

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

# A Bill

HOUSE BILL 1148

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY  
9 OF ARKANSAS AND THE DIVISION OF AGRICULTURE FOR  
10 PERSONAL SERVICES AND OPERATING EXPENSES FOR THE  
11 ARKANSAS BIOSCIENCES INSTITUTES FOR THE FISCAL  
12 YEAR ENDING JUNE 30, 2013; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE UNIVERSITY OF ARKANSAS AND  
17 THE DIVISION OF AGRICULTURE - ARKANSAS  
18 BIOSCIENCES INSTITUTES APPROPRIATION FOR  
19 THE 2012-2013 FISCAL YEAR.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. APPROPRIATION - ARKANSAS BIOSCIENCES INSTITUTE. There is  
26 hereby appropriated, to the University of Arkansas, to be payable from the  
27 Arkansas Biosciences Institute Program Account of the Tobacco Settlement  
28 Fund, for personal services and operating expenses of the University of  
29 Arkansas - Arkansas Biosciences Institute for the fiscal year ending June 30,  
30 2013, the following:  
31

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$480,000
(02) PERSONAL SERV MATCHING	75,000
(03) MAINT. & GEN. OPERATION	



1	(A) OPER. EXPENSE	800,000
2	(B) CONF. & TRAVEL	0
3	(C) PROF. FEES	0
4	(D) CAP. OUTLAY	1,020,563
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,375,563</u></u>

7

8 SECTION 2. APPROPRIATION - DIVISION OF AGRICULTURE - ARKANSAS

9 BIOSCIENCES. There is hereby appropriated, to the University of Arkansas -

10 Division of Agriculture, to be payable from the Arkansas Biosciences

11 Institute Program Account of the Tobacco Settlement Fund, for personal

12 services and operating expenses of the University of Arkansas - Division of

13 Agriculture - Arkansas Biosciences Institute for the fiscal year ending June

14 30, 2013, the following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2012-2013</u>
18	(01) REGULAR SALARIES	\$1,356,100
19	(02) PERSONAL SERV MATCHING	359,332
20	(03) MAINT. & GEN. OPERATION	
21	(A) OPER. EXPENSE	380,000
22	(B) CONF. & TRAVEL	40,000
23	(C) PROF. FEES	100,000
24	(D) CAP. OUTLAY	180,000
25	(E) DATA PROC.	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,415,432</u></u>

27

28 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

30 RESTRICTIONS. The appropriations provided in this act shall not be

31 transferred under the provisions of Arkansas Code 19-4-522, but only as

32 provided by this act.

33 The provisions of this section shall be in effect only from July 1,

34 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

35

36 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
2 PROVISIONS. The state-supported institution of higher education in this act  
3 may transfer appropriations between the various line items within each  
4 appropriation contained in this appropriation act. Such transfers shall be  
5 made only after the approval of the Department of Higher Education and the  
6 Chief Fiscal Officer of the State, and the approval of the Legislative  
7 Council.

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

20 The provisions of this section shall be in effect only from July 1,  
21 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

22  
23 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
25 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
26 State of Arkansas or any of its agencies or institutions to continue funding  
27 any position paid from the proceeds of the Tobacco Settlement in the event  
28 that Tobacco Settlement funds are not sufficient to finance the position.  
29 (b) State funds will not be used to replace Tobacco Settlement funds when  
30 such funds expire, unless appropriated by the General Assembly and authorized  
31 by the Governor.  
32 (c) A disclosure of the language contained in (a) and (b) of this Section  
33 shall be made available to all new hire and current positions paid from the  
34 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.  
35 (d) Whenever applicable the information contained in (a) and (b) of this  
36 Section shall be included in the employee handbook and/or Professional

1 Services Contract paid from the proceeds of the Tobacco Settlement.

2 The provisions of this section shall be in effect only from July 1,  
3 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

4  
5 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
7 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
8 shall be limited to the appropriation for such agency and funds made  
9 available by law for the support of such appropriations; and the restrictions  
10 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
11 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
12 and other fiscal control laws of this State, where applicable, and  
13 regulations promulgated by the Department of Finance and Administration, as  
14 authorized by law, shall be strictly complied with in disbursement of said  
15 funds.

16  
17 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
19 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
20 disbursed under the authority of the appropriations contained in this act  
21 shall be in compliance with the stated reasons for which this act was  
22 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
23 Executive Recommendations and Legislative Recommendations contained in the  
24 budget manuals prepared by the Department of Finance and Administration,  
25 letters, or summarized oral testimony in the official minutes of the Arkansas  
26 Legislative Council or Joint Budget Committee which relate to its passage and  
27 adoption.

28  
29 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
30 Assembly, that the Constitution of the State of Arkansas prohibits the  
31 appropriation of funds for more than a one (1) year period; that the  
32 effectiveness of this Act on July 1, 2012 is essential to the operation of  
33 the agency for which the appropriations in this Act are provided, and that in  
34 the event of an extension of the legislative session, the delay in the  
35 effective date of this Act beyond July 1, 2012 could work irreparable harm  
36 upon the proper administration and provision of essential governmental

1 programs. Therefore, an emergency is hereby declared to exist and this Act  
2 being necessary for the immediate preservation of the public peace, health  
3 and safety shall be in full force and effect from and after July 1, 2012.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36