

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 1282 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/26/07

A Bill

HOUSE BILL 1353

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 & HUMAN SERVICES - DIVISION
13 OF HEALTH FOR THE BIENNIAL PERIOD ENDING JUNE 30,
14 2009; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 AN ACT FOR THE DEPARTMENT OF HEALTH &
19 HUMAN SERVICES - DIVISION OF HEALTH -
20 TOBACCO PREVENTION AND CESSATION
21 PROGRAMS APPROPRIATION FOR THE 2007-2009
22 BIENNIUM.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS.
28 There is hereby established for the Department of Health & Human Services -
29 Division of Health - Tobacco Prevention and Cessation Programs for the 2007-
30 2009 biennium, the following maximum number of regular employees whose
31 salaries shall be governed by the provisions of the Uniform Classification
32 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
33 and all laws amendatory thereto. Provided, however, that any position to
34 which a specific maximum annual salary is set out herein in dollars, shall be
35 exempt from the provisions of said Uniform Classification and Compensation



1 Act. All persons occupying positions authorized herein are hereby governed
 2 by the provisions of the Regular Salaries Procedures and Restrictions Act
 3 (Arkansas Code §21-5-101), or its successor.

				Maximum Annual		
				Maximum	Salary Rate	
				No. of	Fiscal Years	
Item	Class			Employees	2007-2008	2008-2009
No.	Code	Title				
9	(1)	6605	CHIEF PHYSICIAN SPECIALIST	1	\$179,537	\$183,127
10	(2)	361Z	HLTH MEDICAL CARE SVCS ADMR	2	GRADE	24
11	(3)	422Z	HLTH DIR HLTH MAINT/PUB HLTH PRGM	1	GRADE	23
12	(4)	B006	SR EPIDEMIOLOGIST	1	GRADE	22
13	(5)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
14	(6)	L082	NURSING SERVICES SPECIALIST	16	GRADE	21
15	(7)	R298	AGENCY PROGRAM COORDINATOR	5	GRADE	21
16	(8)	R266	MANAGEMENT PROJECT ANALYST II	4	GRADE	20
17	(9)	A006	ACCOUNTING SUPERVISOR I	1	GRADE	20
18	(10)	A108	ACCOUNTING TECHNICIAN II	1	GRADE	15
19	(11)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE	14
20	(12)	K153	SECRETARY II	<u>1</u>	GRADE	13
21			MAX. NO. OF EMPLOYEES	36		

22
 23 SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS. There
 24 is hereby authorized, for the Department of Health & Human Services -
 25 Division of Health - Tobacco Prevention and Cessation Programs for the 2007-
 26 2009 biennium, the following maximum number of part-time or temporary
 27 employees, to be known as "Extra Help", payable from funds appropriated
 28 herein for such purposes: two (2) temporary or part-time employees, when
 29 needed, at rates of pay not to exceed those provided in the Uniform
 30 Classification and Compensation Act, or its successor, or this act for the
 31 appropriate classification.

32
 33 SECTION 3. APPROPRIATION - TOBACCO PREVENTION AND CESSATION PROGRAMS.
 34 There is hereby appropriated, to the Department of Health & Human Services -
 35 Division of Health, to be payable from the Prevention and Cessation Program
 36 Account, for personal services and operating expenses of the Department of

1 Health & Human Services - Division of Health - Tobacco Prevention and
 2 Cessation Programs for the biennial period ending June 30, 2009, the
 3 following:

5 ITEM	6 FISCAL YEARS	
6 NO.	2007-2008	2008-2009
7 (01) REGULAR SALARIES	\$ 1,511,322	\$ 1,541,531
8 (02) EXTRA HELP	50,000	50,000
9 (03) PERSONAL SERVICES MATCHING	433,864	439,259
10 (04) MAINT. & GEN. OPERATION		
11 (A) OPER. EXPENSE	282,655	282,655
12 (B) CONF. & TRAVEL	31,957	31,957
13 (C) PROF. FEES	1,257,165	1,257,165
14 (D) CAP. OUTLAY	0	0
15 (E) DATA PROC.	0	0
16 (05) TRANSFER TO BREAST CANCER CONTROL FUND	500,000	500,000
17 (06) TOBACCO PREVENTION & CESSATION EXPENSES	10,349,295	10,349,295
18 (07) PERSONAL SERVICES & OPERATING EXPENSES		
19 FOR NUTRITION & PHYSICAL ACTIVITY		
20 PROGRAM	<u>739,798</u>	<u>744,822</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$ 15,156,056</u>	<u>\$ 15,196,684</u>

22

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

29

30 Any carry forward of unexpended balance of appropriation and/or funding as
 31 authorized herein, may be carried forward under the following conditions:

32

33 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
 34 its reason(s) for the need to carry forward said appropriation and/or funding
 35 to the Department of Finance and Administration Office of Budget;

36

1 (2) The Department of Finance and Administration Office of Budget shall
2 report to the Arkansas Legislative Council all amounts carried forward from
3 the first fiscal year of the biennium to the second fiscal year of the
4 biennium by the September Arkansas Legislative Council or Joint Budget
5 Committee meeting in the second fiscal year of the biennial period which
6 report shall include the name of the Agency, Board, Commission or Institution
7 and the amount of the appropriation and/or funding carried forward from the
8 first fiscal year to the second fiscal year, the program name or line item,
9 the funding source of that appropriation and a copy of the written request
10 set forth in (1) above;

11
12 (3) Each Agency, Board, Commission or Institution shall provide a written
13 report to the Arkansas Legislative Council or Joint Budget Committee
14 containing all information set forth in item (2) above, along with a written
15 statement as to the current status of the project, contract, purpose etc. for
16 which the carry forward was originally requested no later than thirty (30)
17 days prior to the time the Agency, Board, Commission or Institution presents
18 its budget request to the Arkansas Legislative Council/Joint Budget
19 Committee; and

20
21 (4) Thereupon, the Department of Finance and Administration shall include all
22 information obtained in item (3) above in the biennial budget manuals and/or
23 a statement of non-compliance by the Agency, Board, Commission or
24 Institution.

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26 The provisions of this section shall be in effect only from July 1, 2005
27 2007 through June 30, 2007 2009.

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29 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
31 RESTRICTIONS. The appropriations provided in this act shall not be
32 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
33 of Arkansas code 6-62-104, but only as provided by this act.

34 The provisions of this section shall be in effect only from July 1, 2005
35 2007 through June 30, 2007 2009.

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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, 2005

1 2007 through June 30, ~~2007~~ 2009.

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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, ~~2005~~
20 2007 through June 30, ~~2007~~ 2009.

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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, ~~2005~~
28 2007 through June 30, ~~2007~~ 2009.

29

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, 2005
6 2007 through June 30, ~~2007~~ 2009.

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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 appropriation 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, 2005
20 2007 through June 30, ~~2007~~ 2009.

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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, 2007 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, 2007 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, 2007.

33
34 /s/ Joint Budget Committee

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36 APPROVED: 4/5/2007