

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

# A Bill

HOUSE BILL 1264

4  
5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR TOBACCO PREVENTION AND  
10 CESSATION PROGRAMS FOR THE DEPARTMENT OF HEALTH FOR  
11 THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HEALTH -  
16 TOBACCO PREVENTION AND CESSATION PROGRAMS  
17 APPROPRIATION FOR THE 2011-2012 FISCAL  
18 YEAR.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION  
25 PROGRAMS. There is hereby established for the Department of Health - Tobacco  
26 Prevention and Cessation Programs for the 2011-2012 fiscal year, the  
27 following maximum number of regular employees.  
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2011-2012
33	(1)	L025N SENIOR PHYSICIAN SPECIALIST	1	GRADE N920
34	(2)	L016C ADH PUBLIC HEALTH ADMINISTRATOR	1	GRADE C124
35	(3)	L025C ADH PUBLIC HEALTH SECTION CHIEF III	1	GRADE C123
36	(4)	L029C ADH PUBLIC HEALTH SECTION CHIEF II	2	GRADE C122



1	(5)	L028C	EPIDEMIOLOGIST	1	GRADE C122
2	(6)	L027C	REGISTERED NURSE SUPERVISOR	1	GRADE C122
3	(7)	L039C	NUTRITIONIST	1	GRADE C120
4	(8)	L038C	REGISTERED NURSE	18	GRADE C120
5	(9)	L043C	HEALTH PROGRAM SPECIALIST III	1	GRADE C119
6	(10)	L048C	HEALTH PROGRAM SPECIALIST II	5	GRADE C118
7	(11)	L053C	HEALTH PROGRAM SPECIALIST I	9	GRADE C117
8	(12)	A084C	PROGRAM/FIELD AUDIT SPECIALIST	1	GRADE C116
9	(13)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
10	(14)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
11	(15)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
12	(16)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
13			MAX. NO. OF EMPLOYEES	47	

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15 SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS.

16 There is hereby authorized, for the Department of Health - Tobacco Prevention  
 17 and Cessation Programs for the 2011-2012 fiscal year, the following maximum  
 18 number of part-time or temporary employees, to be known as "Extra Help",  
 19 payable from funds appropriated herein for such purposes: four (4) temporary  
 20 or part-time employees, when needed, at rates of pay not to exceed those  
 21 provided in the Uniform Classification and Compensation Act, or its  
 22 successor, or this act for the appropriate classification.

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24 SECTION 3. APPROPRIATION - TOBACCO PREVENTION AND CESSATION PROGRAMS.

25 There is hereby appropriated, to the Department of Health, to be payable from  
 26 the Prevention and Cessation Program Account, for personal services and  
 27 operating expenses of the Department of Health - Tobacco Prevention and  
 28 Cessation Programs for the fiscal year ending June 30, 2012, the following:

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30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2011-2012</u>
32	(01) REGULAR SALARIES	\$2,087,069
33	(02) EXTRA HELP	75,000
34	(03) PERSONAL SERVICES MATCHING	626,058
35	(04) MAINT. & GEN. OPERATION	
36	(A) OPER. EXPENSE	325,000

1	(B) CONF. & TRAVEL	25,000
2	(C) PROF. FEES	2,279,633
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	0
5	(05) TOBACCO PREVENTION & CESSATION EXPENSES	11,415,398
6	(06) EXPENSES FOR NUTRITION & PHYSICAL ACTIVITY	<u>723,644</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$17,556,802</u>

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

14 The provisions of this section shall be in effect only from July 1,  
 15 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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17 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
 19 OF APPROPRIATIONS. In the event the amount of any of the budget  
 20 classifications of maintenance and general operation in this act are found by  
 21 the administrative head of the agency to be inadequate, then the agency head  
 22 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 23 of the State, a modification of the amounts of the budget classification. In  
 24 that event, he shall set out on the forms the particular classifications for  
 25 which he is requesting an increase or decrease, the amounts thereof, and his  
 26 reasons therefor. In no event shall the total amount of the budget exceed  
 27 either the amount of the appropriation or the amount of the funds available,  
 28 nor shall any transfer be made from the capital outlay or data processing  
 29 subclassifications unless specific authority for such transfers is provided  
 30 by law, except for transfers from capital outlay to data processing when  
 31 determined by the Department of Information Systems that data processing  
 32 services for a state agency can be performed on a more cost-efficient basis  
 33 by the Department of Information Systems than through the purchase of data  
 34 processing equipment by that state agency. In considering the proposed  
 35 modification as prepared and submitted by each state agency, the Chief Fiscal  
 36 Officer of the State shall make such studies as he deems necessary. The Chief

1 Fiscal Officer of the State shall, after obtaining the approval of the  
2 Legislative Council, approve the requested transfer if in his opinion it is  
3 in the best interest of the state.

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

16 The provisions of this section shall be in effect only from July 1,  
17 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

34 The provisions of this section shall be in effect only from July 1,  
35 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

6 The provisions of this section shall be in effect only from July 1,  
7 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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9 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TOBACCO  
11 FUND TRANSFER. The Arkansas Department of Health is authorized to transfer  
12 five hundred thousand dollars (\$500,000) for the fiscal year ending June 30,  
13 ~~2011~~ 2012 from the Prevention and Cessation Program Account to the Breast  
14 Cancer Control Fund in order to provide for the State's matching share for  
15 Medicaid services provided for breast and cervical cancer screening and  
16 treatment. The amount transferred annually shall be the only obligation of  
17 the Arkansas Department of Health for state match for these services.

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19 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
21 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
22 shall be limited to the appropriation for such agency and funds made  
23 available by law for the support of such appropriations; and the restrictions  
24 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
25 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
26 and other fiscal control laws of this State, where applicable, and  
27 regulations promulgated by the Department of Finance and Administration, as  
28 authorized by law, shall be strictly complied with in disbursement of said  
29 funds.

30 The provisions of this section shall be in effect only from July 1,  
31 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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33 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
35 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
36 disbursed under the authority of the appropriation contained in this act

1 shall be in compliance with the stated reasons for which this act was  
 2 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 3 Executive Recommendations and Legislative Recommendations contained in the  
 4 budget manuals prepared by the Department of Finance and Administration,  
 5 letters, or summarized oral testimony in the official minutes of the Arkansas  
 6 Legislative Council or Joint Budget Committee which relate to its passage and  
 7 adoption.

8 The provisions of this section shall be in effect only from July 1,  
 9 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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 11 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the  
 12 General Assembly, that the Constitution of the State of Arkansas prohibits  
 13 the appropriation of funds for more than a one (1) year period; that the  
 14 effectiveness of this Act on July 1, 2011 is essential to the operation of  
 15 the agency for which the appropriations in this Act are provided, and that in  
 16 the event of an extension of the legislative session, the delay in the  
 17 effective date of this Act beyond July 1, 2011 could work irreparable harm  
 18 upon the proper administration and provision of essential governmental  
 19 programs. Therefore, an emergency is hereby declared to exist and this Act  
 20 being necessary for the immediate preservation of the public peace, health  
 21 and safety shall be in full force and effect from and after July 1, 2011.

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 24 **APPROVED: 04/01/2011**  
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