

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 1292 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1539

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY  
10 OF ARKANSAS AND THE DIVISION OF AGRICULTURE FOR  
11 PERSONAL SERVICES AND OPERATING EXPENSES FOR THE  
12 ARKANSAS BIOSCIENCES INSTITUTES FOR THE BIENNIAL  
13 PERIOD ENDING JUNE 30, 2009; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

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18 AN ACT FOR THE UNIVERSITY OF ARKANSAS  
19 AND THE DIVISION OF AGRICULTURE -  
20 ARKANSAS BIOSCIENCES INSTITUTES  
21 APPROPRIATION FOR THE 2007-2009  
22 BIENNIUM.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby  
28 appropriated, to the University of Arkansas, to be payable from the Arkansas  
29 Biosciences Institute Program Account of the Tobacco Settlement Program Fund,  
30 for personal services and operating expenses of the University of Arkansas -  
31 Arkansas Biosciences Institute for the biennial period ending June 30, 2009,  
32 the following:  
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| 34 ITEM | FISCAL YEARS |           |
|---------|--------------|-----------|
| 35 NO.  | 2007-2008    | 2008-2009 |
|         |              |           |



|   |                              |                     |                     |
|---|------------------------------|---------------------|---------------------|
| 1 | (01) REGULAR SALARIES        | \$ 598,354          | \$ 610,322          |
| 2 | (02) PERSONAL SERV MATCHING  | 135,647             | 138,360             |
| 3 | (03) MAINT. & GEN. OPERATION |                     |                     |
| 4 | (A) OPER. EXPENSE            | 586,622             | 586,622             |
| 5 | (B) CONF. & TRAVEL           | 0                   | 0                   |
| 6 | (C) PROF. FEES               | 0                   | 0                   |
| 7 | (D) CAP. OUTLAY              | 1,040,259           | 1,040,259           |
| 8 | (E) DATA PROC.               | <u>0</u>            | <u>0</u>            |
| 9 | TOTAL AMOUNT APPROPRIATED    | <u>\$ 2,360,882</u> | <u>\$ 2,375,563</u> |

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SECTION 2. APPROPRIATION - DIVISION OF AGRICULTURE - ARKANSAS BIOSCIENCES.

There is hereby appropriated, to the University of Arkansas - Division of Agriculture, to be payable from the Arkansas Biosciences Institute Program Account of the Tobacco Settlement Program Fund, for personal services and operating expenses of the University of Arkansas - Division of Agriculture - Arkansas Biosciences Institute for the biennial period ending June 30, 2009, the following:

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| 19 | ITEM                         | FISCAL YEARS        |                     |
|----|------------------------------|---------------------|---------------------|
| 20 | <u>NO.</u>                   | <u>2007-2008</u>    | <u>2008-2009</u>    |
| 21 | (01) REGULAR SALARIES        | \$ 1,385,691        | \$ 1,413,405        |
| 22 | (02) PERSONAL SERV MATCHING  | 354,928             | 362,027             |
| 23 | (03) MAINT. & GEN. OPERATION |                     |                     |
| 24 | (A) OPER. EXPENSE            | 375,000             | 375,000             |
| 25 | (B) CONF. & TRAVEL           | 15,000              | 15,000              |
| 26 | (C) PROF. FEES               | 0                   | 0                   |
| 27 | (D) CAP. OUTLAY              | 250,000             | 250,000             |
| 28 | (E) DATA PROC.               | <u>0</u>            | <u>0</u>            |
| 29 | TOTAL AMOUNT APPROPRIATED    | <u>\$ 2,380,619</u> | <u>\$ 2,415,432</u> |

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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.

