

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 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1399

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5 By: Joint Budget Committee  
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## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE STATE  
11 BOARD OF FINANCE FOR THE PURPOSE OF MANAGING AND  
12 INVESTING THE TOBACCO SETTLEMENT PROCEEDS FOR THE  
13 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR  
14 OTHER PURPOSES.

## Subtitle

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17 AN ACT FOR THE STATE BOARD OF FINANCE  
18 FOR PERSONAL SERVICES AND OPERATING  
19 EXPENSES APPROPRIATION FOR THE 2003-2005  
20 BIENNIUM.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
27 the State Board of Finance for the 2003-2005 biennium, the following maximum  
28 number of regular employees whose salaries shall be governed by the  
29 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
30 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
31 Provided, however, that any position to which a specific maximum annual  
32 salary is set out herein in dollars, shall be exempt from the provisions of  
33 said Uniform Classification and Compensation Act. All persons occupying  
34 positions authorized herein are hereby governed by the provisions of the  
35 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
36 or its successor.



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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2003-2004	2004-2005
(1)	A006	ACCOUNTING SUPERVISOR I	1	GRADE 20	
(2)	R264	MANAGEMENT PROJECT ANALYST I	<u>1</u>	GRADE 18	
		MAX. NO. OF EMPLOYEES	2		

SECTION 2. APPROPRIATION - OPERATIONS. 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, 2005, the following:

ITEM NO.		FISCAL YEARS	
		2003-2004	2004-2005
(01)	REGULAR SALARIES	\$ 69,434	\$ 69,434
(02)	PERSONAL SERV MATCH	18,183	18,183
(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	5,000	5,000
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 218,117</u>	<u>\$ 218,117</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.

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

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

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

1 is not a severable part of this section. If the requirement of approval by  
2 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
3 this entire section is void.

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5 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

7 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
8 State of Arkansas or any of its agencies or institutions to continue funding  
9 any position paid from the proceeds of the Tobacco Settlement in the event  
10 that Tobacco Settlement funds are not sufficient to finance the position.

11 (b) State funds will not be used to replace Tobacco Settlement funds when  
12 such funds expire, unless appropriated by the General Assembly and authorized  
13 by the Governor.

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

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

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21 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

23 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
24 shall be limited to the appropriation for such agency and funds made  
25 available by law for the support of such appropriations; and the restrictions  
26 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
27 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
28 and other fiscal control laws of this State, where applicable, and  
29 regulations promulgated by the Department of Finance and Administration, as  
30 authorized by law, shall be strictly complied with in disbursement of said  
31 funds.

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33 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

35 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
36 disbursed under the authority of the appropriations contained in this act

1 shall be in compliance with the stated reasons for which this act was  
 2 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 3 Executive Recommendations and Legislative Recommendations contained in the  
 4 budget manuals prepared by the Department of Finance and Administration,  
 5 letters, or summarized oral testimony in the official minutes of the Arkansas  
 6 Legislative Council or Joint Budget Committee which relate to its passage and  
 7 adoption.

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 9 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
 10 Assembly, that the Constitution of the State of Arkansas prohibits the  
 11 appropriation of funds for more than a two (2) year period; that the  
 12 effectiveness of this Act on July 1, 2003 is essential to the operation of  
 13 the agency for which the appropriations in this Act are provided, and that in  
 14 the event of an extension of the Regular Session, the delay in the effective  
 15 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
 16 proper administration and provision of essential governmental programs.  
 17 Therefore, an emergency is hereby declared to exist and this Act being  
 18 necessary for the immediate preservation of the public peace, health and  
 19 safety shall be in full force and effect from and after July 1, 2003.