

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

SENATE BILL 131

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS
10 MINORITY HEALTH COMMISSION FOR THE MINORITY
11 HEALTH INITIATIVE OF THE TARGETED STATE NEEDS
12 PROGRAMS FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2009; AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 AN ACT FOR THE ARKANSAS MINORITY HEALTH
18 INITIATIVE OF THE ARKANSAS MINORITY
19 HEALTH COMMISSION APPROPRIATION FOR THE
20 2007-2009 BIENNIUM.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is hereby
26 established for the Arkansas Minority Health Commission for the 2007-2009
27 biennium, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.
36



| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate | |
|----------|-----------------------|------------------------------------|--------------------------|----------------------------|-----------|
| | | | | 2007-2008 | 2008-2009 |
| 1 | (1) | B006 SR EPIDEMIOLOGIST | 1 | GRADE 22 | |
| 2 | (2) | R266 MANAGEMENT PROJECT ANALYST II | 1 | GRADE 20 | |
| 3 | (3) | R010 ADMINISTRATIVE ASSISTANT II | 1 | GRADE 17 | |
| 4 | (4) | K039 DOCUMENT EXAMINER II | <u>2</u> | GRADE 12 | |
| 5 | MAX. NO. OF EMPLOYEES | | 5 | | |

10

11 SECTION 2. APPROPRIATION – MINORITY HEALTH INITIATIVE. There is hereby
 12 appropriated, to the Arkansas Minority Health Commission, to be payable from
 13 the Targeted State Needs Program Account, for personal services and operating
 14 expenses of the Arkansas Minority Health Commission - Arkansas Minority
 15 Health Initiative for the biennial period ending June 30, 2009, the
 16 following:

17

| ITEM NO. | | FISCAL YEARS | |
|----------|---|---------------------|---------------------|
| | | 2007-2008 | 2008-2009 |
| 18 | (01) REGULAR SALARIES | \$ 141,244 | \$ 144,066 |
| 19 | (02) PERSONAL SERVICES MATCHING | 49,603 | 50,173 |
| 20 | (03) MAINT. & GEN. OPERATION | | |
| 21 | (A) OPER. EXPENSE | 333,643 | 333,643 |
| 22 | (B) CONF. & TRAVEL | 3,000 | 3,000 |
| 23 | (C) PROF. FEES | 498,559 | 498,559 |
| 24 | (D) CAP. OUTLAY | 0 | 0 |
| 25 | (E) DATA PROC. | 0 | 0 |
| 26 | (04) SCREENING, MONITORING, TREATING & 27 OUTREACH | <u>421,888</u> | <u>421,888</u> |
| 28 | TOTAL AMOUNT APPROPRIATED | <u>\$ 1,447,937</u> | <u>\$ 1,451,329</u> |

31

32 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 34 FORWARD. Such appropriation as is authorized in this Act which remains at the
 35 end of the first fiscal year of the biennium may be carried forward into the
 36 second fiscal year of the biennium there to be used for the same purposes.

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

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

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

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

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

28 The provisions of this section shall be in effect only from July 1, 2005
 29 2007 through June 30, ~~2007~~ 2009.

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

36 The provisions of this section shall be in effect only from July 1, 2005

1 2007 through June 30, ~~2007~~ 2009.

2

3 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
5 OF APPROPRIATION. In the event the amount of any of the budget
6 classifications of maintenance and general operation in this act are found by
7 the administrative head of the agency to be inadequate, then the agency head
8 may request, upon forms provided for such purpose by the Chief Fiscal Officer
9 of the State, a modification of the amounts of the budget classification. In
10 that event, he shall set out on the forms the particular classifications for
11 which he is requesting an increase or decrease, the amounts thereof, and his
12 reasons therefore. In no event shall the total amount of the budget exceed
13 either the amount of the appropriation or the amount of the funds available,
14 nor shall any transfer be made from the capital outlay or data processing
15 subclassifications unless specific authority for such transfers is provided
16 by law, except for transfers from capital outlay to data processing when
17 determined by the Department of Information Systems that data processing
18 services for a state agency can be performed on a more cost-efficient basis
19 by the Department of Information Systems than through the purchase of data
20 processing equipment by that state agency. In considering the proposed
21 modification as prepared and submitted by each state agency, the Chief Fiscal
22 Officer of the State shall make such studies as he deems necessary. The Chief
23 Fiscal Officer of the State shall, after obtaining the approval of the
24 Legislative Council, approve the requested transfer if in his opinion it is
25 in the best interest of the state.

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

1 jurisdiction, this entire section is void.

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

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

22

23 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
26 shall be limited to the appropriation for such agency and funds made
27 available by law for the support of such appropriations; and the restrictions
28 of the State Purchasing Law, the General Accounting and Budgetary Procedures
29 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
30 and other fiscal control laws of this State, where applicable, and
31 regulations promulgated by the Department of Finance and Administration, as
32 authorized by law, shall be strictly complied with in disbursement of said
33 funds.

34 The provisions of this section shall be in effect only from July 1, 2005
35 2007 through June 30, ~~2007~~ 2009.

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1 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 3 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
 4 disbursed under the authority of the appropriations contained in this act
 5 shall be in compliance with the stated reasons for which this act was
 6 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
 7 Executive Recommendations and Legislative Recommendations contained in the
 8 budget manuals prepared by the Department of Finance and Administration,
 9 letters, or summarized oral testimony in the official minutes of the Arkansas
 10 Legislative Council or Joint Budget Committee which relate to its passage and
 11 adoption.

12 The provisions of this section shall be in effect only from July 1, 2005
 13 2007 through June 30, ~~2007~~ 2009.

14
 15 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
 16 Assembly, that the Constitution of the State of Arkansas prohibits the
 17 appropriation of funds for more than a two (2) year period; that the
 18 effectiveness of this Act on July 1, 2007 is essential to the operation of
 19 the agency for which the appropriations in this Act are provided, and that in
 20 the event of an extension of the Regular Session, the delay in the effective
 21 date of this Act beyond July 1, 2007 could work irreparable harm upon the
 22 proper administration and provision of essential governmental programs.
 23 Therefore, an emergency is hereby declared to exist and this Act being
 24 necessary for the immediate preservation of the public peace, health and
 25 safety shall be in full force and effect from and after July 1, 2007.