Any carry forward of unexpended balance of appropriation and/or funding as

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1 authorized herein, may be carried forward under the following conditions:

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3 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
4 its reason(s) for the need to carry forward said appropriation and/or funding  
5 to the Department of Finance and Administration Office of Budget;

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7 (2) The Department of Finance and Administration Office of Budget shall  
8 report to the Arkansas Legislative Council all amounts carried forward from  
9 the first fiscal year of the biennium to the second fiscal year of the  
10 biennium by the September Arkansas Legislative Council or Joint Budget  
11 Committee meeting in the second fiscal year of the biennial period which  
12 report shall include the name of the Agency, Board, Commission or Institution  
13 and the amount of the appropriation and/or funding carried forward from the  
14 first fiscal year to the second fiscal year, the program name or line item,  
15 the funding source of that appropriation and a copy of the written request  
16 set forth in (1) above;

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

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

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32 The provisions of this section shall be in effect only from July 1, 2005  
33 2007 through June 30, ~~2007~~ 2009.

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35 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

1 RESTRICTIONS. The appropriations provided in this act shall not be  
2 transferred under the provisions of Arkansas Code 19-4-522 or the provisions  
3 of Arkansas Code 6-62-104, but only as provided by this act.

4 The provisions of this section shall be in effect only from July 1, ~~2005~~  
5 2007 through June 30, ~~2007~~ 2009.

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7 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
9 PROVISIONS. The state-supported institution of higher education in this act  
10 may transfer appropriations between the various line items within each  
11 appropriation contained in this appropriation act. Such transfers shall be  
12 made only after the approval of the Department of Higher Education and the  
13 Chief Fiscal Officer of the State, and the approval of the Legislative  
14 Council.

15 The General Assembly has determined that the institution in this act could  
16 be operated more efficiently if some flexibility is given to that institution  
17 and that flexibility is being accomplished by providing authority to transfer  
18 between items of appropriation made by this act. Since the General Assembly  
19 has granted the institution broad powers under the transfer of  
20 appropriations, it is both necessary and appropriate that the General  
21 Assembly maintain oversight of the utilization of the transfers by requiring  
22 prior approval of the Legislative Council in the utilization of the transfer  
23 authority. Therefore, the requirement of approval by the Legislative Council  
24 is not a severable part of this section. If the requirement of approval by  
25 the Legislative Council is ruled unconstitutional by a court of competent  
26 jurisdiction, this entire section is void.

27 The provisions of this section shall be in effect only from July 1, ~~2005~~  
28 2007 through June 30, ~~2007~~ 2009.

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30 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
32 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
33 State of Arkansas or any of its agencies or institutions to continue funding  
34 any position paid from the proceeds of the Tobacco Settlement in the event  
35 that Tobacco Settlement funds are not sufficient to finance the position.  
36 (b) State funds will not be used to replace Tobacco Settlement funds when

1 such funds expire, unless appropriated by the General Assembly and authorized  
2 by the Governor.

3 (c) A disclosure of the language contained in (a) and (b) of this Section  
4 shall be made available to all new hire and current positions paid from the  
5 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

6 (d) Whenever applicable the information contained in (a) and (b) of this  
7 Section shall be included in the employee handbook and or Professional  
8 Services Contract paid from the proceeds of the Tobacco Settlement.

9 The provisions of this section shall be in effect only from July 1, 2005  
10 2007 through June 30, ~~2007~~ 2009.

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12 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
14 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall  
15 be limited to the appropriation for such agency and funds made available by  
16 law for the support of such appropriations; and the restrictions of the State  
17 Purchasing Law, the General Accounting and Budgetary Procedures Law, the  
18 Regular Salary Procedures and Restrictions Act, or their successors, and  
19 other fiscal control laws of this State, where applicable, and regulations  
20 promulgated by the Department of Finance and Administration, as authorized by  
21 law, shall be strictly complied with in disbursement of said funds.

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

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35 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
36 Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a two (2) year period; that the  
2 effectiveness of this Act on July 1, 2007 is essential to the operation of  
3 the agency for which the appropriations in this Act are provided, and that in  
4 the event of an extension of the Regular Session, the delay in the effective  
5 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
6 proper administration and provision of essential governmental programs.  
7 Therefore, an emergency is hereby declared to exist and this Act being  
8 necessary for the immediate preservation of the public peace, health and  
9 safety shall be in full force and effect from and after July 1, 2007.

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11 **APPROVED: 4/5/2007**  
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