

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H2/25/09*

# A Bill

HOUSE BILL 1286

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR TOBACCO  
11 PREVENTION AND CESSATION PROGRAMS OF THE  
12 DEPARTMENT OF HEALTH FOR THE FISCAL YEAR ENDING  
13 JUNE 30, 2010; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF HEALTH -  
17 TOBACCO PREVENTION AND CESSATION  
18 PROGRAMS APPROPRIATION FOR THE 2009-2010  
19 FISCAL YEAR.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

### SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS.

25 There is hereby established for the Department of Health - Tobacco Prevention  
26 and Cessation Programs for the 2009-2010 fiscal year, the following maximum  
27 number of regular employees whose salaries shall be governed by the  
28 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
29 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
30 Provided, however, that any position to which a specific maximum annual  
31 salary is set out herein in dollars, shall be exempt from the provisions of  
32 said Uniform Classification and Compensation Act. All persons occupying  
33 positions authorized herein are hereby governed by the provisions of the  
34 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
35 or its successor.  
36



			Maximum	Maximum Annual
	Item	Class	No. of	Salary Rate
	No.	Code	Employees	Fiscal Year
	No.	Code	Title	2009-2010
6	(1)	L003N	CHIEF PHYSICIAN SPECIALIST	1 GRADE N921
7	(2)	L016C	ADH PUBLIC HEALTH ADMINISTRATOR	1 GRADE C124
8	(3)	L025C	ADH PUBLIC HEALTH SECTION CHIEF III	1 GRADE C123
9	(4)	L029C	ADH PUBLIC HEALTH SECTION CHIEF II	2 GRADE C122
10	(5)	L028C	EPIDEMIOLOGIST	1 GRADE C122
11	(6)	L027C	REGISTERED NURSE SUPERVISOR	1 GRADE C122
12	(7)	L039C	NUTRITIONIST	1 GRADE C120
13	(8)	L038C	REGISTERED NURSE	18 GRADE C120
14	(9)	L043C	HEALTH PROGRAM SPECIALIST III	1 GRADE C119
15	(10)	L048C	HEALTH PROGRAM SPECIALIST II	5 GRADE C118
16	(11)	L053C	HEALTH PROGRAM SPECIALIST I	9 GRADE C117
17	(12)	A084C	PROGRAM/FIELD AUDIT SPECIALIST	1 GRADE C116
18	(13)	A091C	FISCAL SUPPORT ANALYST	1 GRADE C115
19	(14)	C056C	ADMINISTRATIVE SPECIALIST III	2 GRADE C112
20	(15)	A098C	FISCAL SUPPORT SPECIALIST	1 GRADE C112
21	(16)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u> GRADE C109
22			MAX. NO. OF EMPLOYEES	47

SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS. There is hereby authorized, for the Department of Health - Tobacco Prevention and Cessation Programs for the 2009-2010 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - TOBACCO PREVENTION AND CESSATION PROGRAMS. There is hereby appropriated, to the Department of Health, to be payable from the Prevention and Cessation Program Account, for personal services and operating expenses of the Department of Health - Tobacco Prevention and

1 Cessation Programs for the fiscal year ending June 30, 2010, the following:

2		
3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2009-2010</u>
5	(01) REGULAR SALARIES	\$ 2,221,461
6	(02) EXTRA HELP	75,000
7	(03) PERSONAL SERVICES MATCHING	664,117
8	(04) MAINT. & GEN. OPERATION	
9	(A) OPER. EXPENSE	440,000
10	(B) CONF. & TRAVEL	45,000
11	(C) PROF. FEES	2,300,000
12	(D) CAP. OUTLAY	0
13	(E) DATA PROC.	0
14	(05) JUVENILE DRUG COURT TREATMENT PROGRAMS	500,000
15	(06) TOBACCO PREVENTION & CESSATION	
16	EXPENSES	14,150,793
17	(07) NUTRITION & PHYSICAL ACTIVITY PROGRAM	
18	PERSONAL SERVICES & OPERATING EXPENSES	<u>693,748</u>
19	TOTAL AMOUNT APPROPRIATED	<u>\$ 21,090,119</u>

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21 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 23 RESTRICTIONS. The appropriations provided in this act shall not be  
 24 transferred under the provisions of Arkansas Code 19-4-522 ~~or the provisions~~  
 25 ~~of Arkansas code 6-62-104~~, but only as provided by this act.

26 The provisions of this section shall be in effect only from July 1, 2007  
 27 2009 through June 30, ~~2009~~ 2010.

28

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

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

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

28 The provisions of this section shall be in effect only from July 1, 2007  
29 2009 through June 30, ~~2009~~ 2010.

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

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

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

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

10 The provisions of this section shall be in effect only from July 1, 2007  
11 2009 through June 30, ~~2009~~ 2010.

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

15 ADVERTISING. No advertising targeting the prevention or reduction of tobacco  
16 use shall include the name, voice, or likeness of any elected official or  
17 their immediate family.

18 The provisions of this section shall be in effect only from July 1, 2007  
19 2009 through June 30, ~~2009~~ 2010.

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21 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TOBACCO  
23 FUND TRANSFER. The Arkansas Department of Health is authorized to transfer  
24 five hundred thousand dollars (\$500,000) for the fiscal year ending June 30,  
25 2010 from the Prevention and Cessation Program Account to the Breast Cancer  
26 Control Fund in order to provide for the State's matching share for Medicaid  
27 services provided for breast and cervical cancer screening and treatment. The  
28 amount transferred annually shall be the only obligation of the Arkansas  
29 Department of Health for state match for these services.

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31 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

33 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
34 shall be limited to the appropriation for such agency and funds made  
35 available by law for the support of such appropriations; and the restrictions  
36 of the State Purchasing Law, the General Accounting and Budgetary Procedures

1 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
2 and other fiscal control laws of this State, where applicable, and  
3 regulations promulgated by the Department of Finance and Administration, as  
4 authorized by law, shall be strictly complied with in disbursement of said  
5 funds.

6 The provisions of this section shall be in effect only from July 1, 2007  
7 2009 through June 30, ~~2009~~ 2010.

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9 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
12 disbursed under the authority of the appropriation contained in this act  
13 shall be in compliance with the stated reasons for which this act was  
14 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
15 Executive Recommendations and Legislative Recommendations contained in the  
16 budget manuals prepared by the Department of Finance and Administration,  
17 letters, or summarized oral testimony in the official minutes of the Arkansas  
18 Legislative Council or Joint Budget Committee which relate to its passage and  
19 adoption.

20 The provisions of this section shall be in effect only from July 1, 2007  
21 2009 through June 30, ~~2009~~ 2010.

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23 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General  
24 Assembly, that the Constitution of the State of Arkansas prohibits the  
25 appropriation of funds for more than a one (1) year period; that the  
26 effectiveness of this Act on July 1, 2009 is essential to the operation of  
27 the agency for which the appropriations in this Act are provided, and that in  
28 the event of an extension of the Regular Session, the delay in the effective  
29 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
30 proper administration and provision of essential governmental programs.  
31 Therefore, an emergency is hereby declared to exist and this Act being  
32 necessary for the immediate preservation of the public peace, health and  
33 safety shall be in full force and effect from and after July 1, 2009.

34  
35 /s/ Joint Budget Committee  
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