

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/6/09 H3/6/09 H3/6/09

A Bill

HOUSE BILL 1522

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 FISCAL
13 YEAR ENDING JUNE 30, 2010; AND FOR OTHER
14 PURPOSES.

Subtitle

18 AN ACT FOR THE UNIVERSITY OF ARKANSAS
19 AND THE DIVISION OF AGRICULTURE -
20 ARKANSAS BIOSCIENCES INSTITUTES
21 APPROPRIATION FOR THE 2009-2010 FISCAL
22 YEAR.

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 Fund, for
30 personal services and operating expenses of the University of Arkansas -
31 Arkansas Biosciences Institute for the fiscal year ending June 30, 2010, the
32 following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 480,000



1	(02) PERSONAL SERV MATCHING	75,000
2	(03) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	800,000
4	(B) CONF. & TRAVEL	0
5	(C) PROF. FEES	0
6	(D) CAP. OUTLAY	1,020,563
7	(E) DATA PROC.	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<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 Fund, for personal services and operating
 14 expenses of the University of Arkansas - Division of Agriculture - Arkansas
 15 Biosciences Institute for the fiscal year ending June 30, 2010, the
 16 following:

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18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2009-2010</u>
20	(01) REGULAR SALARIES	\$ 1,320,000
21	(02) PERSONAL SERV MATCHING	350,432
22	(03) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	360,000
24	(B) CONF. & TRAVEL	35,000
25	(C) PROF. FEES	150,000
26	(D) CAP. OUTLAY	200,000
27	(E) DATA PROC.	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<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 authorized carry forward of unexpended balance of ~~appropriation and/or~~
 36 ~~funding as authorized herein~~, may be carried forward under the following

1 conditions:

- 2 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
3 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
4 funding to the Department of Finance and Administration Office of Budget;
5 (2) The Department of Finance and Administration Office of Budget shall
6 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
7 ~~the first fiscal year of the biennium to the second fiscal year of the~~
8 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
9 Committee meeting ~~in the second fiscal year of the biennial period~~ which
10 report shall include the name of the Agency, Board, Commission or Institution
11 and the amount of the ~~appropriation and/or~~ funding carried forward ~~from the~~
12 ~~first fiscal year to the second fiscal year~~, the program name or line item,
13 the funding source ~~of that appropriation~~ and a copy of the written request
14 set forth in (1) above;
15 (3) Each Agency, Board, Commission or Institution shall provide a written
16 report to the Arkansas Legislative Council or Joint Budget Committee
17 containing all information set forth in item (2) above, along with a written
18 statement as to the current status of the project, contract, purpose etc. for
19 which the carry forward was originally requested no later than thirty (30)
20 days prior to the time the Agency, Board, Commission or Institution presents
21 its budget request to the Arkansas Legislative Council/Joint Budget
22 Committee; and
23 (4) Thereupon, the Department of Finance and Administration shall include
24 all information obtained in item (3) above in the ~~biennial~~ budget manuals
25 and/or a statement of non-compliance by the Agency, Board, Commission or
26 Institution.

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

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

35 The provisions of this section shall be in effect only from July 1,
36 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position. (b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor. (c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

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

4 The provisions of this section shall be in effect only from July 1, ~~2007~~
5 2009 through June 30, ~~2009~~ 2010.

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7 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
9 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
10 shall be limited to the appropriation for such agency and funds made
11 available by law for the support of such appropriations; and the restrictions
12 of the State Purchasing Law, the General Accounting and Budgetary Procedures
13 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
14 and other fiscal control laws of this State, where applicable, and
15 regulations promulgated by the Department of Finance and Administration, as
16 authorized by law, shall be strictly complied with in disbursement of said
17 funds.

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

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31 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
32 Assembly, that the Constitution of the State of Arkansas prohibits the
33 appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2009 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 2009 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 2009.

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/s/ Joint Budget Committee