

State of Arkansas
87th General Assembly
Fiscal Session, 2010

A Bill

HOUSE BILL 1126

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY
OF ARKANSAS AND THE DIVISION OF AGRICULTURE FOR
PERSONAL SERVICES AND OPERATING EXPENSES FOR THE
ARKANSAS BIOSCIENCES INSTITUTES FOR THE FISCAL
YEAR ENDING JUNE 30, 2011; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE UNIVERSITY OF ARKANSAS
AND THE DIVISION OF AGRICULTURE -
ARKANSAS BIOSCIENCES INSTITUTES
APPROPRIATION FOR THE 2010-2011 FISCAL
YEAR.

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

SECTION 1. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is hereby
appropriated, to the University of Arkansas, to be payable from the Arkansas
Biosciences Institute Program Account of the Tobacco Settlement Fund, for
personal services and operating expenses of the University of Arkansas -
Arkansas Biosciences Institute for the fiscal year ending June 30, 2011, the
following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 480,000



(02)	PERSONAL SERV MATCHING	75,000
(03)	MAINT. & GEN. OPERATION	
(A)	OPER. EXPENSE	800,000
(B)	CONF. & TRAVEL	0
(C)	PROF. FEES	0
(D)	CAP. OUTLAY	1,020,563
(E)	DATA PROC.	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,375,563</u>

SECTION 2. APPROPRIATION - DIVISION OF AGRICULTURE - ARKANSAS BIOSCIENCES.

There is hereby appropriated, to the University of Arkansas - Division of Agriculture, to be payable from the Arkansas Biosciences Institute Program Account of the Tobacco Settlement Fund, for personal services and operating expenses of the University of Arkansas - Division of Agriculture - Arkansas Biosciences Institute for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 1,320,000
(02) PERSONAL SERV MATCHING	350,432
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	360,000
(B) CONF. & TRAVEL	35,000
(C) PROF. FEES	150,000
(D) CAP. OUTLAY	200,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,415,432</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Any authorized carry forward of unexpended balance of funding may be carried forward under the following conditions:

(1) Prior to June 30, 2010 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source and a copy of the written request set forth in (1) above;

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

12 The provisions of this section shall be in effect only from July 1, ~~2007~~
 13 2010 through June 30, ~~2009~~ 2011.

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 15 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

30 The provisions of this section shall be in effect only from July 1, ~~2007~~
 31 2010 through June 30, ~~2009~~ 2011.

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

35 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
 36 shall be limited to the appropriation for such agency and funds made

1 available by law for the support of such appropriations; and the restrictions
2 of the State Purchasing Law, the General Accounting and Budgetary Procedures
3 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
4 and other fiscal control laws of this State, where applicable, and
5 regulations promulgated by the Department of Finance and Administration, as
6 authorized by law, shall be strictly complied with in disbursement of said
7 funds.

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

11 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
12 disbursed under the authority of the appropriations contained in this act
13 shall be in compliance with the stated reasons for which this act was
14 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
15 Executive Recommendations and Legislative Recommendations contained in the
16 budget manuals prepared by the Department of Finance and Administration,
17 letters, or summarized oral testimony in the official minutes of the Arkansas
18 Legislative Council or Joint Budget Committee which relate to its passage and
19 adoption.

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21 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
22 Assembly, that the Constitution of the State of Arkansas prohibits the
23 appropriation of funds for more than a one (1) year period; that the
24 effectiveness of this Act on July 1, 2010 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the legislative session, the delay in the
27 effective date of this Act beyond July 1, 2010 could work irreparable harm
28 upon the proper administration and provision of essential governmental
29 programs. Therefore, an emergency is hereby declared to exist and this Act
30 being necessary for the immediate preservation of the public peace, health
31 and safety shall be in full force and effect from and after July 1, 2010.