

.As Engrossed: 2/19/91, 3/14/91, 3/19/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: *Joint Budget Committee***

A Bill

SENATE BILL 228

For An Act To Be Entitled

8 "AN ACT TO CREATE THE QUALITY MANAGEMENT BOARD; TO DEFINE
9 THE DUTIES AND POWERS OF THE BOARD; TO ESTABLISH THE
10 QUALITY MANAGEMENT STATE AGENCY TRAINING FUND; AND FOR
11 OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 *SECTION 1. PURPOSE. Since it is incumbent upon Arkansas State*
16 *Government to operate in an efficient and cost effective manner, it is the*
17 *purpose of this Act to establish a framework to encourage, support and*
18 *document the activities and accomplishments of Quality Management in State*
19 *Government.*

20
21 *SECTION 2. DEFINITIONS. As used in this Act, unless the context*
22 *otherwise requires:*

23 (a) *"QUALITY MANAGEMENT BOARD" means the membership of the Quality*
24 *Management Board acting under authority granted in this Act;*

25 (b) *"CHIEF FISCAL OFFICER" means the Director of the Department of*
26 *Finance and Administration;*

27 (c) *"DIRECTOR" means the Executive Head of any Quality Management*
28 *Participating Agency;*

29 (d) *"SPEAKER OF THE HOUSE" means the duly elected Speaker of the House*
30 *of Representatives;*

31 (e) *"PRESIDENT PRO TEMPORE OF THE SENATE" means the duly elected*
32 *President Pro Tempore of the Arkansas Senate;*

33 (f) *"QUALITY MANAGEMENT PARTICIPATING AGENCY" means any agency,*
34 *authority, department, board, commission, bureau, council, or other agency of*
35 *the State of Arkansas supported by appropriation of state or federal funds*

1 designated by the Governor as a Quality Management Participating Agency;

2 (g) "QUALITY MANAGEMENT AFFECTED EMPLOYEE" means any employee of a
3 Quality Management Participating Agency whose (A) position may be eliminated
4 or (B) duties may be changed in such a manner to cause such employee to be
5 unable to perform the new duties of such position due to the implementation of
6 a quality management project;

7 (h) "QUALITY MANAGEMENT PROJECT" means a project approved by the
8 Director of any Quality Management Participating Agency and filed with the
9 Quality Management Board;

10 (i) "QUALITY MANAGEMENT LINE ITEM" means the expense object code from
11 Maintenance and Operations Appropriation which is used to finance training
12 costs;

13 (j) "QUALITY MANAGEMENT STATE AGENCY TRAINING FUND" means a fund
14 established to receive payments from Quality Management Participating Agencies
15 to be administered by the Chief Fiscal Officer;

16 (k) "NOTICE OF INTENT" means document filed with Board providing data on
17 QM project approved for initiation by the Director;

18 (l) "QUALITY MANAGEMENT TRAINING" means training recommended as a result
19 of a Quality Management Project completed by a Quality Management
20 Participating Agency. This training includes but is not limited to training
21 provided by the Department of Finance and Administration - Office of Personnel
22 Management/Interagency Training Program.

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24 SECTION 3. APPOINTMENT OF BOARD MEMBERS. QUALIFICATIONS AND TERMS.

25 (a) There is hereby created the Quality Management Board.

26 (b) The Board shall consist of five (5) members.

27 (c) Three (3) members of the Board shall be appointed by the Governor.
28 These members shall be from business or industry and active members of the
29 State Quality Management Task Force.

30 (d) One (1) member of the Board shall be appointed from the House of
31 Representatives by the Speaker of the House.

32 (e) One (1) member of the Board shall be appointed from the Senate by
33 the President Pro Tempore of the Senate.

34 (f) The Chief Fiscal Officer of the State shall serve as an ex-officio
35 member of the Board.

36 (g) Members of the Board shall serve at the pleasure of the Governor.

1 Members of the Board shall be appointed within ninety (90) days of the
2 effective date of this Act. Of the initial members appointed by the Governor,
3 one (1) shall be appointed for a term of one (1) year, one (1) shall be
4 appointed for a term of two (2) years, and one (1) shall be appointed for a
5 term of three (3) years. Their successors shall be appointed for terms of
6 three (3) years.

