

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

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

HOUSE BILL 1079

By: Representative Bell

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR FEDERAL REIMBURSEMENT EXPENSES FOR THE ARKANSAS AGRICULTURE DEPARTMENT - STATE FORESTRY COMMISSION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1076 OF 2011; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS AGRICULTURE DEPARTMENT - STATE FORESTRY COMMISSION SUPPLEMENTAL APPROPRIATION.

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

SECTION 1. APPROPRIATION - FORESTRY - OPERATIONS. There is hereby appropriated, to the Arkansas Agriculture Department, to be payable from the State Forestry Fund, for refunds and reimbursements of the Arkansas Agriculture Department - State Forestry Commission which shall be supplemental and in addition to those funds appropriated in Section 29 of Act 1076 of 2011, the following:

ITEM	FISCAL YEAR
NO.	2011-2012
(01) REFUNDS/REIMBURSEMENTS	<u>\$1,200,000</u>

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING



TRANSFER. (a) The Chief Fiscal Officer of the State shall determine the amount needed by the Arkansas Agriculture Department – State Forestry Commission for Refunds and Reimbursements to provide repayment of loans, penalties and interest owed to the Federal Government. (b) The Chief Fiscal Officer of the State shall then request prior approval from the Arkansas Legislative Council or Joint Budget Committee for the transfer as set out in (c) herein. (c) After receiving approval, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the amount approved but not to exceed one million two hundred thousand dollars (\$1,200,000) from the unobligated funds in the General Improvement Fund to the State Forestry Fund.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency 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 Arkansas Agriculture Department – State Forestry Commission may operate more efficiently if some flexibility is provided to the Arkansas Agriculture Department – State Forestry Commission authorizing broad powers 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 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.

SECTION 3. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by

the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that funds provided by the General Assembly for the operations of the Arkansas Agriculture Department are, due to unforeseen circumstances, insufficient for the Arkansas Agriculture Department to continue to provide essential governmental services; that the provisions of this act will provide the necessary monies for the Arkansas Agriculture Department to continue such services; and that a delay in the effective date of this Act could work irreparable harm upon the proper 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.