

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 1788 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 80

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS
10 MINORITY HEALTH COMMISSION FOR THE MINORITY
11 HEALTH INITIATIVE OF THE TARGETED STATE NEEDS
12 PROGRAMS FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2007; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS MINORITY HEALTH
17 INITIATIVE OF THE ARKANSAS MINORITY
18 HEALTH COMMISSION APPROPRIATION FOR THE
19 2005- 2007 BIENNIUM.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is hereby
26 established for the Arkansas Minority Health Commission for the 2005-2007
27 biennium, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.



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| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate | |
|-----------------------|------------|-------------------------------|--------------------------|----------------------------|-----------|
| | | | | 2005-2006 | 2006-2007 |
| (1) | B006 | SR EPIDEMIOLOGIST | 1 | GRADE 22 | |
| (2) | R266 | MANAGEMENT PROJECT ANALYST II | 1 | GRADE 20 | |
| (3) | R010 | ADMINISTRATIVE ASSISTANT II | 1 | GRADE 17 | |
| (4) | K039 | DOCUMENT EXAMINER II | <u>2</u> | GRADE 12 | |
| MAX. NO. OF EMPLOYEES | | | 5 | | |

SECTION 2. APPROPRIATION. There is hereby appropriated, to the Arkansas Minority Health Commission, to be payable from the Targeted State Needs Program Account, for personal services and operating expenses of the Arkansas Minority Health Commission - Arkansas Minority Health Initiative for the biennial period ending June 30, 2007, the following:

| ITEM NO. | | FISCAL YEARS | |
|---------------------------|--|---------------------|---------------------|
| | | 2005-2006 | 2006-2007 |
| (01) | REGULAR SALARIES | \$ 136,458 | \$ 140,568 |
| (02) | PERSONAL SERVICES MATCHING | 49,030 | 49,927 |
| (03) | MAINT. & GEN. OPERATION | | |
| (A) | OPER. EXPENSE | 374,873 | 374,873 |
| (B) | CONF. & TRAVEL | 3,000 | 3,000 |
| (C) | PROF. FEES | 739,508 | 739,508 |
| (D) | CAP. OUTLAY | 0 | 0 |
| (E) | DATA PROC. | 0 | 0 |
| (04) | SCREENING, MONITORING, TREATING & OUTREACH | <u>663,646</u> | <u>663,646</u> |
| TOTAL AMOUNT APPROPRIATED | | <u>\$ 1,966,515</u> | <u>\$ 1,971,522</u> |

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Such appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

1 The provisions of this section shall be in effect only from July 1, 2003
2 2005 through June 30, ~~2005~~ 2007.

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4 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
6 RESTRICTIONS. The appropriations provided in this act shall not be
7 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
8 of Arkansas Code 6-62-104, but only as provided by this act.

9 The provisions of this section shall be in effect only from July 1, 2003
10 2005 through June 30, ~~2005~~ 2007.

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12 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
14 OF APPROPRIATIONS. In the event the amount of any of the budget
15 classifications of maintenance and general operation in this act are found by
16 the administrative head of the agency to be inadequate, then the agency head
17 may request, upon forms provided for such purpose by the Chief Fiscal Officer
18 of the State, a modification of the amounts of the budget classification. In
19 that event, he shall set out on the forms the particular classifications for
20 which he is requesting an increase or decrease, the amounts thereof, and his
21 reasons therefor. In no event shall the total amount of the budget exceed
22 either the amount of the appropriation or the amount of the funds available,
23 nor shall any transfer be made from the capital outlay or data processing
24 subclassifications unless specific authority for such transfers is provided
25 by law, except for transfers from capital outlay to data processing when
26 determined by the Department of Information Systems that data processing
27 services for a state agency can be performed on a more cost-efficient basis
28 by the Department of Information Systems than through the purchase of data
29 processing equipment by that state agency. In considering the proposed
30 modification as prepared and submitted by each state agency, the Chief Fiscal
31 Officer of the State shall make such studies as he deems necessary. The Chief
32 Fiscal Officer of the State shall, after obtaining the approval of the
33 Legislative Council, approve the requested transfer if in his opinion it is
34 in the best interest of the state.

35 The General Assembly has determined that the agency in this act could be
36 operated more efficiently if some flexibility is given to that agency and

1 that flexibility is being accomplished by providing authority to transfer
 2 between certain items of appropriation made by this act. Since the General
 3 Assembly has granted the agency broad powers under the transfer of
 4 appropriations, it is both necessary and appropriate that the General
 5 Assembly maintain oversight of the utilization of the transfers by requiring
 6 prior approval of the Legislative Council in the utilization of the transfer
 7 authority. Therefore, the requirement of approval by the Legislative Council
 8 is not a severable part of this section. If the requirement of approval by
 9 the Legislative Council is ruled unconstitutional by a court of competent
 10 jurisdiction, this entire section is void.

11 The provisions of this section shall be in effect only from July 1, ~~2003~~
 12 2005 through June 30, ~~2005~~ 2007.

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 14 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 16 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
 17 State of Arkansas or any of its agencies or institutions to continue funding
 18 any position paid from the proceeds of the Tobacco Settlement in the event
 19 that Tobacco Settlement funds are not sufficient to finance the position.
 20 (b) State funds will not be used to replace Tobacco Settlement funds when
 21 such funds expire, unless appropriated by the General Assembly and authorized
 22 by the Governor.
 23 (c) A disclosure of the language contained in (a) and (b) of this Section
 24 shall be made available to all new hire and current positions paid from the
 25 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
 26 (d) Whenever applicable the information contained in (a) and (b) of this
 27 Section shall be included in the employee handbook and or Professional
 28 Services Contract paid from the proceeds of the Tobacco Settlement.

29 The provisions of this section shall be in effect only from July 1, ~~2003~~
 30 2005 through June 30, ~~2005~~ 2007.

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 32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 34 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
 35 shall be limited to the appropriation for such agency and funds made
 36 available by law for the support of such appropriations; and the restrictions

1 of the State Purchasing Law, the General Accounting and Budgetary Procedures
2 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
3 and other fiscal control laws of this State, where applicable, and
4 regulations promulgated by the Department of Finance and Administration, as
5 authorized by law, shall be strictly complied with in disbursement of said
6 funds.

7 The provisions of this section shall be in effect only from July 1, 2003
8 2005 through June 30, ~~2005~~ 2007.

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10 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
13 disbursed under the authority of the appropriations contained in this act
14 shall be in compliance with the stated reasons for which this act was
15 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
16 Executive Recommendations and Legislative Recommendations contained in the
17 budget manuals prepared by the Department of Finance and Administration,
18 letters, or summarized oral testimony in the official minutes of the Arkansas
19 Legislative Council or Joint Budget Committee which relate to its passage and
20 adoption.

21 The provisions of this section shall be in effect only from July 1, 2003
22 2005 through June 30, ~~2005~~ 2007.

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24 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
25 Assembly, that the Constitution of the State of Arkansas prohibits the
26 appropriation of funds for more than a two (2) year period; that the
27 effectiveness of this Act on July 1, 2005 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the Regular Session, the delay in the effective
30 date of this Act beyond July 1, 2005 could work irreparable harm upon the
31 proper administration and provision of essential governmental programs.
32 Therefore, an emergency is hereby declared to exist and this Act being
33 necessary for the immediate preservation of the public peace, health and
34 safety shall be in full force and effect from and after July 1, 2005.

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