

Stricken language will be deleted and underlined language will be added.

Act 36 of the Fiscal Session

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1 State of Arkansas  
2 92nd General Assembly  
3 Fiscal Session, 2020

# A Bill

HOUSE BILL 1037

4  
5 By: Joint Budget Committee

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE UNIVERSITY OF ARKANSAS  
10 AND THE DIVISION OF AGRICULTURE - ARKANSAS  
11 BIOSCIENCES INSTITUTES FOR THE FISCAL YEAR ENDING  
12 JUNE 30, 2021; AND FOR OTHER PURPOSES.

## Subtitle

15 AN ACT FOR THE UNIVERSITY OF ARKANSAS AND  
16 THE DIVISION OF AGRICULTURE - ARKANSAS  
17 BIOSCIENCES INSTITUTES APPROPRIATION FOR  
18 THE 2020-2021 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. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTES. There is  
25 hereby appropriated, to the University of Arkansas, to be payable from the  
26 Arkansas Biosciences Institute Program Account of the Tobacco Settlement  
27 Fund, for personal services and operating expenses of the University of  
28 Arkansas - Arkansas Biosciences Institute for the fiscal year ending June 30,  
29 2021, the following:

30	31 ITEM	32 FISCAL YEAR
33	NO.	2020-2021
34	(01) REGULAR SALARIES	\$480,000
35	(02) PERSONAL SERVICES MATCHING	75,000
	(03) MAINT. & GEN. OPERATION	



1	(A) OPER. EXPENSE	800,000
2	(B) CONF. & TRAVEL	0
3	(C) PROF. FEES	0
4	(D) CAP. OUTLAY	1,020,563
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,375,563</u></u>

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8 SECTION 2. APPROPRIATION - DIVISION OF AGRICULTURE - ARKANSAS

9 BIOSCIENCES. There is hereby appropriated, to the University of Arkansas -

10 Division of Agriculture, to be payable from the Arkansas Biosciences

11 Institute Program Account of the Tobacco Settlement Fund, for personal

12 services and operating expenses of the University of Arkansas - Division of

13 Agriculture - Arkansas Biosciences Institute for the fiscal year ending June

14 30, 2021, the following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2020-2021</u>
18	(01) REGULAR SALARIES	\$1,356,100
19	(02) PERSONAL SERVICES MATCHING	359,332
20	(03) MAINT. & GEN. OPERATION	
21	(A) OPER. EXPENSE	380,000
22	(B) CONF. & TRAVEL	40,000
23	(C) PROF. FEES	100,000
24	(D) CAP. OUTLAY	180,000
25	(E) DATA PROC.	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,415,432</u></u>

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28 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

30 RESTRICTIONS. The appropriations provided in this act shall not be

31 transferred under the provisions of Arkansas Code 19-4-522, but only as

32 provided by this act.

33 The provisions of this section shall be in effect only from July 1, ~~2019~~

34 2020 through June 30, ~~2020~~ 2021.

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36 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
2 PROVISIONS. The state-supported institution of higher education in this act  
3 may transfer appropriations between the various line items within each  
4 appropriation contained in this appropriation act. Such transfers shall be  
5 made only after the approval of the Department of Higher Education and the  
6 Chief Fiscal Officer of the State, and the approval of the Legislative  
7 Council or Joint Budget Committee.

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

21 The provisions of this section shall be in effect only from July 1, ~~2019~~  
22 2020 through June 30, ~~2020~~ 2021.

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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.  
26 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
27 State of Arkansas or any of its agencies or institutions to continue funding  
28 any position paid from the proceeds of the Tobacco Settlement in the event  
29 that Tobacco Settlement funds are not sufficient to finance the position.  
30 (b) State funds will not be used to replace Tobacco Settlement funds when  
31 such funds expire, unless appropriated by the General Assembly and authorized  
32 by the Governor.  
33 (c) A disclosure of the language contained in (a) and (b) of this Section  
34 shall be made available to all new hire and current positions paid from the  
35 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.  
36 (d) Whenever applicable the information contained in (a) and (b) of this

1 Section shall be included in the employee handbook and/or Professional  
2 Services Contract paid from the proceeds of the Tobacco Settlement.

3 The provisions of this section shall be in effect only from July 1, 2019  
4 2020 through June 30, ~~2020~~ 2021.

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

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18 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
20 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
21 disbursed under the authority of the appropriations contained in this act  
22 shall be in compliance with the stated reasons for which this act was  
23 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
24 Executive Recommendations and Legislative Recommendations contained in the  
25 budget manuals prepared by the Department of Finance and Administration,  
26 letters, or summarized oral testimony in the official minutes of the Arkansas  
27 Legislative Council or Joint Budget Committee which relate to its passage and  
28 adoption.

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30 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
31 Assembly, that the Constitution of the State of Arkansas prohibits the  
32 appropriation of funds for more than a one (1) year period; that the  
33 effectiveness of this Act on July 1, 2020 is essential to the operation of  
34 the agency for which the appropriations in this Act are provided, and that in  
35 the event of an extension of the legislative session, the delay in the  
36 effective date of this Act beyond July 1, 2020 could work irreparable harm

1 upon the proper administration and provision of essential governmental  
2 programs. Therefore, an emergency is hereby declared to exist and this Act  
3 being necessary for the immediate preservation of the public peace, health  
4 and safety shall be in full force and effect from and after July 1, 2020.

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7 **APPROVED: 4/17/20**  
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