

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

A Bill

SENATE BILL 244

4
5 By: Joint Budget Committee

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

Subtitle

17 AN ACT FOR THE ARKANSAS MINORITY HEALTH
18 INITIATIVE OF THE ARKANSAS MINORITY
19 HEATH COMMISSION APPROPRIATION FOR THE
20 2009-2010 FISCAL YEAR.

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

25 SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is hereby
26 established for the Arkansas Minority Health Commission for the 2009-2010
27 fiscal year, 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.



Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
(1)	C037C ADMINISTRATIVE ANALYST	2	GRADE C115
(2)	A091C FISCAL SUPPORT ANALYST	1	GRADE C115
(3)	C056C ADMINISTRATIVE SPECIALIST III	1	GRADE C112
(4)	C087C ADMINISTRATIVE SPECIALIST I	<u>2</u>	GRADE C106
	MAX. NO. OF EMPLOYEES	6	

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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 fiscal year ending June 30, 2010, the following:

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ITEM NO.	FISCAL YEAR 2009-2010
(01) REGULAR SALARIES	\$ 175,380
(02) PERSONAL SERVICES MATCHING	63,433
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	361,643
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	498,559
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) PROMOTIONAL ITEMS	0
(05) SCREENING, MONITORING, TREATING, OUTREACH & ADVERTISING	<u>421,888</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,530,903</u>

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

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

22 The provisions of this section shall be in effect only from July 1,
 23 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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 33 SECTION 5. 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,
33 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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35 SECTION 6. 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 Minority Health 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,
15 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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17 SECTION 7. 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,
29 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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31 SECTION 8. 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,
7 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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9 SECTION 9. 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 one (1) year period; that the
12 effectiveness of this Act on July 1, 2009 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, 2009 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, 2009.

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