

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1329

4
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, 2009; 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 2007-2009
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 2007-2009 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	
				2007-2008	2008-2009
(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 - 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, 2009, the following:

ITEM NO.		FISCAL YEARS	
		2007-2008	2008-2009
(01)	REGULAR SALARIES	\$ 56,394	\$ 57,521
(02)	PERSONAL SERVICES MATCHING	19,820	20,047
(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	0	0
(E)	DATA PROC.	0	0
	TOTAL AMOUNT APPROPRIATED	\$ 201,714	\$ 203,068

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.

Any carry forward of unexpended balance of appropriation and/or funding as authorized herein, may be carried forward under the following conditions:
(1) Prior to June 30, 2008 the Agency shall by written statement set forth

1 its reason(s) for the need to carry forward said appropriation and/or funding
2 to the Department of Finance and Administration Office of Budget;

3 (2) The Department of Finance and Administration Office of Budget shall
4 report to the Arkansas Legislative Council all amounts carried forward from
5 the first fiscal year of the biennium to the second fiscal year of the
6 biennium by the September Arkansas Legislative Council or Joint Budget
7 Committee meeting in the second fiscal year of the biennial period which
8 report shall include the name of the Agency, Board, Commission or Institution
9 and the amount of the appropriation and/or funding carried forward from the
10 first fiscal year to the second fiscal year, the program name or line item,
11 the funding source of that appropriation and a copy of the written request
12 set forth in (1) above;

13 (3) Each Agency, Board, Commission or Institution shall provide a written
14 report to the Arkansas Legislative Council or Joint Budget Committee
15 containing all information set forth in item (2) above, along with a written
16 statement as to the current status of the project, contract, purpose etc. for
17 which the carry forward was originally requested no later than thirty (30)
18 days prior to the time the Agency, Board, Commission or Institution presents
19 its budget request to the Arkansas Legislative Council/Joint Budget
20 Committee; and

21 (4) Thereupon, the Department of Finance and Administration shall include
22 all information obtained in item (3) above in the biennial budget manuals
23 and/or a statement of non-compliance by the Agency, Board, Commission or
24 Institution.

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

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32 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
34 OF APPROPRIATIONS. In the event the amount of any of the budget
35 classifications of maintenance and general operation in this act are found by
36 the administrative head of the agency to be inadequate, then the agency head

1 may request, upon forms provided for such purpose by the Chief Fiscal Officer
 2 of the State, a modification of the amounts of the budget classification. In
 3 that event, he shall set out on the forms the particular classifications for
 4 which he is requesting an increase or decrease, the amounts thereof, and his
 5 reasons therefor. In no event shall the total amount of the budget exceed
 6 either the amount of the appropriation or the amount of the funds available,
 7 nor shall any transfer be made from the capital outlay or data processing
 8 subclassifications unless specific authority for such transfers is provided
 9 by law, except for transfers from capital outlay to data processing when
 10 determined by the Department of Information Systems that data processing
 11 services for a state agency can be performed on a more cost-efficient basis
 12 by the Department of Information Systems than through the purchase of data
 13 processing equipment by that state agency. In considering the proposed
 14 modification as prepared and submitted by each state agency, the Chief Fiscal
 15 Officer of the State shall make such studies as he deems necessary. The Chief
 16 Fiscal Officer of the State shall, after obtaining the approval of the
 17 Legislative Council, approve the requested transfer if in his opinion it is
 18 in the best interest of the state.

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

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32 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 34 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
 35 State of Arkansas or any of its agencies or institutions to continue funding
 36 any position paid from the proceeds of the Tobacco Settlement in the event

1 that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

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

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

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

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

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36 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly, that the Constitution of the State of Arkansas prohibits the
2 appropriation of funds for more than a two (2) year period; that the
3 effectiveness of this Act on July 1, 2007 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the Regular Session, the delay in the effective
6 date of this Act beyond July 1, 2007 could work irreparable harm upon the
7 proper administration and provision of essential governmental programs.
8 Therefore, an emergency is hereby declared to exist and this Act being
9 necessary for the immediate preservation of the public peace, health and
10 safety shall be in full force and effect from and after July 1, 2007.

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