7 (h) Should a vacancy occur on the Board, such vacancy shall be filled in
8 the same manner as the original appointment.

9 (i) Should a vacancy occur on the Board, such vacancy shall be filled
10 within thirty (30) days of occurrence.

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12 SECTION 4. FUNCTIONS OF THE BOARD.

13 (a) Organization and Meetings.

14 (1) The Board shall hold a meeting within thirty (30) days after
15 its members are first appointed for the purpose of organization.

16 (2) Meetings shall be scheduled every thirty (30) days to avoid
17 unnecessary delays in the process.

18 (3) The Board shall elect a chairperson.

19 (4) The Chief Fiscal Officer of the State shall provide staffing
20 for the Board.

21 (5) Additional meetings may be held at the discretion of the
22 chairperson or upon request of any three (3) members of the Board.

23 (6) Reasonable notice of all meetings shall be given in the
24 manner prescribed by the laws of this State, and all meetings of the Board
25 shall be open to the public.

26 (7) A quorum of the Board shall consist of three (3) members.

27 (b) Functions and Mandate.

28 (1) Receive "Notice of Intent" from the Director of a Quality
29 Management Participating Agency.

30 (2) Maintain data base of projects, to include those filed;
31 activities of project; status and results. Participating QM Agencies shall
32 provide the data in a manner set out by the Board.

33 (3) The Board shall develop procedures which insure that any QM
34 Affected Employee be provided an employment opportunity, including retraining
35 if necessary; provided, however, nothing in this Act shall prevent such

1 employee from seeking and accepting non-state government employment. If such
2 employment is secured by such employee, the obligation created herein is
3 dissolved.

4 (4) Develop process to provide tracking for QM Participating
5 Agencies which are funded wholly or in part with federal funds.

6 (5) Promulgate rules, regulations, or procedures necessary to
7 carry out the duties of the Board pursuant to this Act.

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9 SECTION 5. Arkansas Code 19-5-106 is hereby amended to add the
10 following:

11 "(a) (7) If during either fiscal year of a biennium, the Board
12 determines that as a result of the implementation of the Quality Management
13 Program, that a reallocation of resources within any agency of the Executive
14 Branch is necessary for the efficient and effective operation of State
15 Government, the Chief Fiscal Officer of the State, with approval of the
16 Governor, shall have the authority to transfer and/or reallocate funds within
17 such agency, board of commission. The Chief Fiscal Officer of the State shall
18 submit such transfers or reallocations to the Arkansas Legislative Council for
19 review prior to making any transfer and/or reallocation.

20 (8) If it is determined that a reallocation of resources should be made,
21 the Chief Fiscal Officer of the State shall then initiate the necessary
22 transfer documents to reflect the transfer or reallocation upon the fiscal
23 records of the State Treasurer, the State Auditor, and the Chief Fiscal
24 Officer of the State."

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26 SECTION 6. QUALITY MANAGEMENT TRAINING FUND. QUALITY MANAGEMENT LINE
27 ITEM. There is established on the books of the State Treasurer, the State
28 Auditor, and the Chief Fiscal Officer of the State a fund to be known as the
29 Quality Management Training Fund. Such fund shall consist of any State funds
30 transferred from the Quality Management Line Item of the various funds and
31 fund accounts of the State as a result of savings accrued by Quality
32 Management Projects completed under the guidelines of the Quality Management
33 Board.

34 (a) According to such rules and regulations as may be established by law
35 or by the Chief Fiscal Officer of the State and upon completion of a QM

1 Project filed with the QM Board, such Agency, Board or Commission so affected
2 may request a transfer of funds from the appropriate fund or fund account and
3 in such amounts as may be deemed necessary, to the QM Line Item, there to be
4 used for the purposes as set out in the rules and regulations established by
5 the Board.

6 (b) According to the rules and regulations established by the Board such
7 Agency, Board or Commission so affected may request a transfer of funds from
8 the QM Line Item to the QM Training Fund.

