

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010

# A Bill

SENATE BILL 30

4  
5 By: Joint Budget Committee  
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## For An Act To Be Entitled

8  
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 2011; AND FOR OTHER PURPOSES.  
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## Subtitle

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17 AN ACT FOR THE ARKANSAS MINORITY HEALTH  
18 INITIATIVE OF THE ARKANSAS MINORITY  
19 HEATH COMMISSION APPROPRIATION FOR THE  
20 2010-2011 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 - MINORITY HEALTH INITIATIVE. There is hereby  
26 established for the Arkansas Minority Health Commission for the 2010-2011  
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.  
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Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
(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, 2011, the following:

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ITEM NO.	FISCAL YEAR 2010-2011
(01) REGULAR SALARIES	\$ 177,710
(02) PERSONAL SERVICES MATCHING	63,869
(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>\$ 1,533,669</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~~ 2010 through June 30, ~~2009~~ 2011.

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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, but only as  
 29 provided by this act.

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

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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~~ 2010 through June 30, ~~2009~~ 2011.

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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~~ 2010 through June 30, ~~2009~~ 2011.

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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~~ 2010 through June 30, ~~2009~~ 2011.

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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~~ 2010 through June 30, ~~2009~~ 2011.

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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, 2010 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 legislative session, the delay in the  
15 effective date of this Act beyond July 1, 2010 could work irreparable harm  
16 upon the proper administration and provision of essential governmental  
17 programs. Therefore, an emergency is hereby declared to exist and this Act  
18 being necessary for the immediate preservation of the public peace, health  
19 and safety shall be in full force and effect from and after July 1, 2010.

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