

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1100

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE STATE
10 BOARD OF FINANCE FOR THE PURPOSE OF MANAGING AND
11 INVESTING THE TOBACCO SETTLEMENT PROCEEDS FOR THE
12 FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 AN ACT FOR THE STATE BOARD OF FINANCE - FOR
17 PERSONAL SERVICES AND OPERATING EXPENSES
18 APPROPRIATION FOR THE 2011-2012 FISCAL
19 YEAR.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
26 for the State Board of Finance for the 2011-2012 fiscal year, the following
27 maximum number of regular employees.
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Item	Class	Title	Maximum No. of Employees	Maximum Annual
				Salary Rate Fiscal Year
No.	Code			2011-2012
(1)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
(2)	C037C	ADMINISTRATIVE ANALYST	<u>1</u>	GRADE C115
		MAX. NO. OF EMPLOYEES	2	



SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the State Board of Finance, to be payable from the Healthy Century Trust Fund from investment earnings, for personal services and operating expenses necessary to manage and invest proceeds from the Tobacco Settlement for the fiscal year ending June 30, 2012, the following:

ITEM NO.	FISCAL YEAR
	2011-2012
(01) REGULAR SALARIES	\$63,112
(02) PERSONAL SERVICES MATCHING	14,188
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	25,000
(B) CONF. & TRAVEL	500
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$202,800</u></u>

SECTION 3. 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 or the provisions of Arkansas Code 6-62-104, but only as provided by this act.

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS OF APPROPRIATIONS. 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 shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing

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

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

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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.
27 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
28 State of Arkansas or any of its agencies or institutions to continue funding
29 any position paid from the proceeds of the Tobacco Settlement in the event
30 that Tobacco Settlement funds are not sufficient to finance the position.
31 (b) State funds will not be used to replace Tobacco Settlement funds when
32 such funds expire, unless appropriated by the General Assembly and authorized
33 by the Governor.
34 (c) A disclosure of the language contained in (a) and (b) of this Section
35 shall be made available to all new hire and current positions paid from the
36 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

1 (d) Whenever applicable the information contained in (a) and (b) of this
2 Section shall be included in the employee handbook and or Professional
3 Services Contract paid from the proceeds of the Tobacco Settlement.
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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.
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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.
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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, 2011 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, 2011 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, 2011.

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