

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 792 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 1168

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, 2009; AND FOR OTHER
16 PURPOSES.
17
18

Subtitle

19 AN ACT FOR THE ARKANSAS TOBACCO
20 SETTLEMENT COMMISSION APPROPRIATION FOR
21 THE 2007-2009 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 2007-2009 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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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				2007-2008	2008-2009
(1)	R499	AR TOBACCO SETTLEMENT CMSN DIRECTOR	1	GRADE 22	
(2)	R010	ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
MAX. NO. OF EMPLOYEES			2		

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas Tobacco Settlement Commission, to be payable from the Tobacco Settlement Commission Fund, for personal services and operating expenses necessary to monitor and evaluate the various program accounts established within the Tobacco Settlement Program Fund, and to provide grants as authorized in Section 17 of Initiated Act 1 of 2000 of the Arkansas Tobacco Settlement Commission for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 70,510	\$ 71,919
(02) PERSONAL SERVICES MATCHING	22,678	22,965
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	48,870	48,870
(B) CONF. & TRAVEL	3,000	3,000
(C) PROF. FEES	500,000	500,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) TOBACCO SETTLEMENT GRANTS	<u>500,000</u>	<u>500,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,145,058</u>	<u>\$ 1,146,754</u>

SECTION 3. 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

1 the end of the first fiscal year of the biennium may be carried forward into
2 the second fiscal year of the biennium.

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

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

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

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

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

30 The provisions of this section shall be in effect only from July 1, 2005
31 2007 through June 30, ~~2007~~ 2009.

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

35 INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement
36 Commission shall file a quarterly progress report to the Public Health,

1 Welfare and Labor Committees and shall hire an independent third party, not
2 receiving tobacco settlement funding in any other contract or grant, to
3 perform monitoring and evaluation of program expenditures made from tobacco
4 settlement funds. This independent third party shall have appropriate
5 experience in health, preventive resources, health statistics and evaluation
6 expertise. The third party retained to perform such services shall prepare a
7 biennial report to be delivered to the General Assembly and the Governor by
8 each August 1 preceding a general session of the General Assembly. The report
9 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement
10 Commission as to the continued funding for each program.

11 The provisions of this section shall be in effect only from July 1, ~~2005~~
12 2007 through June 30, ~~2007~~ 2009.

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

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 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
24 OF APPROPRIATIONS. In the event the amount of any of the budget
25 classifications of maintenance and general operation in this act are found by
26 the administrative head of the agency to be inadequate, then the agency head
27 may request, upon forms provided for such purpose by the Chief Fiscal Officer
28 of the State, a modification of the amounts of the budget classification. In
29 that event, he shall set out on the forms the particular classifications for
30 which he is requesting an increase or decrease, the amounts thereof, and his
31 reasons therefor. In no event shall the total amount of the budget exceed
32 either the amount of the appropriation or the amount of the funds available,
33 nor shall any transfer be made from the capital outlay or data processing
34 subclassifications unless specific authority for such transfers is provided
35 by law, except for transfers from capital outlay to data processing when
36 determined by the Department of Information Systems that data processing

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

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

21 The provisions of this section shall be in effect only from July 1, ~~2005~~
22 2007 through June 30, ~~2007~~ 2009.

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24 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
27 State of Arkansas or any of its agencies or institutions to continue funding
28 any position paid from the proceeds of the Tobacco Settlement in the event
29 that Tobacco Settlement funds are not sufficient to finance the position.
30 (b) State funds will not be used to replace Tobacco Settlement funds when
31 such funds expire, unless appropriated by the General Assembly and authorized
32 by the Governor.
33 (c) A disclosure of the language contained in (a) and (b) of this Section
34 shall be made available to all new hire and current positions paid from the
35 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
36 (d) Whenever applicable the information contained in (a) and (b) of this

1 Section shall be included in the employee handbook and or Professional
2 Services Contract paid from the proceeds of the Tobacco Settlement.

3 The provisions of this section shall be in effect only from July 1, 2005
4 2007 through June 30, ~~2007~~ 2009.

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

8 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
9 shall be limited to the appropriation for such agency and funds made
10 available by law for the support of such appropriations; and the restrictions
11 of the State Purchasing Law, the General Accounting and Budgetary Procedures
12 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
13 and other fiscal control laws of this State, where applicable, and
14 regulations promulgated by the Department of Finance and Administration, as
15 authorized by law, shall be strictly complied with in disbursement of said
16 funds.

17 The provisions of this section shall be in effect only from July 1, 2005
18 2007 through June 30, ~~2007~~ 2009.

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

22 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
23 disbursed under the authority of the appropriations contained in this act
24 shall be in compliance with the stated reasons for which this act was
25 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
26 Executive Recommendations and Legislative Recommendations contained in the
27 budget manuals prepared by the Department of Finance and Administration,
28 letters, or summarized oral testimony in the official minutes of the Arkansas
29 Legislative Council or Joint Budget Committee which relate to its passage and
30 adoption.

31 The provisions of this section shall be in effect only from July 1, 2005
32 2007 through June 30, ~~2007~~ 2009.

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34 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly, that the Constitution of the State of Arkansas prohibits the
36 appropriation of funds for more than a two (2) year period; that the

1 effectiveness of this Act on July 1, 2007 is essential to the operation of
2 the agency for which the appropriations in this Act are provided, and that in
3 the event of an extension of the Regular Session, the delay in the effective
4 date of this Act beyond July 1, 2007 could work irreparable harm upon the
5 proper administration and provision of essential governmental programs.
6 Therefore, an emergency is hereby declared to exist and this Act being
7 necessary for the immediate preservation of the public peace, health and
8 safety shall be in full force and effect from and after July 1, 2007.

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10 */s/ Joint Budget Committee*

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12 **APPROVED: 4/2/2007**
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