A Bill

For An Act To Be Entitled
AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR TOBACCO PREVENTION AND CESSATION PROGRAMS FOR THE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR ENDING JUNE 30, 2018; AND FOR OTHER PURPOSES.

Subtitle
AN ACT FOR THE DEPARTMENT OF HEALTH - TOBACCO PREVENTION AND CESSATION PROGRAMS APPROPRIATION FOR THE 2017-2018 FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS. There is hereby established for the Department of Health - Tobacco Prevention and Cessation Programs for the 2017-2018 fiscal year, the following maximum number of regular employees.

<table>
<thead>
<tr>
<th>Item</th>
<th>Class Code</th>
<th>Title</th>
<th>No. of Employees</th>
<th>Fiscal Year</th>
<th>Maximum Salary Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>L025N</td>
<td>SENIOR PHYSICIAN SPECIALIST</td>
<td>1</td>
<td>2017-2018</td>
<td>GRADE N920</td>
</tr>
<tr>
<td>(2)</td>
<td>L013C</td>
<td>ADH BRANCH MANAGER</td>
<td>1</td>
<td>2017-2018</td>
<td>GRADE C125</td>
</tr>
<tr>
<td>(3)</td>
<td>L025C</td>
<td>ADH PUBLIC HEALTH SECTION CHIEF III</td>
<td>1</td>
<td>2017-2018</td>
<td>GRADE C123</td>
</tr>
<tr>
<td>(4)</td>
<td>L029C</td>
<td>ADH PUBLIC HEALTH SECTION CHIEF II</td>
<td>1</td>
<td>2017-2018</td>
<td>GRADE C122</td>
</tr>
<tr>
<td>ITEM</td>
<td>FISCAL YEAR</td>
<td></td>
<td></td>
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<tr>
<td>(01) REGULAR SALARIES</td>
<td>$1,495,834</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(02) EXTRA HELP</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(03) PERSONAL SERVICES MATCHING</td>
<td>484,717</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(04) MAINT. &amp; GEN. OPERATION</td>
<td>185,000</td>
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</tbody>
</table>
HB1080

(B) CONF. & TRAVEL 25,000
(C) PROF. FEES 2,278,900
(D) CAP. OUTLAY 0
(E) DATA PROC. 0
(05) TOBACCO PREVENTION & CESSATION EXP 9,221,071
(06) EXP. NUTRITION & PHYSICAL ACTIVITY 600,027
TOTAL AMOUNT APPROPRIATED $14,340,549

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, but only as
provided by this act.

The provisions of this section shall be in effect only from July 1, 2016
through June 30, 2017.

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

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

The provisions of this section shall be in effect only from July 1, 2016 through June 30, 2017.

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

POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

The provisions of this section shall be in effect only from July 1, 2016 through June 30, 2017.
SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
ADVERTISING. No advertising targeting the prevention or reduction of tobacco
use shall include the name, voice, or likeness of any elected official or
their immediate family.

The provisions of this section shall be in effect only from July 1, 2016

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TOBACCO
FUND TRANSFER. The Arkansas Department of Health is authorized to transfer
five hundred thousand dollars ($500,000) for the fiscal year ending June 30,
2017 2018 from the Prevention and Cessation Program Account to the Breast
Cancer Control Fund in order to provide for the State’s matching share for
Medicaid services provided for breast and cervical cancer screening and
treatment. The amount transferred annually shall be the only obligation of
the Arkansas Department of Health for state match for these services.

The provisions of this section shall be in effect only from July 1, 2016

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

The provisions of this section shall be in effect only from July 1, 2016

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriation contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

The provisions of this section shall be in effect only from July 1, 2016 through June 30, 2017 2018.

SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2017.

APPROVED: 02/03/2017