

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 1227 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/12/09

A Bill

HOUSE BILL 1220

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 FISCAL YEAR
15 ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 AN ACT FOR THE ARKANSAS TOBACCO
19 SETTLEMENT COMMISSION APPROPRIATION FOR
20 THE 2009-2010 FISCAL YEAR.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
27 the Arkansas Tobacco Settlement Commission for the 2009-2010 fiscal year, the
28 following maximum number of regular employees whose salaries shall be
29 governed by the provisions of the Uniform Classification and Compensation Act
30 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
31 thereto. Provided, however, that any position to which a specific maximum
32 annual salary is set out herein in dollars, shall be exempt from the
33 provisions of said Uniform Classification and Compensation Act. All persons
34 occupying positions authorized herein are hereby governed by the provisions
35 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-



1 101), or its successor.
 2

3				Maximum Annual
4				Salary Rate
5	Item Class		No. of	Fiscal Year
6	No. Code Title		Employees	2009-2010
7	(1) X014C TOBACCO SETTLEMENT CMSN DIRECTOR		1	GRADE C124
8	(2) G147C GRANTS COORDINATOR		1	GRADE C119
9	(3) C056C ADMINISTRATIVE SPECIALIST III		<u>1</u>	GRADE C112
10	MAX. NO. OF EMPLOYEES		3	

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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 for the Arkansas Tobacco
 18 Settlement Commission for the fiscal year ending June 30, 2010, the
 19 following:

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21	ITEM	FISCAL YEAR
22	NO.	2009-2010
23	(01) REGULAR SALARIES	\$ 137,990
24	(02) PERSONAL SERVICES MATCHING	41,133
25	(03) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	48,870
27	(B) CONF. & TRAVEL	3,000
28	(C) PROF. FEES	1,250,000
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	0
31	(04) TOBACCO SETTLEMENT GRANTS	<u>2,250,000</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,730,993</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.
 36 INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement

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

12 The provisions of this section shall be in effect only from July 1,
13 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

20 The provisions of this section shall be in effect only from July 1,
21 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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23 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
25 OF APPROPRIATIONS. In the event the amount of any of the budget
26 classifications of maintenance and general operation in this act are found by
27 the administrative head of the agency to be inadequate, then the agency head
28 may request, upon forms provided for such purpose by the Chief Fiscal Officer
29 of the State, a modification of the amounts of the budget classification. In
30 that event, he shall set out on the forms the particular classifications for
31 which he is requesting an increase or decrease, the amounts thereof, and his
32 reasons therefor. In no event shall the total amount of the budget exceed
33 either the amount of the appropriation or the amount of the funds available,
34 nor shall any transfer be made from the capital outlay or data processing
35 subclassifications unless specific authority for such transfers is provided
36 by law, except for transfers from capital outlay to data processing when

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

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

22 The provisions of this section shall be in effect only from July 1,
23 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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25 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
28 State of Arkansas or any of its agencies or institutions to continue funding
29 any position paid from the proceeds of the Tobacco Settlement in the event
30 that Tobacco Settlement funds are not sufficient to finance the position.
31 (b) State funds will not be used to replace Tobacco Settlement funds when
32 such funds expire, unless appropriated by the General Assembly and authorized
33 by the Governor.
34 (c) A disclosure of the language contained in (a) and (b) of this Section
35 shall be made available to all new hire and current positions paid from the
36 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

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

4 The provisions of this section shall be in effect only from July 1,
5 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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7 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
9 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
10 shall be limited to the appropriation for such agency and funds made
11 available by law for the support of such appropriations; and the restrictions
12 of the State Purchasing Law, the General Accounting and Budgetary Procedures
13 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
14 and other fiscal control laws of this State, where applicable, and
15 regulations promulgated by the Department of Finance and Administration, as
16 authorized by law, shall be strictly complied with in disbursement of said
17 funds.

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

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21 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
24 disbursed under the authority of the appropriations contained in this act
25 shall be in compliance with the stated reasons for which this act was
26 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
27 Executive Recommendations and Legislative Recommendations contained in the
28 budget manuals prepared by the Department of Finance and Administration,
29 letters, or summarized oral testimony in the official minutes of the Arkansas
30 Legislative Council or Joint Budget Committee which relate to its passage and
31 adoption.

32 The provisions of this section shall be in effect only from July 1,
33 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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35 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
36 Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a one (1) year period; that the
2 effectiveness of this Act on July 1, 2009 is essential to the operation of
3 the agency for which the appropriations in this Act are provided, and that in
4 the event of an extension of the Regular Session, the delay in the effective
5 date of this Act beyond July 1, 2009 could work irreparable harm upon the
6 proper administration and provision of essential governmental programs.
7 Therefore, an emergency is hereby declared to exist and this Act being
8 necessary for the immediate preservation of the public peace, health and
9 safety shall be in full force and effect from and after July 1, 2009.

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11 */s/ Joint Budget Committee*

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13 **APPROVED: 4/8/2009**
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