

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
4

A Bill

HOUSE BILL 1539

5 By: Joint Budget Committee
6
7

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, 2009; AND FOR OTHER
14 PURPOSES.
15

Subtitle

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17
18 AN ACT FOR THE UNIVERSITY OF ARKANSAS
19 AND THE DIVISION OF AGRICULTURE -
20 ARKANSAS BIOSCIENCES INSTITUTES
21 APPROPRIATION FOR THE 2007-2009
22 BIENNIUM.
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24
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 operating expenses of the University of Arkansas -
31 Arkansas Biosciences Institute for the biennial period ending June 30, 2009,
32 the following:
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ITEM	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 598,354	\$ 610,322



1	(02) PERSONAL SERV MATCHING	135,647	138,360
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>\$ 2,360,882</u>	<u>\$ 2,375,563</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 operating expenses of the University of Arkansas - Division of Agriculture -

15 Arkansas Biosciences Institute for the biennial period ending June 30, 2009,

16 the following:

18	ITEM	FISCAL YEARS	
19	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
20	(01) REGULAR SALARIES	\$ 1,385,691	\$ 1,413,405
21	(02) PERSONAL SERV MATCHING	354,928	362,027
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>\$ 2,380,619</u>	<u>\$ 2,415,432</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 Any carry forward of unexpended balance of appropriation and/or funding as

36 authorized herein, may be carried forward under the following conditions:

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(1) Prior to June 30, 2008 the Agency shall by written statement set forth its reason(s) for the need to carry forward said appropriation and/or funding to the Department of Finance and Administration Office of Budget;

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

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

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

The provisions of this section shall be in effect only from July 1, 2005 through June 30, ~~2007~~ 2009.

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

1 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
2 of Arkansas Code 6-62-104, but only as provided by this act.

3 The provisions of this section shall be in effect only from July 1, ~~2005~~
4 2007 through June 30, ~~2007~~ 2009.

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

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

26 The provisions of this section shall be in effect only from July 1, ~~2005~~
27 2007 through June 30, ~~2007~~ 2009.

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29 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
31 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
32 State of Arkansas or any of its agencies or institutions to continue funding
33 any position paid from the proceeds of the Tobacco Settlement in the event
34 that Tobacco Settlement funds are not sufficient to finance the position.
35 (b) State funds will not be used to replace Tobacco Settlement funds when
36 such funds expire, unless appropriated by the General Assembly and authorized

1 by the Governor.

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

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

8 The provisions of this section shall be in effect only from July 1, 2005
9 2007 through June 30, ~~2007~~ 2009.

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

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

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

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

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34 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly, that the Constitution of the State of Arkansas prohibits the
36 appropriation of funds for more than a two (2) year period; that the

effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.

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