

1 State of Arkansas  
2 89th General Assembly  
3 Fiscal Session, 2014  
4

# A Bill

SENATE BILL 126

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, 2015; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 AN ACT FOR THE ARKANSAS MINORITY HEALTH  
16 INITIATIVE OF THE ARKANSAS MINORITY  
17 HEALTH COMMISSION APPROPRIATION FOR THE  
18 2014-2015 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 2014-  
26 2015 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 2014-2015
32	(1) G147C	GRANTS COORDINATOR	1	GRADE C119
33	(2) A082C	ACCOUNTANT II	1	GRADE C117
34	(3) L053C	HEALTH PROGRAM SPECIALIST I	1	GRADE C117
35	(4) R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
36	(5) C037C	ADMINISTRATIVE ANALYST	1	GRADE C115



1 (6) C087C ADMINISTRATIVE SPECIALIST I 1 GRADE C106  
 2 MAX. NO. OF EMPLOYEES 6

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 4 SECTION 2. APPROPRIATION - MINORITY HEALTH INITIATIVE. There is hereby  
 5 appropriated, to the Arkansas Minority Health Commission, to be payable from  
 6 the Targeted State Needs Program Account, for personal services and operating  
 7 expenses of the Arkansas Minority Health Commission - Arkansas Minority  
 8 Health Initiative for the fiscal year ending June 30, 2015, the following:

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2014-2015</u>
12 (01) REGULAR SALARIES	\$203,722
13 (02) PERSONAL SERVICES MATCHING	96,516
14 (03) MAINT. & GEN. OPERATION	
15 (A) OPER. EXPENSE	339,650
16 (B) CONF. & TRAVEL	20,000
17 (C) PROF. FEES	448,559
18 (D) CAP. OUTLAY	0
19 (E) DATA PROC.	0
20 (04) PROMOTIONAL ITEMS	0
21 (05) SCREENING, MONITORING, TREATING, 22 OUTREACH & ADVERTISING	<u>558,554</u>
23 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,667,001</u></u>

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 25 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 27 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish  
 28 upon request for the Minority Health Commission a special Promotional Items  
 29 appropriation to be used in the acquisition of promotional items. When the  
 30 Minority Health Commission wishes to transfer from its operating expenses  
 31 and/or Screening, Monitoring, Treating, Outreach & Advertising appropriation  
 32 and funds to the promotional items line, the request shall be forwarded by  
 33 the Minority Health Commission to the Chief Fiscal Officer of the State for  
 34 processing and for prior approval by the Arkansas Legislative Council or  
 35 Joint Budget Committee. Determining the maximum number of employees and the  
 36 maximum amount of appropriation and general revenue funding for a state

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

15 The provisions of this section shall be in effect only from July 1, ~~2013~~  
16 2014 through June 30, ~~2014~~ 2015.

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

23 The provisions of this section shall be in effect only from July 1, ~~2013~~  
24 2014 through June 30, ~~2014~~ 2015.

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

1 nor shall any transfer be made from the capital outlay or data processing  
2 subclassifications unless specific authority for such transfers is provided  
3 by law, except for transfers from capital outlay to data processing when  
4 determined by the Department of Information Systems that data processing  
5 services for a state agency can be performed on a more cost-efficient basis  
6 by the Department of Information Systems than through the purchase of data  
7 processing equipment by that state agency. In considering the proposed  
8 modification as prepared and submitted by each state agency, the Chief Fiscal  
9 Officer of the State shall make such studies as he deems necessary. The Chief  
10 Fiscal Officer of the State shall, after obtaining the approval of the  
11 Legislative Council, approve the requested transfer if in his opinion it is  
12 in the best interest of the state.

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

25 The provisions of this section shall be in effect only from July 1, ~~2013~~  
26 2014 through June 30, ~~2014~~ 2015.

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

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

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

7 The provisions of this section shall be in effect only from July 1, ~~2013~~  
 8 2014 through June 30, ~~2014~~ 2015.

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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 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
 13 shall be limited to the appropriation for such agency and funds made  
 14 available by law for the support of such appropriations; and the restrictions  
 15 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 16 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
 17 and other fiscal control laws of this State, where applicable, and  
 18 regulations promulgated by the Department of Finance and Administration, as  
 19 authorized by law, shall be strictly complied with in disbursement of said  
 20 funds.

21 The provisions of this section shall be in effect only from July 1, ~~2013~~  
 22 2014 through June 30, ~~2014~~ 2015.

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

35 The provisions of this section shall be in effect only from July 1, ~~2013~~  
 36 2014 through June 30, ~~2014~~ 2015.

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2       SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
3 Assembly, that the Constitution of the State of Arkansas prohibits the  
4 appropriation of funds for more than a one (1) year period; that the  
5 effectiveness of this Act on July 1, 2014 is essential to the operation of  
6 the agency for which the appropriations in this Act are provided, and that in  
7 the event of an extension of the legislative session, the delay in the  
8 effective date of this Act beyond July 1, 2014 could work irreparable harm  
9 upon the proper administration and provision of essential governmental  
10 programs. Therefore, an emergency is hereby declared to exist and this Act  
11 being necessary for the immediate preservation of the public peace, health  
12 and safety shall be in full force and effect from and after July 1, 2014.

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