

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 131

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS
9 MINORITY HEALTH COMMISSION FOR THE MINORITY HEALTH
10 INITIATIVE OF THE TARGETED STATE NEEDS PROGRAMS FOR
11 THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 AN ACT FOR THE ARKANSAS MINORITY HEALTH
16 INITIATIVE OF THE ARKANSAS MINORITY HEALTH
17 COMMISSION APPROPRIATION FOR THE 2011-2012
18 FISCAL YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is
25 hereby established for the Arkansas Minority Health Commission for the 2011-
26 2012 fiscal year, the following maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
32	(1) A082C	ACCOUNTANT II	1	GRADE C117
33	(2) C037C	ADMINISTRATIVE ANALYST	2	GRADE C115
34	(3) C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
35	(4) C087C	ADMINISTRATIVE SPECIALIST I	<u>2</u>	GRADE C106
36		MAX. NO. OF EMPLOYEES	6	



SECTION 2. APPROPRIATION - MINORITY HEALTH INITIATIVE. 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 fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$207,935
(02) PERSONAL SERVICES MATCHING	69,658
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	339,650
(B) CONF. & TRAVEL	20,000
(C) PROF. FEES	448,559
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) PROMOTIONAL ITEMS	0
(05) SCREENING, MONITORING, TREATING, OUTREACH & ADVERTISING	<u>558,554</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,644,356</u></u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Minority Health Commission a special Promotional Items appropriation to be used in the acquisition of promotional items. When the Minority Health Commission wishes to transfer from its operating expenses and/or Screening, Monitoring, Treating, Outreach & Advertising appropriation and funds to the promotional items line, the request shall be forwarded by the Minority Health Commission to the Chief Fiscal Officer of the State for processing and for prior approval by the Arkansas Legislative Council or Joint Budget Committee. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s)

1 for a state agency and the general revenue allocations authorized for each
2 fund and fund account by amendment to the Revenue Stabilization law.
3 Further, the General Assembly has determined that the Minority Health
4 Commission may operate more efficiently if some flexibility is provided to
5 the Minority Health Commission authorizing broad powers under this Section.
6 Therefore, it is both necessary and appropriate that the General Assembly
7 maintain oversight by requiring prior approval of the Legislative Council or
8 Joint Budget Committee as provided by this section. The requirement of
9 approval by the Legislative Council or Joint Budget Committee is not a
10 severable part of this section. If the requirement of approval by the
11 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
12 court of competent jurisdiction, this entire section is void.

13 The provisions of this section shall be in effect only from July 1, ~~2010~~
14 2011 through June 30, ~~2011~~ 2012.

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

21 The provisions of this section shall be in effect only from July 1, ~~2010~~
22 2011 through June 30, ~~2011~~ 2012.

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24 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
26 OF APPROPRIATION. In the event the amount of any of the budget
27 classifications of maintenance and general operation in this act are found by
28 the administrative head of the agency to be inadequate, then the agency head
29 may request, upon forms provided for such purpose by the Chief Fiscal Officer
30 of the State, a modification of the amounts of the budget classification. In
31 that event, he shall set out on the forms the particular classifications for
32 which he is requesting an increase or decrease, the amounts thereof, and his
33 reasons therefor. In no event shall the total amount of the budget exceed
34 either the amount of the appropriation or the amount of the funds available,
35 nor shall any transfer be made from the capital outlay or data processing
36 subclassifications unless specific authority for such transfers is provided

1 by law, except for transfers from capital outlay to data processing when
 2 determined by the Department of Information Systems that data processing
 3 services for a state agency can be performed on a more cost-efficient basis
 4 by the Department of Information Systems than through the purchase of data
 5 processing equipment by that state agency. In considering the proposed
 6 modification as prepared and submitted by each state agency, the Chief Fiscal
 7 Officer of the State shall make such studies as he deems necessary. The Chief
 8 Fiscal Officer of the State shall, after obtaining the approval of the
 9 Legislative Council, approve the requested transfer if in his opinion it is
 10 in the best interest of the state.

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

23 The provisions of this section shall be in effect only from July 1, ~~2010~~
 24 2011 through June 30, ~~2010~~ 2012.

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26 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 28 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
 29 State of Arkansas or any of its agencies or institutions to continue funding
 30 any position paid from the proceeds of the Tobacco Settlement in the event
 31 that Tobacco Settlement funds are not sufficient to finance the position.
 32 (b) State funds will not be used to replace Tobacco Settlement funds when
 33 such funds expire, unless appropriated by the General Assembly and authorized
 34 by the Governor.
 35 (c) A disclosure of the language contained in (a) and (b) of this Section
 36 shall be made available to all new hire and current positions paid from the

1 proceeds of the Tobacco Settlement by the Minority Health Commission.
 2 (d) Whenever applicable the information contained in (a) and (b) of this
 3 Section shall be included in the employee handbook and/or Professional
 4 Services Contract paid from the proceeds of the Tobacco Settlement.

5 The provisions of this section shall be in effect only from July 1, ~~2010~~
 6 2011 through June 30, ~~2011~~ 2012.

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

19 The provisions of this section shall be in effect only from July 1, ~~2010~~
 20 2011 through June 30, ~~2011~~ 2012.

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

33 The provisions of this section shall be in effect only from July 1, ~~2010~~
 34 2011 through June 30, ~~2011~~ 2012.

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 36 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly, that the Constitution of the State of Arkansas prohibits the
2 appropriation of funds for more than a one (1) year period; that the
3 effectiveness of this Act on July 1, 2011 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the legislative session, the delay in the
6 effective date of this Act beyond July 1, 2011 could work irreparable harm
7 upon the proper administration and provision of essential governmental
8 programs. Therefore, an emergency is hereby declared to exist and this Act
9 being necessary for the immediate preservation of the public peace, health
10 and safety shall be in full force and effect from and after July 1, 2011.

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13 **APPROVED: 04/01/2011**
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