

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1240

4  
5 By: Joint Budget Committee  
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## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY  
10 OF ARKANSAS AND THE DIVISION OF AGRICULTURE FOR  
11 PERSONAL SERVICES AND OPERATING EXPENSES FOR THE  
12 ARKANSAS BIOSCIENCES INSTITUTES FOR THE BIENNIAL  
13 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER  
14 PURPOSES.

## Subtitle

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18 AN ACT FOR THE UNIVERSITY OF ARKANSAS  
19 AND THE DIVISION OF AGRICULTURE -  
20 ARKANSAS BIOSCIENCES INSTITUTES  
21 APPROPRIATION FOR THE 2005-2007  
22 BIENNIUM.

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

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27 SECTION 1. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby  
28 appropriated, to the University of Arkansas, to be payable from the Arkansas  
29 Biosciences Institute Program Account of the Tobacco Settlement Program Fund,  
30 for personal services and maintenance and operations of the University of  
31 Arkansas - Arkansas Biosciences Institute for the biennial period ending June  
32 30, 2007, the following:

ITEM	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 586,622	\$ 586,622



1	(02) PERSONAL SERV MATCHING	132,987	132,987
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	586,622	586,622
4	(B) CONF. & TRAVEL	0	0
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	1,040,259	1,040,259
7	(E) DATA PROC.	<u>0</u>	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,346,490</u>	<u>\$ 2,346,490</u>

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10 SECTION 2. APPROPRIATION - DIVISION OF AGRICULTURE - ARKANSAS BIOSCIENCES.

11 There is hereby appropriated, to the University of Arkansas - Division of

12 Agriculture, to be payable from the Arkansas Biosciences Institute Program

13 Account of the Tobacco Settlement Program Fund, for personal services and

14 maintenance and operations of the University of Arkansas - Division of

15 Agriculture - Arkansas Biosciences Institute for the biennial period ending

16 June 30, 2007, the following:

18	ITEM	FISCAL YEARS	
19	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
20	(01) REGULAR SALARIES	\$ 1,358,521	\$ 1,358,521
21	(02) PERSONAL SERV MATCHING	347,969	347,969
22	(03) MAINT. & GEN. OPERATION		
23	(A) OPER. EXPENSE	375,000	375,000
24	(B) CONF. & TRAVEL	15,000	15,000
25	(C) PROF. FEES	0	0
26	(D) CAP. OUTLAY	250,000	250,000
27	(E) DATA PROC.	<u>0</u>	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,346,490</u>	<u>\$ 2,346,490</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,

36 ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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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~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROVISIONS. The state-supported institution of higher education in this act may transfer appropriations between the various line items within each appropriation contained in this appropriation act. Such transfers shall be made only after the approval of the Department of Higher Education and the Chief Fiscal Officer of the State, and the approval of the Legislative Council.

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

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding

1 any position paid from the proceeds of the Tobacco Settlement in the event  
 2 that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

12 The provisions of this section shall be in effect only from July 1, 2003  
 13 2005 through June 30, ~~2005~~ 2007.

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 15 SECTION 7. SPECIAL LANGUAGE. COMPLIANCE WITH OTHER LAWS. Disbursement of  
 16 funds authorized by this act shall be limited to the appropriation for such  
 17 agency and funds made available by law for the support of such  
 18 appropriations; and the restrictions of the State Purchasing Law, the General  
 19 Accounting and Budgetary Procedures Law, the Regular Salary Procedures and  
 20 Restrictions Act, or their successors, and other fiscal control laws of this  
 21 State, where applicable, and regulations promulgated by the Department of  
 22 Finance and Administration, as authorized by law, shall be strictly complied  
 23 with in disbursement of said funds.

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 25 SECTION 8. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of the  
 26 General Assembly that any funds disbursed under the authority of the  
 27 appropriations contained in this act shall be in compliance with the stated  
 28 reasons for which this act was adopted, as evidenced by Initiated Act 1 of  
 29 2000, the Agency Requests, Executive Recommendations and Legislative  
 30 Recommendations contained in the budget manuals prepared by the Department of  
 31 Finance and Administration, letters, or summarized oral testimony in the  
 32 official minutes of the Arkansas Legislative Council or Joint Budget  
 33 Committee which relate to its passage and adoption.

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 35 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
 36 Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a two (2) year period; that the  
2 effectiveness of this Act on July 1, 2005 is essential to the operation of  
3 the agency for which the appropriations in this Act are provided, and that in  
4 the event of an extension of the Regular Session, the delay in the effective  
5 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
6 proper administration and provision of essential governmental programs.  
7 Therefore, an emergency is hereby declared to exist and this Act being  
8 necessary for the immediate preservation of the public peace, health and  
9 safety shall be in full force and effect from and after July 1, 2005.

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