

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1127

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 STATE UNIVERSITY - ARKANSAS BIOSCIENCES INSTITUTE
12 FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND FOR
13 OTHER PURPOSES.
14

Subtitle

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16 AN ACT FOR THE ARKANSAS STATE UNIVERSITY
17 - ARKANSAS BIOSCIENCES INSTITUTE
18 APPROPRIATION FOR THE 2010-2011 FISCAL
19 YEAR.
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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 - ARKANSAS BIOSCIENCES INSTITUTE. There is
26 hereby established for the Arkansas State University - Arkansas Biosciences
27 Institute for the 2010-2011 fiscal year, the following maximum number of
28 regular employees whose salaries shall be governed by the provisions of the
29 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
30 seq.), or its successor, and all laws amendatory thereto. Provided, however,
31 that any position to which a specific maximum annual salary is set out herein
32 in dollars, shall be exempt from the provisions of said Uniform
33 Classification and Compensation Act. All persons occupying positions
34 authorized herein are hereby governed by the provisions of the Regular
35 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
36 successor.



Item	No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
<u>ARKANSAS BIOSCIENCES INSTITUTE</u>		
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>		
<u>ADMINISTRATIVE POSITIONS</u>		
(01) Exec Director of Biosciences Inst.	1	\$165,913
(02) Director Research & Tech Transfer	1	\$155,542
(03) Asst Director Biosciences Institute	1	\$87,543
(04) Project/Program Administrator	6	
Project/Program Director		\$86,964
Project/Program Manager		\$78,810
Project/Program Specialist		\$67,996
(05) Research Assistant	6	\$56,414
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>		
<u>CLASSIFIED POSITIONS</u>		
(06) Skilled Tradesman	1	GRADE C115
(07) Administrative Specialist III	3	GRADE C112
(08) Laboratory Coordinator	1	GRADE C111
(09) Institutional Svcs Assistant	2	GRADE C103
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>		
<u>ACADEMIC POSITIONS</u>		
(10) Faculty	14	
Research Professor		\$152,361
Research Associate Professor		\$143,962
Research Assistant Professor		\$135,927
Research Instructor		\$93,526
(11) Research Associate	6	\$94,231
(12) Research Graduate Assistant	<u>6</u>	\$36,759
MAX. NO. OF EMPLOYEES	48	

SECTION 2. EXTRA HELP - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby authorized, for the Arkansas State University - Arkansas Biosciences Institute for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from

1 funds appropriated herein for such purposes: fifty (50) temporary or part-
 2 time employees, when needed, at rates of pay not to exceed those provided in
 3 the Uniform Classification and Compensation Act, or its successor, or this
 4 act for the appropriate classification.

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 6 SECTION 3. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby
 7 appropriated, to the Arkansas State University, to be payable from the
 8 Arkansas Biosciences Institute Program Account, for personal services and
 9 operating expenses of the Arkansas State University - Arkansas Biosciences
 10 Institute for the fiscal year ending June 30, 2011, the following:

11

12 ITEM	FISCAL YEAR
13 <u>NO.</u>	<u>2010-2011</u>
14 (01) REGULAR SALARIES	\$ 1,978,969
15 (02) EXTRA HELP	15,000
16 (03) PERSONAL SERV MATCHING	510,506
17 (04) MAINT. & GEN. OPERATION	
18 (A) OPER. EXPENSE	2,312,170
19 (B) CONF. & TRAVEL	0
20 (C) PROF. FEES	0
21 (D) CAP. OUTLAY	149,500
22 (E) DATA PROC.	<u>0</u>
23 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,966,145</u>

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 25 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 27 FORWARD. Any authorized carry forward of unexpended balance of funding may be
 28 carried forward under the following conditions:

29 (1) Prior to June 30, 2010 the Agency shall by written statement set forth
 30 its reason(s) for the need to carry forward said funding to the Department of
 31 Finance and Administration Office of Budget;

32 (2) The Department of Finance and Administration Office of Budget shall
 33 report to the Arkansas Legislative Council all amounts carried forward by the
 34 September Arkansas Legislative Council or Joint Budget Committee meeting
 35 which report shall include the name of the Agency, Board, Commission or
 36 Institution and the amount of the funding carried forward, the program name

1 or line item, the funding source and a copy of the written request set forth
 2 in (1) above;

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

11 (4) Thereupon, the Department of Finance and Administration shall include
 12 all information obtained in item (3) above in the budget manuals and/or a
 13 statement of non-compliance by the Agency, Board, Commission or Institution.
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15 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 17 RESTRICTIONS. The appropriations provided in this act shall not be
 18 transferred under the provisions of Arkansas Code 19-4-522, but only as
 19 provided by this act.

