

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 1384 of the Regular Session

As Engrossed: H2/25/09 H4/6/09

A Bill

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

HOUSE BILL 1286

4
5 By: Joint Budget Committee
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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, 2010; 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 2009-2010
19 FISCAL YEAR.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS.

26 There is hereby established for the Department of Health - Tobacco Prevention
27 and Cessation Programs for the 2009-2010 fiscal year, the following maximum
28 number of regular employees whose salaries shall be governed by the
29 provisions of the Uniform Classification and Compensation Act (Arkansas Code
30 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.

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),



1 or its successor.

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			Maximum	Maximum Annual
			No. of	Salary Rate
Item	Class	Title	Employees	Fiscal Year
No.	Code	Title	Employees	2009-2010
(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	EPIDEMIOLOGIST	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 2009-2010 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 Cessation Programs for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 2,221,461
(02) EXTRA HELP	75,000
(03) PERSONAL SERVICES MATCHING	664,117
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	440,000
(B) CONF. & TRAVEL	45,000
(C) PROF. FEES	2,300,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) JUVENILE DRUG COURT TREATMENT PROGRAMS	500,000
(06) TOBACCO PREVENTION & CESSATION EXPENSES	14,150,793
(07) NUTRITION & PHYSICAL ACTIVITY PROGRAM PERSONAL SERVICES & OPERATING EXPENSES	693,748
(08) DRUG COURT SUBSTANCE ABUSE TREATMENT PROGRAM	<u>1,500,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 22,590,119</u>

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

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

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

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

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

30 The provisions of this section shall be in effect only from July 1, ~~2007~~
31 2009 through June 30, ~~2009~~ 2010.

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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.
35 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
36 State of Arkansas or any of its agencies or institutions to continue funding

1 any position paid from the proceeds of the Tobacco Settlement in the event
2 that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

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

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

17 ADVERTISING. No advertising targeting the prevention or reduction of tobacco
18 use shall include the name, voice, or likeness of any elected official or
19 their immediate family.

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

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23 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TOBACCO
25 FUND TRANSFER. The Arkansas Department of Health is authorized to transfer
26 five hundred thousand dollars (\$500,000) for the fiscal year ending June 30,
27 2010 from the Prevention and Cessation Program Account to the Breast Cancer
28 Control Fund in order to provide for the State's matching share for Medicaid
29 services provided for breast and cervical cancer screening and treatment. The
30 amount transferred annually shall be the only obligation of the Arkansas
31 Department of Health for state match for these services.

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33 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DRUG
35 COURT SUBSTANCE ABUSE TREATMENT SERVICES. As evidence supports success in
36 treating substance abuse if tobacco cessation efforts are also undertaken

1 simultaneously, by July 31, 2009, the Arkansas Department of Health shall
2 provide to the Arkansas Department of Human Services – Division of Behavioral
3 Health the funding as authorized in Item No. 5 of Section 3 to be used for
4 substance abuse treatment services through the Juvenile Drug Courts and shall
5 provide to the Arkansas Department of Community Correction the funding as
6 authorized in Item No. 8 of Section 3 to be used for substance abuse
7 treatment services through the Adult Drug Courts. The Arkansas Department of
8 Human Services – Division of Behavioral Health and the Arkansas Department of
9 Community Correction shall ensure that tobacco cessation training and
10 services shall be an integral component of the treatment provided through the
11 Drug Courts with substance abuse treatment to include treating nicotine use
12 and dependence.

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

25 The provisions of this section shall be in effect only from July 1, ~~2007~~
26 2009 through June 30, ~~2009~~ 2010.

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

1 Legislative Council or Joint Budget Committee which relate to its passage and
2 adoption.

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

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6 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a one (1) year period; that the
9 effectiveness of this Act on July 1, 2009 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2009 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2009.

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/s/ Joint Budget Committee

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APPROVED: 4/9/2009

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