

State of Arkansas  
90th General Assembly  
Fiscal Session, 2016

# A Bill

SENATE BILL 51

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS  
MINORITY HEALTH COMMISSION FOR THE MINORITY HEALTH  
INITIATIVE OF THE TARGETED STATE NEEDS PROGRAM FOR  
THE FISCAL YEAR ENDING JUNE 30, 2017; AND FOR OTHER  
PURPOSES.

## Subtitle

AN ACT FOR THE ARKANSAS MINORITY HEALTH  
INITIATIVE OF THE MINORITY HEALTH  
COMMISSION APPROPRIATION FOR THE 2016-  
2017 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is  
hereby established for the Arkansas Minority Health Commission for the 2016-  
2017 fiscal year, the following maximum number of regular employees.

				Maximum Annual
				Salary Rate
				Fiscal Year
				2016-2017
Item	Class		Maximum	
No.	Code	Title	No. of	
			Employees	
(1)	G147C	GRANTS COORDINATOR	1	GRADE C119
(2)	A082C	ACCOUNTANT II	1	GRADE C117
(3)	L053C	HEALTH PROGRAM SPECIALIST I	1	GRADE C117
(4)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
(5)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115



(6) C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
MAX. NO. OF EMPLOYEES	6	

SECTION 2. APPROPRIATION - MINORITY HEALTH INITIATIVE. There is hereby appropriated, to the Arkansas Minority Health Commission, to be payable from the Targeted State Needs Program Account, for personal services and operating expenses of the Arkansas Minority Health Commission - Arkansas Minority Health Initiative for the fiscal year ending June 30, 2017, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</u>
(01) REGULAR SALARIES	\$201,206
(02) PERSONAL SERVICES MATCHING	81,427
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	333,229
(B) CONF. & TRAVEL	20,000
(C) PROF. FEES	448,559
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) PROMOTIONAL ITEMS	0
(05) SCREENING, MONITORING, TREATING, OUTREACH & ADVERTISING	<u>558,554</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,642,975</u></u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Minority Health Commission a special Promotional Items appropriation to be used in the acquisition of promotional items. When the Minority Health Commission wishes to transfer from its operating expenses and/or Screening, Monitoring, Treating, Outreach & Advertising appropriation and funds to the promotional items line, the request shall be forwarded by the Minority Health Commission to the Chief Fiscal Officer of the State for processing and for prior approval by the Arkansas Legislative Council or Joint Budget Committee. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state

1 agency each fiscal year is the prerogative of the General Assembly. This is  
2 usually accomplished by delineating such maximums in the appropriation act(s)  
3 for a state agency and the general revenue allocations authorized for each  
4 fund and fund account by amendment to the Revenue Stabilization law.  
5 Further, the General Assembly has determined that the Minority Health  
6 Commission may operate more efficiently if some flexibility is provided to  
7 the Minority Health Commission authorizing broad powers under this Section.  
8 Therefore, it is both necessary and appropriate that the General Assembly  
9 maintain oversight by requiring prior approval of the Legislative Council or  
10 Joint Budget Committee as provided by this section. The requirement of  
11 approval by the Legislative Council or Joint Budget Committee is not a  
12 severable part of this section. If the requirement of approval by the  
13 Legislative Council or Joint Budget Committee is ruled unconstitutional by a  
14 court of competent jurisdiction, this entire section is void.

15 The provisions of this section shall be in effect only from July 1, ~~2015~~  
16 2016 through June 30, ~~2016~~ 2017.

17  
18 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
20 RESTRICTIONS. The appropriations provided in this act shall not be  
21 transferred under the provisions of Arkansas Code 19-4-522, but only as  
22 provided by this act.

23 The provisions of this section shall be in effect only from July 1, ~~2015~~  
24 2016 through June 30, ~~2016~~ 2017.

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26 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
28 OF APPROPRIATION. In the event the amount of any of the budget  
29 classifications of maintenance and general operation in this act are found by  
30 the administrative head of the agency to be inadequate, then the agency head  
31 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
32 of the State, a modification of the amounts of the budget classification. In  
33 that event, he or she shall set out on the forms the particular  
34 classifications for which he or she is requesting an increase or decrease,  
35 the amounts thereof, and his or her reasons therefor. In no event shall the  
36 total amount of the budget exceed either the amount of the appropriation or

1 the amount of the funds available, nor shall any transfer be made from the  
2 capital outlay or data processing subclassifications unless specific  
3 authority for such transfers is provided by law, except for transfers from  
4 capital outlay to data processing when determined by the Department of  
5 Information Systems that data processing services for a state agency can be  
6 performed on a more cost-efficient basis by the Department of Information  
7 Systems than through the purchase of data processing equipment by that state  
8 agency. In considering the proposed modification as prepared and submitted by  
9 each state agency, the Chief Fiscal Officer of the State shall make such  
10 studies as he or she deems necessary. The Chief Fiscal Officer of the State  
11 shall, after obtaining the approval of the Legislative Council or Joint  
12 Budget Committee, approve the requested transfer if in his or her opinion it  
13 is in the best interest of the state.

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

26 The provisions of this section shall be in effect only from July 1, ~~2015~~  
27 2016 through June 30, ~~2016~~ 2017.

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29 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
31 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
32 State of Arkansas or any of its agencies or institutions to continue funding  
33 any position paid from the proceeds of the Tobacco Settlement in the event  
34 that Tobacco Settlement funds are not sufficient to finance the position.  
35 (b) State funds will not be used to replace Tobacco Settlement funds when  
36 such funds expire, unless appropriated by the General Assembly and authorized

1 by the Governor.

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

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

8 The provisions of this section shall be in effect only from July 1, ~~2015~~  
9 2016 through June 30, ~~2016~~ 2017.

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

13 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
14 shall be limited to the appropriation for such agency and funds made  
15 available by law for the support of such appropriations; and the restrictions  
16 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
17 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
18 and other fiscal control laws of this State, where applicable, and  
19 regulations promulgated by the Department of Finance and Administration, as  
20 authorized by law, shall be strictly complied with in disbursement of said  
21 funds.

22 The provisions of this section shall be in effect only from July 1, ~~2015~~  
23 2016 through June 30, ~~2016~~ 2017.

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

27 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
28 disbursed under the authority of the appropriations contained in this act  
29 shall be in compliance with the stated reasons for which this act was  
30 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
31 Executive Recommendations and Legislative Recommendations contained in the  
32 budget manuals prepared by the Department of Finance and Administration,  
33 letters, or summarized oral testimony in the official minutes of the Arkansas  
34 Legislative Council or Joint Budget Committee which relate to its passage and  
35 adoption.

36 The provisions of this section shall be in effect only from July 1, ~~2015~~

1 2016 through June 30, ~~2016~~ 2017.

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3 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
4 Assembly, that the Constitution of the State of Arkansas prohibits the  
5 appropriation of funds for more than a one (1) year period; that the  
6 effectiveness of this Act on July 1, 2016 is essential to the operation of  
7 the agency for which the appropriations in this Act are provided, and that in  
8 the event of an extension of the legislative session, the delay in the  
9 effective date of this Act beyond July 1, 2016 could work irreparable harm  
10 upon the proper administration and provision of essential governmental  
11 programs. Therefore, an emergency is hereby declared to exist and this Act  
12 being necessary for the immediate preservation of the public peace, health  
13 and safety shall be in full force and effect from and after July 1, 2016.