20 The provisions of this section shall be in effect only from July 1, ~~2007~~
 21 2010 through June 30, ~~2009~~ 2011.

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 23 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 25 PROVISIONS. The state-supported institution of higher education in this act
 26 may transfer appropriations between the various line items within each
 27 appropriation contained in this appropriation act. Such transfers shall be
 28 made only after the approval of the Department of Higher Education and the
 29 Chief Fiscal Officer of the State, and the approval of the Legislative
 30 Council.

31 The General Assembly has determined that the institution in this act could
 32 be operated more efficiently if some flexibility is given to that institution
 33 and that flexibility is being accomplished by providing authority to transfer
 34 between items of appropriation made by this act. Since the General Assembly
 35 has granted the institution broad powers under the transfer of
 36 appropriations, it is both necessary and appropriate that the General

1 Assembly maintain oversight of the utilization of the transfers by requiring
 2 prior approval of the Legislative Council in the utilization of the transfer
 3 authority. Therefore, the requirement of approval by the Legislative Council
 4 is not a severable part of this section. If the requirement of approval by
 5 the Legislative Council is ruled unconstitutional by a court of competent
 6 jurisdiction, this entire section is void.

7 The provisions of this section shall be in effect only from July 1, ~~2007~~
 8 2010 through June 30, ~~2009~~ 2011.

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 10 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 12 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
 13 State of Arkansas or any of its agencies or institutions to continue funding
 14 any position paid from the proceeds of the Tobacco Settlement in the event
 15 that Tobacco Settlement funds are not sufficient to finance the position.
 16 (b) State funds will not be used to replace Tobacco Settlement funds when
 17 such funds expire, unless appropriated by the General Assembly and authorized
 18 by the Governor.
 19 (c) A disclosure of the language contained in (a) and (b) of this Section
 20 shall be made available to all new hire and current positions paid from the
 21 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
 22 (d) Whenever applicable the information contained in (a) and (b) of this
 23 Section shall be included in the employee handbook and/or Professional
 24 Services Contract paid from the proceeds of the Tobacco Settlement.

25 The provisions of this section shall be in effect only from July 1, ~~2007~~
 26 2010 through June 30, ~~2009~~ 2011.

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 28 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 30 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
 31 shall be limited to the appropriation for such agency and funds made
 32 available by law for the support of such appropriations; and the restrictions
 33 of the State Purchasing Law, the General Accounting and Budgetary Procedures
 34 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
 35 and other fiscal control laws of this State, where applicable, and
 36 regulations promulgated by the Department of Finance and Administration, as

1 authorized by law, shall be strictly complied with in disbursement of said
2 funds.

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4 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

6 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
7 disbursed under the authority of the appropriations contained in this act
8 shall be in compliance with the stated reasons for which this act was
9 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
10 Executive Recommendations and Legislative Recommendations contained in the
11 budget manuals prepared by the Department of Finance and Administration,
12 letters, or summarized oral testimony in the official minutes of the Arkansas
13 Legislative Council or Joint Budget Committee which relate to its passage and
14 adoption.

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16 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
17 Assembly, that the Constitution of the State of Arkansas prohibits the
18 appropriation of funds for more than a one (1) year period; that the
19 effectiveness of this Act on July 1, 2010 is essential to the operation of
20 the agency for which the appropriations in this Act are provided, and that in
21 the event of an extension of the legislative session, the delay in the
22 effective date of this Act beyond July 1, 2010 could work irreparable harm
23 upon the proper administration and provision of essential governmental
24 programs. Therefore, an emergency is hereby declared to exist and this Act
25 being necessary for the immediate preservation of the public peace, health
26 and safety shall be in full force and effect from and after July 1, 2010.

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28 **APPROVED: 02/19/2010**

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