

State of Arkansas  
92nd General Assembly  
Fiscal Session, 2020

# A Bill

SENATE BILL 76

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR THE DEPARTMENT OF  
HEALTH - ARKANSAS MINORITY HEALTH COMMISSION FOR THE  
MINORITY HEALTH INITIATIVE OF THE TARGETED STATE  
NEEDS PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30,  
2021; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE ARKANSAS MINORITY HEALTH  
INITIATIVE OF THE DEPARTMENT OF HEALTH -  
ARKANSAS MINORITY HEALTH COMMISSION  
APPROPRIATION FOR THE 2020-2021 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 Department of Health - Arkansas Minority Health  
Commission for the 2020-2021 fiscal year, the following maximum number of  
regular employees.

			Maximum Annual
			Salary Rate
			Fiscal Year
			2020-2021
Item	Class	Maximum	
No.	Code Title	No. of	
		Employees	
(1)	A082C ACCOUNTANT II	1	GRADE GS08
(2)	G147C GRANTS COORDINATOR	1	GRADE GS07
(3)	L053C HEALTH PROGRAM SPECIALIST I	1	GRADE GS06



(4)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
(5)	A091C FISCAL SUPPORT ANALYST	<u>1</u>	GRADE GS05
	MAX. NO. OF EMPLOYEES	5	

SECTION 2. APPROPRIATION - MINORITY HEALTH INITIATIVE. There is hereby appropriated, to the Department of Health, to be payable from the Targeted State Needs Program Account, for personal services and operating expenses of the Department of Health - Arkansas Minority Health Commission - Arkansas Minority Health Initiative for the fiscal year ending June 30, 2021, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2020-2021</u>
(01) REGULAR SALARIES	\$215,631
(02) PERSONAL SERVICES MATCHING	74,924
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	531,788
(B) CONF. & TRAVEL	20,000
(C) PROF. FEES	250,000
(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>\$1,650,897</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 Arkansas Minority Health Commission a special Promotional Items appropriation to be used in the acquisition of promotional items. When the Arkansas 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 Arkansas 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 agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Minority Health Commission may operate more efficiently if some flexibility is provided to the Department of Health - Arkansas Minority Health Commission authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2019~~ 2020 through June 30, ~~2020~~ 2021.

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, ~~2019~~ 2020 through June 30, ~~2020~~ 2021.

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS OF APPROPRIATION. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he or she shall set out on the forms the particular

1 classifications for which he or she is requesting an increase or decrease,  
2 the amounts thereof, and his or her reasons therefor. In no event shall the  
3 total amount of the budget exceed either the amount of the appropriation or  
4 the amount of the funds available, nor shall any transfer be made from the  
5 capital outlay or data processing subclassifications unless specific  
6 authority for such transfers is provided by law, except for transfers from  
7 capital outlay to data processing when determined by the Department of  
8 Information Systems that data processing services for a state agency can be  
9 performed on a more cost-efficient basis by the Department of Information  
10 Systems than through the purchase of data processing equipment by that state  
11 agency. In considering the proposed modification as prepared and submitted by  
12 each state agency, the Chief Fiscal Officer of the State shall make such  
13 studies as he or she deems necessary. The Chief Fiscal Officer of the State  
14 shall, after obtaining the approval of the Legislative Council or Joint  
15 Budget Committee, approve the requested transfer if in his or her opinion it  
16 is in the best interest of the state.

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

29 The provisions of this section shall be in effect only from July 1, ~~2019~~  
30 2020 through June 30, ~~2020~~ 2021.

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32 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
34 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
35 State of Arkansas or any of its agencies or institutions to continue funding  
36 any position paid from the proceeds of the Tobacco Settlement in the event

1 that Tobacco Settlement funds are not sufficient to finance the position.

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

5 (c) A disclosure of the language contained in (a) and (b) of this Section  
6 shall be made available to all new hire and current positions paid from the  
7 proceeds of the Tobacco Settlement by the Department of Health - Arkansas  
8 Minority Health Commission.

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

12 The provisions of this section shall be in effect only from July 1, ~~2019~~  
13 2020 through June 30, ~~2020~~ 2021.

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

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

26 The provisions of this section shall be in effect only from July 1, ~~2019~~  
27 2020 through June 30, ~~2020~~ 2021.

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

31 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
32 disbursed under the authority of the appropriations contained in this act  
33 shall be in compliance with the stated reasons for which this act was  
34 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
35 Executive Recommendations and Legislative Recommendations contained in the  
36 budget manuals prepared by the Department of Finance and Administration,

1 letters, or summarized oral testimony in the official minutes of the Arkansas  
2 Legislative Council or Joint Budget Committee which relate to its passage and  
3 adoption.

4 The provisions of this section shall be in effect only from July 1, ~~2008~~  
5 2020 through June 30, ~~2020~~ 2021.

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7 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
8 Assembly, that the Constitution of the State of Arkansas prohibits the  
9 appropriation of funds for more than a one (1) year period; that the  
10 effectiveness of this Act on July 1, 2020 is essential to the operation of  
11 the agency for which the appropriations in this Act are provided, and that in  
12 the event of an extension of the legislative session, the delay in the  
13 effective date of this Act beyond July 1, 2020 could work irreparable harm  
14 upon the proper administration and provision of essential governmental  
15 programs. Therefore, an emergency is hereby declared to exist and this Act  
16 being necessary for the immediate preservation of the public peace, health  
17 and safety shall be in full force and effect from and after July 1, 2020.