

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: S2/12/07

A Bill

SENATE BILL 131

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

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
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Subtitle

16 AN ACT FOR THE ARKANSAS MINORITY HEALTH
17 INITIATIVE OF THE ARKANSAS MINORITY
18 HEALTH COMMISSION APPROPRIATION FOR THE
19 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 - 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.
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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		

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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:

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ITEM NO.	DESCRIPTION	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 & OUTREACH	421,888	421,888
27	(05) PROMOTIONAL ITEMS	<u>0</u>	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,447,937</u>	<u>\$ 1,451,329</u>

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33 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 35 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish
 36 upon request for the Minority Health Commission a special Promotional Items

1 appropriation to be used in the acquisition of promotional items. When the
2 Minority Health Commission wishes to transfer from its operating expenses
3 and/or Screening, Monitoring, Treating & Outreach appropriation and funds to
4 the promotional items line, the request shall be forwarded by the Minority
5 Health Commission to the Chief Fiscal Officer of the State for processing and
6 for prior approval by the Arkansas Legislative Council or Joint Budget
7 Committee. Determining the maximum number of employees and the maximum
8 amount of appropriation and general revenue funding for a state agency each
9 fiscal year is the prerogative of the General Assembly. This is usually
10 accomplished by delineating such maximums in the appropriation act(s) for a
11 state agency and the general revenue allocations authorized for each fund and
12 fund account by amendment to the Revenue Stabilization law. Further, the
13 General Assembly has determined that the Minority Health Commission may
14 operate more efficiently if some flexibility is provided to the Minority
15 Health Commission authorizing broad powers under this Section. Therefore, it
16 is both necessary and appropriate that the General Assembly maintain
17 oversight by requiring prior approval of the Legislative Council or Joint
18 Budget Committee as provided by this section. The requirement of approval by
19 the Legislative Council or Joint Budget Committee is not a severable part of
20 this section. If the requirement of approval by the Legislative Council or
21 Joint Budget Committee is ruled unconstitutional by a court of competent
22 jurisdiction, this entire section is void.

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

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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. CARRY
28 FORWARD. Such appropriation as is authorized in this Act which remains at the
29 end of the first fiscal year of the biennium may be carried forward into the
30 second fiscal year of the biennium there to be used for the same purposes.
31 Any carry forward of unexpended balance of appropriation and/or funding as
32 authorized herein, may be carried forward under the following conditions:
33 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
34 its reason(s) for the need to carry forward said appropriation and/or funding
35 to the Department of Finance and Administration Office of Budget;
36 (2) The Department of Finance and Administration Office of Budget shall

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

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

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

22 The provisions of this section shall be in effect only from July 1, 2005
23 2007 through June 30, ~~2007~~ 2009.

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25 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
27 RESTRICTIONS. The appropriations provided in this act shall not be
28 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
29 of Arkansas Code 6-62-104, but only as provided by this act.

30 The provisions of this section shall be in effect only from July 1, 2005
31 2007 through June 30, ~~2007~~ 2009.

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33 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
35 OF APPROPRIATION. In the event the amount of any of the budget
36 classifications of maintenance and general operation in this act are found by

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

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

32 The provisions of this section shall be in effect only from July 1, ~~2005~~
33 2007 through June 30, ~~2007~~ 2009.

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

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

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

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

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

14 The provisions of this section shall be in effect only from July 1, ~~2005~~
15 2007 through June 30, ~~2007~~ 2009.

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

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

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

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

33 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
34 disbursed under the authority of the appropriations contained in this act
35 shall be in compliance with the stated reasons for which this act was
36 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,

1 Executive Recommendations and Legislative Recommendations contained in the
2 budget manuals prepared by the Department of Finance and Administration,
3 letters, or summarized oral testimony in the official minutes of the Arkansas
4 Legislative Council or Joint Budget Committee which relate to its passage and
5 adoption.

6 The provisions of this section shall be in effect only from July 1, 2005
7 2007 through June 30, ~~2007~~ 2009.

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9 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a two (2) year period; that the
12 effectiveness of this Act on July 1, 2007 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2007 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2007.

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21 /s/ Joint Budget Committee
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