

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1134

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE STATE BOARD OF FINANCE FOR THE PURPOSE OF MANAGING AND INVESTING THE TOBACCO SETTLEMENT PROCEEDS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE STATE BOARD OF FINANCE -
FOR PERSONAL SERVICES AND OPERATING
EXPENSES APPROPRIATION FOR THE 2005-2007
BIENNIUM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the State Board of Finance for the 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.



Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
			2005-2006	2006-2007
(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, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 53,680	\$ 55,290
(02) PERSONAL SERVICES MATCHING	11,819	11,910
(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>\$ 195,999</u>	<u>\$ 197,700</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.
4

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.
4

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.
20

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.
32

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, 2005 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, 2005 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, 2005.