

**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.  
Act 2310 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 2090

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 THE TOBACCO  
11 PREVENTION AND CESSATION PROGRAMS OF THE  
12 DEPARTMENT OF HEALTH FOR THE BIENNIAL PERIOD  
13 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF HEALTH -  
17 THE TOBACCO PREVENTION AND CESSATION  
18 PROGRAMS APPROPRIATION FOR THE 2005-2007  
19 BIENNIUM.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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### 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 2005-2007 biennium, 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),  
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1 or its successor.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2005-2006	2006-2007
(1)	6605	CHIEF PHYSICIAN SPECIALIST	1	\$172,520	\$176,017
(2)	361Z	HLTH MEDICAL CARE SVCS ADMR	2	GRADE	24
(3)	422Z	HLTH DIR HLTH MAINT/PUB HLTH PRGM	1	GRADE	23
(4)	B006	SR EPIDEMIOLOGIST	1	GRADE	22
(5)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
(6)	L082	NURSING SERVICES SPECIALIST	18	GRADE	21
(7)	R298	AGENCY PROGRAM COORDINATOR	5	GRADE	21
(8)	R266	MANAGEMENT PROJECT ANALYST II	4	GRADE	20
(9)	A006	ACCOUNTING SUPERVISOR I	1	GRADE	20
(10)	A111	ACCOUNTANT	1	GRADE	18
(11)	A108	ACCOUNTING TECHNICIAN II	1	GRADE	15
(12)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE	14
(13)	K153	SECRETARY II	<u>1</u>	GRADE	13
MAX. NO. OF EMPLOYEES			39		

22 SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS. There  
 23 is hereby authorized, for the Department of Health - Tobacco Prevention and  
 24 Cessation Programs for the 2005-2007 biennium, the following maximum number  
 25 of part-time or temporary employees, to be known as "Extra Help", payable  
 26 from funds appropriated herein for such purposes: two (2) temporary or part-  
 27 time employees, when needed, at rates of pay not to exceed those provided in  
 28 the Uniform Classification and Compensation Act, or its successor, or this  
 29 act for the appropriate classification.

31 SECTION 3. APPROPRIATION - TOBACCO PREVENTION AND CESSATION PROGRAMS.  
 32 There is hereby appropriated, to the Department of Health, to be payable from  
 33 the Prevention and Cessation Program Account, for personal services and  
 34 operating expenses of the Department of Health - Tobacco Prevention and  
 35 Cessation Programs for the biennial period ending June 30, 2007, the  
 36 following:

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ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 1,482,421	\$ 1,524,750
(02) EXTRA HELP	50,000	50,000
(03) PERSONAL SERVICES MATCHING	415,915	424,263
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	399,271	282,655
(B) CONF. & TRAVEL	31,957	31,957
(C) PROF. FEES	1,257,165	1,257,165
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) TRANSFER TO BREAST CANCER CONTROL FUND	500,000	500,000
(06) TOBACCO CESSATION EXPENSES	12,442,086	10,349,295
(07) PERSONAL SERVICES & OPERATING EXPENSES FOR NUTRITION & PHYSICAL ACTIVITY PROGRAM	<u>872,569</u>	<u>758,951</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 17,451,384</u>	<u>\$ 15,179,036</u>

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Such appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 5. 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.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

1 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
 3 OF APPROPRIATIONS. In the event the amount of any of the budget  
 4 classifications of maintenance and general operation in this act are found by  
 5 the administrative head of the agency to be inadequate, then the agency head  
 6 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 7 of the State, a modification of the amounts of the budget classification. In  
 8 that event, he shall set out on the forms the particular classifications for  
 9 which he is requesting an increase or decrease, the amounts thereof, and his  
 10 reasons therefor. In no event shall the total amount of the budget exceed  
 11 either the amount of the appropriation or the amount of the funds available,  
 12 nor shall any transfer be made from the capital outlay or data processing  
 13 subclassifications unless specific authority for such transfers is provided  
 14 by law, except for transfers from capital outlay to data processing when  
 15 determined by the Department of Information Systems that data processing  
 16 services for a state agency can be performed on a more cost-efficient basis  
 17 by the Department of Information Systems than through the purchase of data  
 18 processing equipment by that state agency. In considering the proposed  
 19 modification as prepared and submitted by each state agency, the Chief Fiscal  
 20 Officer of the State shall make such studies as he deems necessary. The Chief  
 21 Fiscal Officer of the State shall, after obtaining the approval of the  
 22 Legislative Council, approve the requested transfer if in his opinion it is  
 23 in the best interest of the state.

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

36 The provisions of this section shall be in effect only from July 1, 2003

1 2005 through June 30, ~~2005~~ 2007.

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

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

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

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

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

19 The provisions of this section shall be in effect only from July 1, ~~2003~~  
20 2005 through June 30, ~~2005~~ 2007.

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

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

27 The provisions of this section shall be in effect only from July 1, ~~2003~~  
28 2005 through June 30, ~~2005~~ 2007.

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

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

1 and other fiscal control laws of this State, where applicable, and  
2 regulations promulgated by the Department of Finance and Administration, as  
3 authorized by law, shall be strictly complied with in disbursement of said  
4 funds.

5 The provisions of this section shall be in effect only from July 1, 2003  
6 2005 through June 30, ~~2005~~ 2007.

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

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

19 The provisions of this section shall be in effect only from July 1, 2003  
20 2005 through June 30, ~~2005~~ 2007.

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22 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General  
23 Assembly, that the Constitution of the State of Arkansas prohibits the  
24 appropriation of funds for more than a two (2) year period; that the  
25 effectiveness of this Act on July 1, 2005 is essential to the operation of  
26 the agency for which the appropriations in this Act are provided, and that in  
27 the event of an extension of the Regular Session, the delay in the effective  
28 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
29 proper administration and provision of essential governmental programs.  
30 Therefore, an emergency is hereby declared to exist and this Act being  
31 necessary for the immediate preservation of the public peace, health and  
32 safety shall be in full force and effect from and after July 1, 2005.

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36 APPROVED: 4/14/2005

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