

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 579 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H3/6/09*

**A Bill**

HOUSE BILL 1525

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, 2010; AND FOR  
13 OTHER PURPOSES.  
14

**Subtitle**

15  
16 AN ACT FOR THE ARKANSAS STATE  
17 UNIVERSITY - ARKANSAS BIOSCIENCES  
18 INSTITUTE APPROPRIATION FOR THE  
19 2009-2010 FISCAL 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 2009-2010 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



Item No.	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
<u>ARKANSAS BIOSCIENCES INSTITUTE</u>			
<u>TWELVE MONTH EDUCATIONAL AND GENERAL ADMINISTRATIVE POSITIONS</u>			
(01)	Exec Director of Biosciences Inst.	1	\$161,081
(02)	Director Research & Tech Transfer	1	\$151,011
(03)	Asst Director Biosciences Institute	1	\$84,994
(04)	Project/Program Administrator	6	
	Project/Program Director		\$84,431
	Project/Program Manager		\$76,515
	Project/Program Specialist		\$66,016
(05)	Research Assistant	6	\$54,771
<u>TWELVE MONTH EDUCATIONAL AND GENERAL CLASSIFIED POSITIONS</u>			
(06)	<i>Skilled Tradesman</i>	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 ACADEMIC POSITIONS</u>			
(10)	Faculty	14	
	Research Professor		\$147,923
	Research Associate Professor		\$139,769
	Research Assistant Professor		\$131,968
	Research Instructor		\$90,802
(11)	Research Associate	6	\$91,487
(12)	Research Graduate Assistant	<u>6</u>	\$35,688
	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 2009-2010 fiscal year, the following maximum number of

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

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 7 SECTION 3. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby  
 8 appropriated, to the Arkansas State University, to be payable from the  
 9 Arkansas Biosciences Institute Program Account, for personal services and  
 10 operating expenses of the Arkansas State University - Arkansas Biosciences  
 11 Institute for the fiscal year ending June 30, 2010, the following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2009-2010</u>
15 (01) REGULAR SALARIES	\$ 951,228
16 (02) EXTRA HELP	51,000
17 (03) PERSONAL SERV MATCHING	402,307
18 (04) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	1,502,702
20 (B) CONF. & TRAVEL	0
21 (C) PROF. FEES	0
22 (D) CAP. OUTLAY	589,368
23 (E) DATA PROC.	<u>0</u>
24 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,496,605</u>

25  
 26 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 28 FORWARD. ~~Such appropriation as is authorized in this Act which remains at the~~  
 29 ~~end of the first fiscal year of the biennium may be carried forward into the~~  
 30 ~~second fiscal year of the biennium there to be used for the same purposes.~~  
 31 Any authorized carry forward of unexpended balance of ~~appropriation and/or~~  
 32 ~~funding as authorized herein~~, may be carried forward under the following  
 33 conditions:

34 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set  
 35 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~  
 36 funding to the Department of Finance and Administration Office of Budget;

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

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

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

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

25

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

31 The provisions of this section shall be in effect only from July 1, ~~2007~~  
32 2009 through June 30, ~~2009~~ 2010.

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34 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
36 PROVISIONS. The state-supported institution of higher education in this act

1 may transfer appropriations between the various line items within each  
2 appropriation contained in this appropriation act. Such transfers shall be  
3 made only after the approval of the Department of Higher Education and the  
4 Chief Fiscal Officer of the State, and the approval of the Legislative  
5 Council.

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

18 The provisions of this section shall be in effect only from July 1, ~~2007~~  
19 2009 through June 30, ~~2009~~ 2010.

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

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2009 through June 30, ~~2009~~ 2010.

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3 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
5 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
6 shall be limited to the appropriation for such agency and funds made  
7 available by law for the support of such appropriations; and the restrictions  
8 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
9 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
10 and other fiscal control laws of this State, where applicable, and  
11 regulations promulgated by the Department of Finance and Administration, as  
12 authorized by law, shall be strictly complied with in disbursement of said  
13 funds.

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15 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
17 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
18 disbursed under the authority of the appropriations contained in this act  
19 shall be in compliance with the stated reasons for which this act was  
20 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
21 Executive Recommendations and Legislative Recommendations contained in the  
22 budget manuals prepared by the Department of Finance and Administration,  
23 letters, or summarized oral testimony in the official minutes of the Arkansas  
24 Legislative Council or Joint Budget Committee which relate to its passage and  
25 adoption.

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27 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General  
28 Assembly, that the Constitution of the State of Arkansas prohibits the  
29 appropriation of funds for more than a one (1) year period; that the  
30 effectiveness of this Act on July 1, 2009 is essential to the operation of  
31 the agency for which the appropriations in this Act are provided, and that in  
32 the event of an extension of the Regular Session, the delay in the effective  
33 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
34 proper administration and provision of essential governmental programs.  
35 Therefore, an emergency is hereby declared to exist and this Act being  
36 necessary for the immediate preservation of the public peace, health and

1 safety shall be in full force and effect from and after July 1, 2009.

2 */s/ Joint Budget Committee*

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**APPROVED: 3/25/2009**

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