

**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 417 of the Regular Session**

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

A Bill

HOUSE BILL 1163

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES, OPERATING EXPENSES AND GRANTS FOR THE
11 PURPOSE OF MONITORING AND EVALUATING PROGRAM
12 EXPENDITURES FROM THE PROGRAM ACCOUNTS OF THE
13 TOBACCO SETTLEMENT PROGRAM FUND FOR THE ARKANSAS
14 TOBACCO SETTLEMENT COMMISSION FOR THE BIENNIAL
15 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER
16 PURPOSES.
17

Subtitle

18
19 AN ACT FOR THE ARKANSAS TOBACCO
20 SETTLEMENT COMMISSION APPROPRIATION FOR
21 THE 2005-2007 BIENNIUM.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
28 the Arkansas Tobacco Settlement Commission for the 2005-2007 biennium, the
29 following maximum number of regular employees whose salaries shall be
30 governed by the provisions of the Uniform Classification and Compensation Act
31 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
32 thereto. Provided, however, that any position to which a specific maximum
33 annual salary is set out herein in dollars, shall be exempt from the
34 provisions of said Uniform Classification and Compensation Act. All persons
35 occupying positions authorized herein are hereby governed by the provisions



1 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 2 101), or its successor.

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		Maximum Annual		
		Maximum	Salary Rate	
Item	Class	No. of	Fiscal Years	
No.	Code Title	Employees	2005-2006	2006-2007
8	(1) R499 AR TOBACCO SETTLEMENT COMMSN. DIR	1	GRADE 22	
9	(2) R010 ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
10	MAX. NO. OF EMPLOYEES	2		

11
12 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 13 the Arkansas Tobacco Settlement Commission, to be payable from the Tobacco
 14 Settlement Commission Fund, for personal services and operating expenses
 15 necessary to monitor and evaluate the various program accounts established
 16 within the Tobacco Settlement Program Fund, and to provide grants as
 17 authorized in Section 17 of Initiated Act 1 of 2000 of the Arkansas Tobacco
 18 Settlement Commission for the biennial period ending June 30, 2007, the
 19 following:

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ITEM	FISCAL YEARS	
	2005-2006	2006-2007
22	NO.	
23	(01) REGULAR SALARIES	\$ 73,321 \$ 75,521
24	(02) PERSONAL SERVICES MATCHING	21,464 21,878
25	(03) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	30,870 30,870
27	(B) CONF. & TRAVEL	500 500
28	(C) PROF. FEES	300,000 300,000
29	(D) CAP. OUTLAY	0 0
30	(E) DATA PROC.	0 0
31	(04) TOBACCO SETTLEMENT GRANTS	<u>211,942</u> <u>211,942</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$ 638,097</u> <u>\$ 640,711</u>

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34 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 36 FORWARD. Such appropriation as is authorized in this Act which remains at

1 the end of the first fiscal year of the biennium may be carried forward into
 2 the second fiscal year of the biennium ~~there to be used for the Tobacco~~
 3 ~~Settlement Grants line item which are used only as authorized in Subsection~~
 4 ~~(i) of Section 17 in Initiated Act 1 of 2000.~~

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 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 10 INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement
 11 Commission shall file a quarterly progress report to the Public Health,
 12 Welfare and Labor Committees and shall hire an independent third party, not
 13 receiving tobacco settlement funding in any other contract or grant, to
 14 perform monitoring and evaluation of program expenditures made from tobacco
 15 settlement funds. This independent third party shall have appropriate
 16 experience in health, preventive resources, health statistics and evaluation
 17 expertise. The third party retained to perform such services shall prepare a
 18 biennial report to be delivered to the General Assembly and the Governor by
 19 each August 1 preceding a general session of the General Assembly. The report
 20 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement
 21 Commission as to the continued funding for each program.

22 The provisions of this section shall be in effect only from July 1, 2003
 23 2005 through June 30, ~~2005~~ 2007.

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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. TRANSFER
 27 RESTRICTIONS. The appropriations provided in this act shall not be
 28 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
 29 of Arkansas code 6-62-104, but only as provided by this act.

30 The provisions of this section shall be in effect only from July 1, 2003
 31 2005 through June 30, ~~2005~~ 2007.

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 33 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
 35 OF APPROPRIATIONS. In the event the amount of any of the budget
 36 classifications of maintenance and general operation in this act are found by

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

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

32 The provisions of this section shall be in effect only from July 1, ~~2003~~
 33 2005 through June 30, ~~2005~~ 2007.

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

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

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

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

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

14 The provisions of this section shall be in effect only from July 1, 2003
15 2005 through June 30, ~~2005~~ 2007.

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

19 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
20 shall be limited to the appropriation for such agency and funds made
21 available by law for the support of such appropriations; and the restrictions
22 of the State Purchasing Law, the General Accounting and Budgetary Procedures
23 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
24 and other fiscal control laws of this State, where applicable, and
25 regulations promulgated by the Department of Finance and Administration, as
26 authorized by law, shall be strictly complied with in disbursement of said
27 funds.

28 The provisions of this section shall be in effect only from July 1, 2003
29 2005 through June 30, ~~2005~~ 2007.

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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 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
34 disbursed under the authority of the appropriations contained in this act
35 shall be in compliance with the stated reasons for which this act was
36 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,

1 Executive Recommendations and Legislative Recommendations contained in the
2 budget manuals prepared by the Department of Finance and Administration,
3 letters, or summarized oral testimony in the official minutes of the Arkansas
4 Legislative Council or Joint Budget Committee which relate to its passage and
5 adoption.

6 The provisions of this section shall be in effect only from July 1, 2003
7 2005 through June 30, ~~2005~~ 2007.

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9 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a two (2) year period; that the
12 effectiveness of this Act on July 1, 2005 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2005 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2005.

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APPROVED: 3/02/2005

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