

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
4

A Bill

SENATE BILL 285

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS
10 MINORITY HEALTH COMMISSION FOR THE MINORITY
11 HEALTH INITIATIVE OF THE TARGETED STATE NEEDS
12 PROGRAMS FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2005; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 AN ACT FOR THE MINORITY HEALTH INITIATIVE
17 OF THE ARKANSAS MINORITY HEALTH
18 COMMISSION APPROPRIATION FOR THE 2003-
19 2005 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 2003-2005
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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Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate
No.	Code Title		Fiscal Years
			2003-2004 2004-2005
(1)	B006 SR EPIDEMIOLOGIST	1	GRADE 22
(2)	R266 MANAGEMENT PROJECT ANALYST II	1	GRADE 20
(3)	R010 ADMINISTRATIVE ASSISTANT II	1	GRADE 17
(4)	K039 DOCUMENT EXAMINER II	<u>2</u>	GRADE 12
	MAX. NO. OF EMPLOYEES	5	

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11 SECTION 2. APPROPRIATION. There is hereby appropriated, to the Arkansas
 12 Minority Health Commission, to be payable from the Targeted State Needs
 13 Program Account, for personal services and operating expenses of the Arkansas
 14 Minority Health Commission – Arkansas Minority Health Initiative for the
 15 biennial period ending June 30, 2005, the following:

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ITEM NO.		FISCAL YEARS	
		2003-2004	2004-2005
(01)	REGULAR SALARIES	\$ 139,369	\$ 143,132
(02)	PERSONAL SERV MATCH	41,482	42,149
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	425,000	425,000
(B)	CONF. & TRAVEL	3,000	3,000
(C)	PROF. FEES	739,508	739,508
(D)	CAP. OUTLAY	0	0
(E)	DATA PROC.	0	0
(04)	DRUGS AND MEDICINE	<u>663,646</u>	<u>663,646</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,012,005</u>	<u>\$ 2,016,435</u>

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

35 The provisions of this section shall be in effect only from July 1, 2003
 36 through June 30, 2005.

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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.

The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.

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

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General

1 Assembly has granted the agency broad powers under the transfer of
 2 appropriations, it is both necessary and appropriate that the General
 3 Assembly maintain oversight of the utilization of the transfers by requiring
 4 prior approval of the Legislative Council in the utilization of the transfer
 5 authority. Therefore, the requirement of approval by the Legislative Council
 6 is not a severable part of this section. If the requirement of approval by
 7 the Legislative Council is ruled unconstitutional by a court jurisdiction,
 8 this entire section is void.

9 The provisions of this section shall be in effect only from July 1, 2003
 10 through June 30, 2005.

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

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

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

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

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

27 The provisions of this section shall be in effect only from July 1, 2003
 28 through June 30, 2005.

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

32 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
 33 shall be limited to the appropriation for such agency and funds made
 34 available by law for the support of such appropriations; and the restrictions
 35 of the State Purchasing Law, the General Accounting and Budgetary Procedures
 36 Law, the Regular Salary Procedures and Restrictions Act, or their successors,

1 and other fiscal control laws of this State, where applicable, and
 2 regulations promulgated by the Department of Finance and Administration, as
 3 authorized by law, shall be strictly complied with in disbursement of said
 4 funds.

5 The provisions of this section shall be in effect only from July 1, 2003
 6 through June 30, 2005.

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

10 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
 11 disbursed under the authority of the appropriations contained in this act
 12 shall be in compliance with the stated reasons for which this act was
 13 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
 14 Executive Recommendations and Legislative Recommendations contained in the
 15 budget manuals prepared by the Department of Finance and Administration,
 16 letters, or summarized oral testimony in the official minutes of the Arkansas
 17 Legislative Council or Joint Budget Committee which relate to its passage and
 18 adoption.

19 The provisions of this section shall be in effect only from July 1, 2003
 20 through June 30, 2005.

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