

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

As Engrossed: H3/9/07 H3/19/07 H3/27/07

A Bill

HOUSE BILL 1551

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 STATE UNIVERSITY - ARKANSAS BIOSCIENCES INSTITUTE
12 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT FOR THE ARKANSAS STATE
16 UNIVERSITY - ARKANSAS BIOSCIENCES
17 INSTITUTE APPROPRIATION FOR THE
18 2007-2009 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 - ARKANSAS BIOSCIENCES INSTITUTE. There is
26 hereby established for the Arkansas State University - Arkansas Biosciences
27 Institute for the 2007-2009 biennium, the following maximum number of regular
28 employees whose salaries shall be governed by the provisions of the Uniform
29 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
30 its successor, and all laws amendatory thereto. Provided, however, that any
31 position to which a specific maximum annual salary is set out herein in
32 dollars, shall be exempt from the provisions of said Uniform Classification
33 and Compensation Act. All persons occupying positions authorized herein are
34 hereby governed by the provisions of the Regular Salaries Procedures and
35 Restrictions Act (Arkansas Code §21-5-101), or its successor.
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Item	No. of Employees	Maximum Salary Rate	Maximum Annual Salary Rate
No.	Title	2007-2008	2008-2009
<u>ARKANSAS BIOSCIENCES INSTITUTE</u>			
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>			
<u>ADMINISTRATIVE POSITIONS</u>			
(1)	Exec Director, Biosciences Institute	1	\$153,323 \$156,389
(2)	Director, Research & Tech Transfer	1	\$143,738 \$146,613
(3)	Asst Director, Biosciences Institute	1	\$80,900 \$82,518
(4)	Project/Program Administrator	6	
	Project/Program Director		\$80,365 \$81,972
	Project/Program Manager		\$72,829 \$74,286
	Project/Program Specialist		\$62,836 \$64,093
(5)	Research Assistant	6	\$52,133 \$53,176
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>			
<u>CLASSIFIED POSITIONS</u>			
(6)	Accounting Supervisor I	1	GRADE 20
(7)	Plant Maintenance Coordinator	1	GRADE 20
(8)	Accountant	2	GRADE 18
(9)	Administrative Assistant II	1	GRADE 17
(10)	Skilled Trades Worker	2	GRADE 17
(11)	Accounting Tech II	1	GRADE 15
(12)	Laboratory Coordinator	1	GRADE 15
(13)	Administrative Secretary	3	GRADE 14
(14)	Greenhouse Technician	1	GRADE 14
(15)	Custodial Worker II	2	GRADE 04
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>			
<u>ACADEMIC POSITIONS</u>			
(16)	Faculty	14	
	Research Professor		\$140,799 \$143,615
	Research Associate Professor		\$133,037 \$135,698
	Research Assistant Professor		\$125,612 \$128,124
	Research Instructor		\$86,428 \$88,157
(17)	Research Associate	6	\$87,080 \$88,822
(18)	Research Graduate Assistant	6	\$33,970 \$34,649

1 MAX. NO. OF EMPLOYEES 56

2

3 SECTION 2. EXTRA HELP - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby
 4 authorized, for the Arkansas State University - Arkansas Biosciences
 5 Institute for the 2007-2009 biennium, the following maximum number of part-
 6 time or temporary employees, to be known as "Extra Help", payable from funds
 7 appropriated herein for such purposes: *fifty (50)* temporary or part-time
 8 employees, when needed, at rates of pay not to exceed those provided in the
 9 Uniform Classification and Compensation Act, or its successor, or this act
 10 for the appropriate classification.

