Reserve
 26 Fund as authorized in Section 2 of this Act and any current unobligated
 27 balances in the Restricted Reserve Fund, the State Treasurer shall first set-
 28 aside ninety two million three hundred thousand dollars (\$92,300,000) and any
 29 Carry Forward of unspent discretionary Rainy Day Funds authorized in
 30 subsection (b)(2)(B) herein, for the "Restricted Reserve Fund Set-Asides"
 31 enumerated in subsections (b)(1) through (b)(6) of this section.

32 (b) Restricted Reserve Fund Set-Asides Requiring Approval by the General
 33 Assembly for Disbursement:

34 (1) To establish Restricted Reserve Fund Set-Asides within the
 35 Restricted Reserve Fund to be distributed from time to time in amounts as
 36 determined by the Chief Fiscal Officer of the State as authorized in

1 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
2 General Assembly of the State of Arkansas that changes in the state's fiscal
3 laws must take effect at the beginning of the fiscal year, and that if the
4 current legislative session is such that the ninety-day period is later than
5 July 1, 2021, the changes required by this act will not be timely.
6 Therefore, an emergency is declared to exist, and this act being necessary
7 for the preservation of the public peace, health, and safety shall become
8 effective on July 1, 2021.

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