

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S2/11/15 S3/23/15
A Bill

SENATE BILL 175

By: Senators Rapert, Caldwell, J. Cooper, D. Johnson, Teague, E. Cheatham, *Maloch*
By: Representatives Womack, Beck, Branscum, Brown, Della Rosa, C. Douglas, D. Douglas, Eubanks, Farrer, C. Fite, L. Fite, Gonzales, Gossage, Hammer, Harris, Henderson, Hickerson, Holcomb, Jett, Ladyman, Lampkin, Leding, Lowery, G. McGill, D. Meeks, Neal, B. Overbey, Payton, Richey, Richmond, Rushing, Sabin, Shepherd, B. Smith, Sullivan, Talley, Tosh, Tucker, Wallace, Wardlaw, Wright

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR CONSTRUCTION, IMPROVEMENTS, EQUIPMENT, RENOVATION AND MAINTENANCE EXPENSES FOR THE HUMAN DEVELOPMENT CENTERS FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2015; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES - HUMAN DEVELOPMENT CENTERS APPROPRIATION FOR THE 2014-2015 FISCAL YEAR.

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

SECTION 1. APPROPRIATION - HUMAN DEVELOPMENT CENTERS. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for construction, improvements, equipment, renovation and maintenance expenses for the Human Development Centers of the Department of Human Services - Division of Developmental Disabilities Services for the fiscal year ending June 30, 2015, the



following:

ITEM NO.	FISCAL YEAR 2014-2015
(01) HUMAN DEVELOPMENT CENTERS	<u>\$15,000,000</u>

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER AND REVIEW. Immediately upon the effective date of this Act, 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 sum of fifteen million dollars (\$15,000,000) from the General Revenue Allotment Reserve Fund to the paying account as determined by the Chief Fiscal Officer of the State for funds for construction, improvements, equipment, renovation and maintenance expenses for the Human Development Centers of the Department of Human Services - Division of Developmental Disabilities Services.

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEGISLATIVE REVIEW. The Department of Human Services – Division of Development Disabilities Services shall seek prior review by the Arkansas Legislative Council or Joint Budget Committee before expending any of the funds appropriated in Section 1 of this act.

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the paying account as determined by the Chief Fiscal Officer of the State for construction, improvements, equipment, renovation, and maintenance expenses for the Human Development Centers of the Department of Human Services - Division of Developmental Disabilities Services at the end of a fiscal year shall remain in the paying account as determined by the Chief Fiscal Officer of the State and made available to fund appropriations authorized by law and made payable from the paying account as determined by the Chief Fiscal Officer of the State for the following fiscal year.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, 2015 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) The Agency shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor obligations otherwise incurred in relation to the project or projects described herein in excess of the State Treasury funds actually available therefor as provided by law. Provided, however, that institutions and agencies listed herein shall have the authority to accept and use grants and donations including Federal funds, and to use its unobligated cash income or funds, or both available to it, for the purpose of supplementing the State Treasury funds for financing the entire costs of the project or projects enumerated herein. Provided further, that the appropriations and funds otherwise provided by the General Assembly for Maintenance and General Operations of the agency or institutions receiving appropriation herein shall not be used for any of the purposes as appropriated in this act.

(B) The restrictions of any applicable provisions of the State Purchasing

Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws of this State and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of any funds provided by this act unless specifically provided otherwise by law.

SECTION 6. 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 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on the date of its passage and approval is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative 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 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.

/s/Rapert