11

12 SECTION 3. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby
 13 appropriated, to the Arkansas State University, to be payable from the
 14 Arkansas Biosciences Institute Program Account, for personal services and
 15 operating expenses of the Arkansas State University - Arkansas Biosciences
 16 Institute for the biennial period ending June 30, 2009, the following:

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18 ITEM	FISCAL YEARS	
19 NO.	2007-2008	2008-2009
20 (01) REGULAR SALARIES	\$ 1,717,801	\$ 1,752,157
21 (02) EXTRA HELP	51,000	51,000
22 (03) PERSONAL SERV MATCHING	394,419	402,307
23 (04) MAINT. & GEN. OPERATION		
24 (A) OPER. EXPENSE	695,693	695,693
25 (B) CONF. & TRAVEL	0	0
26 (C) PROF. FEES	0	0
27 (D) CAP. OUTLAY	89,368	89,368
28 (E) DATA PROC.	<u>0</u>	<u>0</u>
29 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,948,281</u>	<u>\$ 2,990,525</u>

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31 SECTION 4. APPROPRIATION - CONTINGENCY. There is hereby appropriated, to
 32 the Arkansas State University, to be payable from the Arkansas Biosciences
 33 Institute Program Account, for personal services and operating expenses which
 34 may be transferred and added to any appropriation line item payable from the
 35 Arkansas Biosciences Institute Program Account by the Arkansas State
 36 University - Arkansas Biosciences Institute for the biennial period ending

1 June 30, 2009, the following:

2

3 ITEM	FISCAL YEARS	
4 <u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
5		
6 (01) CONTINGENCY	\$ <u>1,966,921</u>	\$ <u>1,690,199</u>
7		

8 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 10 FORWARD. Such appropriation as is authorized in this Act which remains at the
 11 end of the first fiscal year of the biennium may be carried forward into the
 12 second fiscal year of the biennium there to be used for the same purposes.

13 Any carry forward of unexpended balance of appropriation and/or funding as
 14 authorized herein, may be carried forward under the following conditions:

15

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

19

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

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

1 its budget request to the Arkansas Legislative Council/Joint Budget
2 Committee; and

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

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

10
11 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
13 RESTRICTIONS. The appropriations provided in this act shall not be
14 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
15 of Arkansas Code 6-62-104, but only as provided by this act.

16 The provisions of this section shall be in effect only from July 1, ~~2005~~
17 2007 through June 30, ~~2007~~ 2009.

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

27 The General Assembly has determined that the institution in this act could
28 be operated more efficiently if some flexibility is given to that institution
29 and that flexibility is being accomplished by providing authority to transfer
30 between items of appropriation made by this act. Since the General Assembly
31 has granted the institution broad powers under the transfer of
32 appropriations, it is both necessary and appropriate that the General
33 Assembly maintain oversight of the utilization of the transfers by requiring
34 prior approval of the Legislative Council in the utilization of the transfer
35 authority. Therefore, the requirement of approval by the Legislative Council
36 is not a severable part of this section. If the requirement of approval by

1 the Legislative Council is ruled unconstitutional by a court of competent
2 jurisdiction, this entire section is void.

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

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

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

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

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

21 The provisions of this section shall be in effect only from July 1, 2005
22 2007 through June 30, ~~2007~~ 2009.

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

26 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
27 shall be limited to the appropriation for such agency and funds made
28 available by law for the support of such appropriations; and the restrictions
29 of the State Purchasing Law, the General Accounting and Budgetary Procedures
30 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
31 and other fiscal control laws of this State, where applicable, and
32 regulations promulgated by the Department of Finance and Administration, as
33 authorized by law, shall be strictly complied with in disbursement of said
34 funds.

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36 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
3 disbursed under the authority of the appropriations contained in this act
4 shall be in compliance with the stated reasons for which this act was
5 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
6 Executive Recommendations and Legislative Recommendations contained in the
7 budget manuals prepared by the Department of Finance and Administration,
8 letters, or summarized oral testimony in the official minutes of the Arkansas
9 Legislative Council or Joint Budget Committee which relate to its passage and
10 adoption.
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12 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
13 Assembly, that the Constitution of the State of Arkansas prohibits the
14 appropriation of funds for more than a two (2) year period; that the
15 effectiveness of this Act on July 1, 2007 is essential to the operation of
16 the agency for which the appropriations in this Act are provided, and that in
17 the event of an extension of the Regular Session, the delay in the effective
18 date of this Act beyond July 1, 2007 could work irreparable harm upon the
19 proper administration and provision of essential governmental programs.
20 Therefore, an emergency is hereby declared to exist and this Act being
21 necessary for the immediate preservation of the public peace, health and
22 safety shall be in full force and effect from and after July 1, 2007.
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24 /s/ Joint Budget Committee
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