

**Stricken language will be deleted and underlined language will be added.
Act 243 of the Fiscal Session**

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1041

4
5 By: Joint Budget Committee
6
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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, 2011; AND FOR OTHER PURPOSES.
14

Subtitle

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16 AN ACT FOR THE DEPARTMENT OF HEALTH -
17 TOBACCO PREVENTION AND CESSATION
18 PROGRAMS APPROPRIATION FOR THE 2010-2011
19 FISCAL YEAR.
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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 2010-2011 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.
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31 Provided, however, that any position to which a specific maximum annual
32 salary is set out herein in dollars, shall be exempt from the provisions of
33 said Uniform Classification and Compensation Act. All persons occupying
34 positions authorized herein are hereby governed by the provisions of the
35 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
36 or its successor.

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			Maximum	Maximum Annual
			No. of	Salary Rate
Item	Class		Employees	Fiscal Year
No.	Code	Title		2010-2011
(1)	L003N	CHIEF PHYSICIAN SPECIALIST	1	GRADE N921
(2)	L016C	ADH PUBLIC HEALTH ADMINISTRATOR	1	GRADE C124
(3)	L025C	ADH PUBLIC HEALTH SECTION CHIEF III	1	GRADE C123
(4)	L029C	ADH PUBLIC HEALTH SECTION CHIEF II	2	GRADE C122
(5)	L028C	EPI DEMIOLOGIST	1	GRADE C122
(6)	L027C	REGISTERED NURSE SUPERVISOR	1	GRADE C122
(7)	L039C	NUTRITIONIST	1	GRADE C120
(8)	L038C	REGISTERED NURSE	18	GRADE C120
(9)	L043C	HEALTH PROGRAM SPECIALIST III	1	GRADE C119
(10)	L048C	HEALTH PROGRAM SPECIALIST II	5	GRADE C118
(11)	L053C	HEALTH PROGRAM SPECIALIST I	9	GRADE C117
(12)	A084C	PROGRAM/FIELD AUDIT SPECIALIST	1	GRADE C116
(13)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(14)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(15)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
(16)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
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 2010-2011 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, 2011, the following:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2010-2011</u>
5 (01) REGULAR SALARIES	\$ 2,269,792
6 (02) EXTRA HELP	75,000
7 (03) PERSONAL SERVICES MATCHING	673,398
8 (04) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	450,120
10 (B) CONF. & TRAVEL	46,035
11 (C) PROF. FEES	2,341,400
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	0
14 (05) JUVENILE DRUG COURT TREATMENT PROGRAMS	1,000,000
15 (06) TOBACCO PREVENTION & CESSATION	
16 EXPENSES	14,493,281
17 (07) NUTRITION & PHYSICAL ACTIVITY PROGRAM	
18 PERSONAL SERVICES & OPERATING EXPENSES	693,748
19 (08) DRUG COURT SUBSTANCE ABUSE TREATMENT PROGRAM	<u>1,500,000</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 23,542,774</u>

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

27 The provisions of this section shall be in effect only from July 1, ~~2007~~
 28 2010 through June 30, ~~2009~~ 2011.

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

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

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

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
 30 2010 through June 30, ~~2009~~ 2011.

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

1 that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2010 through June 30, ~~2009~~ 2011.

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14 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 ADVERTISING. No advertising targeting the prevention or reduction of tobacco
17 use shall include the name, voice, or likeness of any elected official or
18 their immediate family.

19 The provisions of this section shall be in effect only from July 1, ~~2007~~
20 2010 through June 30, ~~2009~~ 2011.

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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. TOBACCO
24 FUND TRANSFER. The Arkansas Department of Health is authorized to transfer
25 five hundred thousand dollars (\$500,000) for the fiscal year ending June 30,
26 ~~2010~~ 2011 from the Prevention and Cessation Program Account to the Breast
27 Cancer Control Fund in order to provide for the State's matching share for
28 Medicaid services provided for breast and cervical cancer screening and
29 treatment. The amount transferred annually shall be the only obligation of
30 the Arkansas Department of Health for state match for these services.

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32 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DRUG
34 COURT SUBSTANCE ABUSE TREATMENT SERVICES. As evidence supports success in
35 treating substance abuse if tobacco cessation efforts are also undertaken
36 simultaneously, by July 31, ~~2009~~ 2010, the Arkansas Department of Health

1 shall provide to the Arkansas Department of Human Services – Division of
2 Behavioral Health the funding as authorized in Item No. 5 of Section 3 to be
3 used for substance abuse treatment services through the Juvenile Drug Courts
4 and shall provide to the Arkansas Department of Community Correction the
5 funding as authorized in Item No. 8 of Section 3 to be used for substance
6 abuse treatment services through the Adult Drug Courts. The Arkansas
7 Department of Human Services – Division of Behavioral Health and the Arkansas
8 Department of Community Correction shall ensure that tobacco cessation
9 training and services shall be an integral component of the treatment
10 provided through the Drug Courts with substance abuse treatment to include
11 treating nicotine use and dependence.

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13 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
15 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
16 shall be limited to the appropriation for such agency and funds made
17 available by law for the support of such appropriations; and the restrictions
18 of the State Purchasing Law, the General Accounting and Budgetary Procedures
19 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
20 and other fiscal control laws of this State, where applicable, and
21 regulations promulgated by the Department of Finance and Administration, as
22 authorized by law, shall be strictly complied with in disbursement of said
23 funds.

24 The provisions of this section shall be in effect only from July 1, ~~2007~~
25 2010 through June 30, ~~2009~~ 2011.

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27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
30 disbursed under the authority of the appropriation contained in this act
31 shall be in compliance with the stated reasons for which this act was
32 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
33 Executive Recommendations and Legislative Recommendations contained in the
34 budget manuals prepared by the Department of Finance and Administration,
35 letters, or summarized oral testimony in the official minutes of the Arkansas
36 Legislative Council or Joint Budget Committee which relate to its passage and

1 adoption.

2 The provisions of this section shall be in effect only from July 1, 2007
3 2010 through June 30, ~~2009~~ 2011.

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5 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
6 Assembly, that the Constitution of the State of Arkansas prohibits the
7 appropriation of funds for more than a one (1) year period; that the
8 effectiveness of this Act on July 1, 2010 is essential to the operation of
9 the agency for which the appropriations in this Act are provided, and that in
10 the event of an extension of the legislative session, the delay in the
11 effective date of this Act beyond July 1, 2010 could work irreparable harm
12 upon the proper administration and provision of essential governmental
13 programs. Therefore, an emergency is hereby declared to exist and this Act
14 being necessary for the immediate preservation of the public peace, health
15 and safety shall be in full force and effect from and after July 1, 2010.

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APPROVED: 2/26/2010

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