

**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.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/29/01*

## **A Bill**

HOUSE BILL 1747

5 By: Joint Budget Committee  
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7

### **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS  
10 MINORITY HEALTH COMMISSION FOR THE MINORITY HEALTH  
11 INITIATIVE OF THE TARGETED STATE NEEDS PROGRAMS FOR  
12 THE BIENNIAL PERIOD ENDING JUNE 30, 2003; AND FOR  
13 OTHER PURPOSES.  
14

### **Subtitle**

15 AN ACT FOR THE MINORITY HEALTH  
16 INITIATIVE OF THE ARKANSAS MINORITY  
17 HEALTH COMMISSION APPROPRIATION - FOR  
18 THE 2001-2003 BIENNIUM.  
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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 - MINORITY HEALTH INITIATIVE. There is hereby  
26 established for the Arkansas Minority Health Commission for the 2001-2003  
27 biennium, the following maximum number of regular employees whose salaries  
28 shall be governed by the provisions of the Uniform Classification and  
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and  
30 all laws amendatory thereto. Provided, however, that any position to which a  
31 specific maximum annual salary is set out herein in dollars, shall be exempt  
32 from the provisions of said Uniform Classification and Compensation Act. All  
33 persons occupying positions authorized herein are hereby governed by the  
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
35 Code §21-5-101), or its successor.  
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\*JAD076\*

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Item	Class	No. of Employees	Maximum Annual Salary Rate
No.	Code Title		Fiscal Years
<u>2003</u>			
(1)	MANAGEMENT PROG. ANALYST II	1	GRADE 20
(2)	EPIDEMI OLOGI ST I	1	GRADE 20
(3)	ADMI NI STRATI VE ASST I	1	GRADE 17
(4)	DOCUMENT EXAMI NER II	<u>2</u>	GRADE 12
MAX. NO. OF EMPLOYEES		5	

SECTION 2. APPROPRIATION. 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 biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 27,855	\$ 132,482
(02) PERSONAL SERV MATCHING	10,844	38,203
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	200,000	425,000
(B) CONF. & TRAVEL	2,500	3,000
(C) PROF. FEES	358,077	739,508
(D) CAP. OUTLAY	5,000	26,000
(E) DATA PROC.	0	0
(04) DRUGS AND MEDICINE	<u>304,224</u>	<u>997,907</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 908,500</u>	<u>\$ 2,362,100</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Such appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

1 SECTION 4. SPECIAL LANGUAGE . NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
3 RESTRICTIONS. The appropriations provided in this act shall not be  
4 transferred under the provisions of Arkansas Code 19-4-522 or the provisions  
5 of Arkansas Code 6-62-104, but only as provided by this act.  
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7 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
8 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS OF  
9 APPROPRIATIONS. In the event the amount of any of the budget classifications  
10 of maintenance and general operation in this act are found by the  
11 administrative head of the agency to be inadequate, then the agency head may  
12 request, upon forms provided for such purpose by the Chief Fiscal Officer of  
13 the State, a modification of the amounts of the budget classification. In  
14 that event, he shall set out on the forms the particular classifications for  
15 which he is requesting an increase or decrease, the amounts thereof, and his  
16 reasons therefor. In no event shall the total amount of the budget exceed  
17 either the amount of the appropriation or the amount of the funds available,  
18 nor shall any transfer be made from the capital outlay or data processing  
19 subclassifications unless specific authority for such transfers is provided  
20 by law, except for transfers from capital outlay to data processing when  
21 determined by the Department of Information Systems that data processing  
22 services for a state agency can be performed on a more cost-efficient basis  
23 by the Department of Information Systems than through the purchase of data  
24 processing equipment by that state agency. In considering the proposed  
25 modification as prepared and submitted by each state agency, the Chief Fiscal  
26 Officer of the State shall make such studies as he deems necessary. The Chief  
27 Fiscal Officer of the State shall, after obtaining the approval of the  
28 Legislative Council, approve the requested transfer if in his opinion it is  
29 in the best interest of the state.

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

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

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7 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
9 POSITIONS. Nothing in this act shall be construed as a commitment of the  
10 State of Arkansas or any of its agencies or institutions to continue funding  
11 any position paid from the proceeds of the Tobacco Settlement in the event  
12 that Tobacco Settlement funds are not sufficient to finance the position.

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

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26 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly  
27 that any funds disbursed under the authority of the appropriations contained  
28 in this act shall be in compliance with the stated reasons for which this act  
29 was 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.

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

1 Eighty-third General Assembly, that the Constitution of the State of Arkansas  
2 prohibits the appropriation of funds for more than a two (2) year period;  
3 that the effectiveness of this Act on July 1, 2001 is essential to the  
4 operation of the agency for which the appropriations in this Act are  
5 provided, and that in the event of an extension of the Regular Session, the  
6 delay in the effective date of this Act beyond July 1, 2001 could work  
7 irreparable harm upon the proper administration and provision of essential  
8 governmental programs. Therefore, an emergency is hereby declared to exist  
9 and this Act being necessary for the immediate preservation of the public  
10 peace, health and safety shall be in full force and effect from and after  
11 July 1, 2001.

12 */s/ Joint Budget Committee*  
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