

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

A Bill

HOUSE BILL 1525

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

Subtitle

15
16 AN ACT FOR THE ARKANSAS STATE
17 UNIVERSITY - ARKANSAS BIOSCIENCES
18 INSTITUTE APPROPRIATION FOR THE
19 2009-2010 FISCAL YEAR.
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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 2009-2010 fiscal year, the following maximum number of
28 regular employees whose salaries shall be governed by the provisions of the
29 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
30 seq.), or its successor, and all laws amendatory thereto. Provided, however,
31 that any position to which a specific maximum annual salary is set out herein
32 in dollars, shall be exempt from the provisions of said Uniform
33 Classification and Compensation Act. All persons occupying positions
34 authorized herein are hereby governed by the provisions of the Regular
35 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
36 successor.



Item	No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
<u>ARKANSAS BIOSCIENCES INSTITUTE</u>		
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>		
<u>ADMINISTRATIVE POSITIONS</u>		
(01) Exec Director of Biosciences Inst.	1	\$161,081
(02) Director Research & Tech Transfer	1	\$151,011
(03) Asst Director Biosciences Institute	1	\$84,994
(04) Project/Program Administrator	6	
Project/Program Director		\$84,431
Project/Program Manager		\$76,515
Project/Program Specialist		\$66,016
(05) Research Assistant	6	\$54,771
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>		
<u>CLASSIFIED POSITIONS</u>		
(06) Skilled Trades Worker	1	GRADE C115
(07) Administrative Specialist III	3	GRADE C112
(08) Laboratory Coordinator	1	GRADE C111
(09) Institutional Svcs Assistant	2	GRADE C103
<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>		
<u>ACADEMIC POSITIONS</u>		
(10) Faculty	14	
Research Professor		\$147,923
Research Associate Professor		\$139,769
Research Assistant Professor		\$131,968
Research Instructor		\$90,802
(11) Research Associate	6	\$91,487
(12) Research Graduate Assistant	<u>6</u>	\$35,688
MAX. NO. OF EMPLOYEES	48	

SECTION 2. EXTRA HELP - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby authorized, for the Arkansas State University - Arkansas Biosciences Institute for the 2009-2010 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from

1 funds appropriated herein for such purposes: fifty (50) temporary or part-
 2 time employees, when needed, at rates of pay not to exceed those provided in
 3 the Uniform Classification and Compensation Act, or its successor, or this
 4 act for the appropriate classification.

5

6 SECTION 3. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby
 7 appropriated, to the Arkansas State University, to be payable from the
 8 Arkansas Biosciences Institute Program Account, for personal services and
 9 operating expenses of the Arkansas State University - Arkansas Biosciences
 10 Institute for the fiscal year ending June 30, 2010, the following:

11

12 ITEM	FISCAL YEAR
13 <u>NO.</u>	<u>2009-2010</u>
14 (01) REGULAR SALARIES	\$ 951,228
15 (02) EXTRA HELP	51,000
16 (03) PERSONAL SERV MATCHING	402,307
17 (04) MAINT. & GEN. OPERATION	
18 (A) OPER. EXPENSE	1,502,702
19 (B) CONF. & TRAVEL	0
20 (C) PROF. FEES	0
21 (D) CAP. OUTLAY	589,368
22 (E) DATA PROC.	<u>0</u>
23 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,496,605</u>

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25 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 27 FORWARD. ~~Such appropriation as is authorized in this Act which remains at the~~
 28 ~~end of the first fiscal year of the biennium may be carried forward into the~~
 29 ~~second fiscal year of the biennium there to be used for the same purposes.~~
 30 Any authorized carry forward of unexpended balance of ~~appropriation and/or~~
 31 ~~funding as authorized herein~~, may be carried forward under the following
 32 conditions:

- 33 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
 34 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
 35 funding 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, 2007~~
 23 ~~through June 30, 2009.~~

24
 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, ~~2007~~
 31 2009 through June 30, ~~2009~~ 2010.

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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. TRANSFER
 35 PROVISIONS. The state-supported institution of higher education in this act
 36 may transfer appropriations between the various line items within each

1 appropriation contained in this appropriation act. Such transfers shall be
 2 made only after the approval of the Department of Higher Education and the
 3 Chief Fiscal Officer of the State, and the approval of the Legislative
 4 Council.

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

17 The provisions of this section shall be in effect only from July 1, ~~2007~~
 18 2009 through June 30, ~~2009~~ 2010.

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 20 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 22 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
 23 State of Arkansas or any of its agencies or institutions to continue funding
 24 any position paid from the proceeds of the Tobacco Settlement in the event
 25 that Tobacco Settlement funds are not sufficient to finance the position.
 26 (b) State funds will not be used to replace Tobacco Settlement funds when
 27 such funds expire, unless appropriated by the General Assembly and authorized
 28 by the Governor.
 29 (c) A disclosure of the language contained in (a) and (b) of this Section
 30 shall be made available to all new hire and current positions paid from the
 31 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
 32 (d) Whenever applicable the information contained in (a) and (b) of this
 33 Section shall be included in the employee handbook and/or Professional
 34 Services Contract paid from the proceeds of the Tobacco Settlement.

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

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

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

SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 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, 2009 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, 2009.