

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: H3/22/01 H3/29/01

A Bill

HOUSE BILL 1749

5 By: Joint Budget Committee
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7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE STATE BOARD OF FINANCE
11 FOR THE PURPOSE OF MANAGING AND INVESTING THE TOBACCO
12 SETTLEMENT PROCEEDS; AND FOR OTHER PURPOSES.
13

Subtitle

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15 AN ACT TO MAKE APPROPRIATION FOR
16 PERSONAL SERVICES AND OPERATING EXPENSES
17 FOR THE STATE BOARD OF FINANCE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
24 the State Board of Finance for the 2001-2003 biennium, the following maximum
25 number of regular employees whose salaries shall be governed by the provisions
26 of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201
27 et seq.), or its successor, and all laws amendatory thereto. Provided,
28 however, that any position to which a specific maximum annual salary is set
29 out herein in dollars, shall be exempt from the provisions of said Uniform
30 Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.
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Maximum Annual
Maximum Salary Rate

Item Class	No. of	Fiscal Years
No. Code Title	Employees	2001-2002 2002-2003
(1) A006 ACCOUNTING SUPERVISOR I	1	GRADE 20
(2) R264 MANAGEMENT PROJECT ANALYST I	1	GRADE 18
MAX. NO. OF EMPLOYEES	2	

SECTION 2. APPROPRIATION. There is hereby appropriated, to the State Board of Finance, to be payable from the Healthy Century Trust Fund from investment earnings, for personal services and operating expenses necessary to manage and invest proceeds from the Tobacco Settlement for the biennial period ending June 30, 2003, the following:

ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 67,674	\$ 69,434
(02) PERSONAL SERV MATCHING	17,913	18,225
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	25,000	25,000
(B) CONF. & TRAVEL	500	500
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	12,500	5,000
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	\$ 223,587	\$ 218,159

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.

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

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

24 The General Assembly has determined that the agency in this act could be
25 operated more efficiently if some flexibility is given to that agency and that
26 flexibility is being accomplished by providing authority to transfer between
27 certain items of appropriation made by this act. Since the General Assembly
28 has granted the agency broad powers under the transfer of appropriations, it
29 is both necessary and appropriate that the General Assembly maintain oversight
30 of the utilization of the transfers by requiring prior approval of the
31 Legislative Council in the utilization of the transfer authority. Therefore,
32 the requirement of approval by the Legislative Council is not a severable part
33 of this section. If the requirement of approval by the Legislative Council is
34 ruled unconstitutional by a court jurisdiction, this entire section is void.

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36 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

1 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 2 POSITIONS. Nothing in this act shall be construed as a commitment of the State
 3 of Arkansas or any of its agencies or institutions to continue funding any
 4 position paid from the proceeds of the Tobacco Settlement in the event that
 5 Tobacco Settlement funds are not sufficient to finance the position.

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

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 19 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly
 20 that any funds disbursed under the authority of the appropriations contained
 21 in this act shall be in compliance with the stated reasons for which this act
 22 was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
 23 Executive Recommendations and Legislative Recommendations contained in the
 24 budget manuals prepared by the Department of Finance and Administration,
 25 letters, or summarized oral testimony in the official minutes of the Arkansas
 26 Legislative Council or Joint Budget Committee which relate to its passage and
 27 adoption.

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 29 SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the
 30 Eighty-third General Assembly meeting in Regular Session, that improving the
 31 health care of Arkansas' citizens, funds have become available from the
 32 tobacco master settlement agreement that were unanticipated, and that to delay
 33 the distribution of these monies could deprive Arkansas citizens of needed
 34 health care resources. Therefore, an emergency is hereby declared to exist
 35 and this Act being necessary for the immediate preservation of the public
 36 peace, health and safety shall be in full force and effect from and after its

1 passage and approval.

2 /s/ Joint Budget Committee

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