

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

SENATE BILL 72

4  
5 By: Joint Budget Committee

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS  
9 MINORITY HEALTH COMMISSION FOR THE MINORITY HEALTH  
10 INITIATIVE OF THE TARGETED STATE NEEDS PROGRAM FOR THE  
11 FISCAL YEAR ENDING JUNE 30, 2016; AND FOR OTHER  
12 PURPOSES.

## Subtitle

15 AN ACT FOR THE ARKANSAS MINORITY HEALTH  
16 INITIATIVE OF THE MINORITY HEALTH  
17 COMMISSION APPROPRIATION FOR THE 2015-  
18 2016 FISCAL YEAR.

19  
20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is hereby  
25 established for the Arkansas Minority Health Commission for the 2015-2016 fiscal year, the following  
26 maximum number of regular employees.

Item	Class	No. of Employees	Maximum Annual Salary Rate	
			No. of Employees	Fiscal Year
No.	Code	Title	2015-2016	
32	(1) G147C	GRANTS COORDINATOR	1	GRADE C119
33	(2) A082C	ACCOUNTANT II	1	GRADE C117
34	(3) L053C	HEALTH PROGRAM SPECIALIST I	1	GRADE C117
35	(4) R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
36	(5) C037C	ADMINISTRATIVE ANALYST	1	GRADE C115

1 (6) C087C ADMINISTRATIVE SPECIALIST I 1 GRADE C106  
 2 MAX. NO. OF EMPLOYEES 6

3

4 SECTION 2. APPROPRIATION - MINORITY HEALTH INITIATIVE. There is hereby  
 5 appropriated, to the Arkansas Minority Health Commission, to be payable from the Targeted State Needs  
 6 Program Account, for personal services and operating expenses of the Arkansas Minority Health  
 7 Commission - Arkansas Minority Health Initiative for the fiscal year ending June 30, 2016, the following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2015-2016</u>
11 (01) REGULAR SALARIES	\$200,606
12 (02) PERSONAL SERVICES MATCHING	81,275
13 (03) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	333,229
15 (B) CONF. & TRAVEL	20,000
16 (C) PROF. FEES	448,559
17 (D) CAP. OUTLAY	0
18 (E) DATA PROC.	0
19 (04) PROMOTIONAL ITEMS	0
20 (05) SCREENING, MONITORING, TREATING,	
21 OUTREACH & ADVERTISING	<u>558,554</u>
22 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,642,223</u></u>

23

24 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 26 PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the  
 27 Minority Health Commission a special Promotional Items appropriation to be used in the acquisition of  
 28 promotional items. When the Minority Health Commission wishes to transfer from its operating expenses  
 29 and/or Screening, Monitoring, Treating, Outreach & Advertising appropriation and funds to the  
 30 promotional items line, the request shall be forwarded by the Minority Health Commission to the Chief  
 31 Fiscal Officer of the State for processing and for prior approval by the Arkansas Legislative Council or  
 32 Joint Budget Committee. Determining the maximum number of employees and the maximum amount of  
 33 appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the  
 34 General Assembly. This is usually accomplished by delineating such maximums in the appropriation  
 35 act(s) for a state agency and the general revenue allocations authorized for each fund and fund account  
 36 by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the

1 Minority Health Commission may operate more efficiently if some flexibility is provided to the Minority  
2 Health Commission authorizing broad powers under this Section. Therefore, it is both necessary and  
3 appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative  
4 Council or Joint Budget Committee as provided by this section. The requirement of approval by the  
5 Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of  
6 approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of  
7 competent jurisdiction, this entire section is void.

8 The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~  
9 2016.

10  
11 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
13 RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of  
14 Arkansas Code 19-4-522, but only as provided by this act.

15 The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~  
16 2016.

17  
18 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
20 OF APPROPRIATION. In the event the amount of any of the budget classifications of maintenance and  
21 general operation in this act are found by the administrative head of the agency to be inadequate, then  
22 the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the  
23 State, a modification of the amounts of the budget classification. In that event, he or she shall set out on  
24 the forms the particular classifications for which he or she is requesting an increase or decrease, the  
25 amounts thereof, and his or her reasons therefor. In no event shall the total amount of the budget exceed  
26 either the amount of the appropriation or the amount of the funds available, nor shall any transfer be  
27 made from the capital outlay or data processing subclassifications unless specific authority for such  
28 transfers is provided by law, except for transfers from capital outlay to data processing when determined  
29 by the Department of Information Systems that data processing services for a state agency can be  
30 performed on a more cost-efficient basis by the Department of Information Systems than through the  
31 purchase of data processing equipment by that state agency. In considering the proposed modification as  
32 prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such  
33 studies as he or she deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the  
34 approval of the Legislative Council or Joint Budget Committee, approve the requested transfer if in his or  
35 her opinion it is in the best interest of the state.

36 The General Assembly has determined that the agency in this act could be operated more efficiently if

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

9 The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~  
 10 2016.

11  
 12 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITIONS.

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

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

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

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

25 The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~  
 26 2016.

27  
 28 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 30 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the  
 31 appropriation for such agency and funds made available by law for the support of such appropriations;  
 32 and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 33 Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control  
 34 laws of this State, where applicable, and regulations promulgated by the Department of Finance and  
 35 Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

36 The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~

1 2016.

2  
3 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEGISLATIVE  
5 INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the  
6 appropriations contained in this act shall be in compliance with the stated reasons for which this act was  
7 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations  
8 and Legislative Recommendations contained in the budget manuals prepared by the Department of  
9 Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas  
10 Legislative Council or Joint Budget Committee which relate to its passage and adoption.

11 The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~  
12 2016.

13  
14 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that  
15 the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year  
16 period; that the effectiveness of this Act on July 1, 2015 is essential to the operation of the agency for  
17 which the appropriations in this Act are provided, and that in the event of an extension of the legislative  
18 session, the delay in the effective date of this Act beyond July 1, 2015 could work irreparable harm upon  
19 the proper administration and provision of essential governmental programs. Therefore, an emergency is  
20 hereby declared to exist and this Act being necessary for the immediate preservation of the public peace,  
21 health and safety shall be in full force and effect from and after July 1, 2015.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8