9 (c) Upon approval of the Chief Fiscal Officer of the State with review
10 by the Arkansas Legislative Council, such transfers shall be recorded on the
11 books of the State Treasurer, State Auditor, and the Chief Fiscal Officer of
12 the State.

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14 SECTION 7. APPROPRIATION - QUALITY MANAGEMENT TRAINING. There is hereby
15 appropriated, to the Department of Finance and Administration-Disbursing
16 Officer, to be payable from the QM Training Fund, for the purpose of providing
17 such training as may be provided by law for the biennial period ending June
18 30, 1993, the following:

ITEM NO.	FISCAL YEARS	
	1991-92	1992-93
(01) PAYMENT OF TUITION/TRAINING	\$500,000	\$500,000

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24 SECTION 8. REGULAR SALARIES - QUALITY MANAGEMENT PROGRAM. There is
25 hereby established for the Department of Finance and Administration -
26 Management Services Division - Quality Management Program for the 1991-93
27 biennium, the following maximum number of regular employees which shall be
28 supplemental and in addition to any other positions authorized by the Seventy-
29 Eighth General Assembly, whose salaries shall be governed by the provisions of
30 the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
31 seq.), or its successor, and all laws amendatory thereto. Provided, however,
32 that any position to which a specific maximum annual salary is set out herein
33 in dollars, shall be exempt from the provisions of said Uniform Classification
34 and Compensation Act. All persons occupying positions authorized herein are
35 hereby governed by the provisions of the Regular Salaries Procedures and

1 Restrictions Act (Arkansas Code §21-5-101), or its successor.

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10 SECTION 9. APPROPRIATIONS - QUALITY MANAGEMENT PROGRAM. There is hereby
 11 appropriated, to the Department of Finance and Administration - Management
 12 Services Division, to be payable from the State Central Services Fund, for
 13 personal services and operating expenses of the Quality Management Program
 14 which shall be supplemental and in addition to any other funds appropriated by
 15 the Seventy-Eighth General Assembly for the Department of Finance and
 16 Administration - Management Services Division, for the biennial period ending
 17 June 30, 1993, the following:

18 Item	Fiscal Years	
19 <u>No.</u>	<u>1991-92</u>	<u>1992-93</u>
20 (01) REGULAR SALARIES	\$ 22,620	\$ 23,751
21 (02) PERSONAL SERVICES MATCHING	5,402	5,602
22 (03) MAINT. & GEN. OPERATION		
23 (A) OPER. EXPENSES \$ 40,000	\$ 40,000	
24 (B) CONF. & TRAVEL 10,000	10,000	
25 (C) PROF. FEES 25,000	25,000	
26 (D) CAPITAL OUTLAY 0	0	
27 (E) DATA PROCESSING 0	0	
28 TOTAL MAINT. & GEN. OPER.	<u>\$ 75,000</u>	<u>\$ 75,000</u>
29 TOTAL AMOUNT APPROPRIATED	<u>\$ 103,022</u>	<u>\$ 104,343</u>

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31 SECTION 10. CODE. All provisions of this Act of a general and
 32 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
 33 Arkansas Code Revision Commission shall incorporate the same in the Code.

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35 SECTION 11. GENERAL REPEALER. All laws and parts of laws in conflict

1 with this Act are hereby repealed.

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3 SECTION 12. SEVERABILITY. If any provision of this Act or the
4 application thereof to any person or circumstance is held invalid, such
5 invalidity shall not affect other provisions or applications of the Act which
6 can be given effect without the invalid provision or applications, and to this
7 end the provisions of this Act are declared to be severable.

8 SECTION 13. EMERGENCY CLAUSE. It is hereby found and determined by
9 the Seventy-Eighth General Assembly of the State of Arkansas that there is a
10 need to implement quality management in state government and provide a method
11 to document and analyze quality management projects. Therefore, to ensure
12 that state government services are provided in an efficient manner, an
13 emergency is hereby declared to exist, and this Act being necessary for the
14 immediate preservation of the public peace, health, and safety, shall be in
15 full force and effect from and after its passage and approval.

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/s/ Russ

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