

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

# A Bill

HOUSE BILL 1079

5 By: Representative Bell  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR FEDERAL  
9 REIMBURSEMENT EXPENSES FOR THE ARKANSAS  
10 AGRICULTURE DEPARTMENT - STATE FORESTRY  
11 COMMISSION WHICH SHALL BE SUPPLEMENTAL AND IN  
12 ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1076  
13 OF 2011; AND FOR OTHER PURPOSES.  
14

## Subtitle

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16 AN ACT FOR THE ARKANSAS AGRICULTURE  
17 DEPARTMENT - STATE FORESTRY COMMISSION  
18 SUPPLEMENTAL APPROPRIATION.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. APPROPRIATION - FORESTRY - OPERATIONS. There is hereby  
25 appropriated, to the Arkansas Agriculture Department, to be payable from the  
26 State Forestry Fund, for refunds and reimbursements of the Arkansas  
27 Agriculture Department - State Forestry Commission which shall be  
28 supplemental and in addition to those funds appropriated in Section 29 of Act  
29 1076 of 2011, the following:  
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31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2011-2012</u>
33 (01) REFUNDS/REIMBURSEMENTS	<u>\$1,200,000</u>

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



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

12 Determining the maximum number of employees and the maximum amount of  
13 appropriation and general revenue funding for a state agency each fiscal year  
14 is the prerogative of the General Assembly. This is usually accomplished by  
15 delineating such maximums in the appropriation act(s) for a state agency and  
16 the general revenue allocations authorized for each fund and fund account by  
17 amendment to the Revenue Stabilization law. Further, the General Assembly  
18 has determined that the Arkansas Agriculture Department – State Forestry  
19 Commission may operate more efficiently if some flexibility is provided to  
20 the Arkansas Agriculture Department – State Forestry Commission authorizing  
21 broad powers under this Section. Therefore, it is both necessary and  
22 appropriate that the General Assembly maintain oversight by requiring prior  
23 approval of the Legislative Council or Joint Budget Committee as provided by  
24 this section. The requirement of approval by the Legislative Council or  
25 Joint Budget Committee is not a severable part of this section. If the  
26 requirement of approval by the Legislative Council or Joint Budget Committee  
27 is ruled unconstitutional by a court of competent jurisdiction, this entire  
28 section is void.

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

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

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 4 SECTION 4. LEGISLATIVE INTENT. It is the intent of the General  
 5 Assembly that any funds disbursed under the authority of the appropriations  
 6 contained in this act shall be in compliance with the stated reasons for  
 7 which this act was adopted, as evidenced by the Agency Requests, Executive  
 8 Recommendations and Legislative Recommendations contained in the budget  
 9 manuals prepared by the Department of Finance and Administration, letters, or  
 10 summarized oral testimony in the official minutes of the Arkansas Legislative  
 11 Council or Joint Budget Committee which relate to its passage and adoption.  
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13 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General  
 14 Assembly, that funds provided by the General Assembly for the operations of  
 15 the Arkansas Agriculture Department are, due to unforeseen circumstances,  
 16 insufficient for the Arkansas Agriculture Department to continue to provide  
 17 essential governmental services; that the provisions of this act will provide  
 18 the necessary monies for the Arkansas Agriculture Department to continue such  
 19 services; and that a delay in the effective date of this Act could work  
 20 irreparable harm upon the proper administration and provision of essential  
 21 governmental programs. Therefore, an emergency is hereby declared to exist  
 22 and this Act being necessary for the immediate preservation of the public  
 23 peace, health and safety shall be in full force and effect from and after the  
 24 date of its passage and approval.

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