

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 60

5 By: Joint Budget Committee
6

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
11 THE FISCAL YEAR ENDING JUNE 30, 2020; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 AN ACT FOR THE ARKANSAS MINORITY HEALTH
16 INITIATIVE OF THE ARKANSAS MINORITY
17 HEALTH COMMISSION APPROPRIATION FOR THE
18 2019-2020 FISCAL YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - MINORITY HEALTH INITIATIVE. There is
25 hereby established for the Arkansas Minority Health Commission for the 2019-
26 2020 fiscal year, the following maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
32	(1) A082C	ACCOUNTANT II	1	GRADE GS08
33	(2) G147C	GRANTS COORDINATOR	1	GRADE GS07
34	(3) L053C	HEALTH PROGRAM SPECIALIST I	1	GRADE GS06
35	(4) R025C	HUMAN RESOURCES ANALYST	1	GRADE GS06
36	(5) A091C	FISCAL SUPPORT ANALYST	<u>1</u>	GRADE GS05

1 MAX. NO. OF EMPLOYEES 5

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3 SECTION 2. APPROPRIATION - MINORITY HEALTH INITIATIVE. There is hereby
 4 appropriated, to the Arkansas Minority Health Commission, to be payable from
 5 the Targeted State Needs Program Account, for personal services and operating
 6 expenses of the Arkansas Minority Health Commission - Arkansas Minority
 7 Health Initiative for the fiscal year ending June 30, 2020, the following:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2019-2020</u>
11 (01) REGULAR SALARIES	\$215,531
12 (02) PERSONAL SERVICES MATCHING	74,902
13 (03) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	531,788
15 (B) CONF. & TRAVEL	20,000
16 (C) PROF. FEES	250,000
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>\$1,650,775</u></u>

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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
 27 upon request for the Minority Health Commission a special Promotional Items
 28 appropriation to be used in the acquisition of promotional items. When the
 29 Minority Health Commission wishes to transfer from its operating expenses
 30 and/or Screening, Monitoring, Treating, Outreach & Advertising appropriation
 31 and funds to the promotional items line, the request shall be forwarded by
 32 the Minority Health Commission to the Chief Fiscal Officer of the State for
 33 processing and for prior approval by the Arkansas Legislative Council or
 34 Joint Budget Committee. Determining the maximum number of employees and the
 35 maximum amount of appropriation and general revenue funding for a state
 36 agency each fiscal year is the prerogative of the General Assembly. This is

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

14 The provisions of this section shall be in effect only from July 1, ~~2018~~
15 2019 through June 30, ~~2019~~ 2020.

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

22 The provisions of this section shall be in effect only from July 1, ~~2018~~
23 2019 through June 30, ~~2019~~ 2020.

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

1 capital outlay or data processing subclassifications unless specific
2 authority for such transfers is provided by law, except for transfers from
3 capital outlay to data processing when determined by the Department of
4 Information Systems that data processing services for a state agency can be
5 performed on a more cost-efficient basis by the Department of Information
6 Systems than through the purchase of data processing equipment by that state
7 agency. In considering the proposed modification as prepared and submitted by
8 each state agency, the Chief Fiscal Officer of the State shall make such
9 studies as he or she deems necessary. The Chief Fiscal Officer of the State
10 shall, after obtaining the approval of the Legislative Council or Joint
11 Budget Committee, approve the requested transfer if in his or her opinion it
12 is in the best interest of the state.

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

25 The provisions of this section shall be in effect only from July 1, ~~2018~~
26 2019 through June 30, ~~2019~~ 2020.

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

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

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

7 The provisions of this section shall be in effect only from July 1, ~~2018~~
8 2019 through June 30, ~~2019~~ 2020.

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

21 The provisions of this section shall be in effect only from July 1, ~~2018~~
22 2019 through June 30, ~~2019~~ 2020.

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

35 The provisions of this section shall be in effect only from July 1, ~~2018~~
36 2019 through June 30, ~~2019~~ 2020.

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2 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
3 Assembly, that the Constitution of the State of Arkansas prohibits the
4 appropriation of funds for more than a one (1) year period; that the
5 effectiveness of this Act on July 1, 2019 is essential to the operation of
6 the agency for which the appropriations in this Act are provided, and that in
7 the event of an extension of the legislative session, the delay in the
8 effective date of this Act beyond July 1, 2019 could work irreparable harm
9 upon the proper administration and provision of essential governmental
10 programs. Therefore, an emergency is hereby declared to exist and this Act
11 being necessary for the immediate preservation of the public peace, health
12 and safety shall be in full force and effect from and after July 1, 2019.
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