Stricken language will be deleted and underlined language will be added. Act 603 of the Regular Session

1	State of Arkansas	A D'11			
2	94th General Assembly	A Bill			
3	Regular Session, 2023 SENATE BILL				
4					
5	By: Joint Budget Committee				
6					
7	For An Act To Be Entitled				
8	AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL				
9	SERVICES, OPERATING EXPENSES AND GRANTS FOR THE				
10	PURPOSE OF MONITORING AND EVALUATING PROGRAM				
11	EXPENDITURES FROM THE PROGRAM ACCOUNTS OF THE TOBACCO				
12	SETTLEMENT PROGRAM FUND FOR THE DEPARTMENT OF HEALTH				
13	- ARKANSAS TOBACCO SETTLEMENT COMMISSION FOR THE				
14	FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER				
15	PURPOSES.				
16					
17		Subtitle			
18 19					
20	AN ACT FOR THE DEPARTMENT OF HEALTH - ARKANSAS TOBACCO SETTLEMENT COMMISSION				
21	APPROPRIATION FOR THE 2023-2024 FISCAL				
22	YEAR.				
23	IIIIK•				
24					
25	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE S	TATE OF ARK	ANSAS:	
26					
27	SECTION 1. REGUL	AR SALARIES - OPERATIONS	. There is	hereby established	
28	for the Department of Health - Arkansas Tobacco Settlement Commission for the				
29	2023-2024 fiscal year,	the following maximum n	umber of re	gular employees.	
30					
31				Maximum Annual	
32			Maximum	Salary Rate	
33	Item Class		No. of	Fiscal Year	
34	No. Code Title		Employees	2023-2024	
35	(1) CO56C ADMINISTR	ATIVE SPECIALIST III	1	GRADE GS04	
36	MAX. NO. OF EMP	LOYEES	1		



SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Health, to be payable from the Tobacco Settlement Commission Fund, for personal services and operating expenses necessary to monitor and evaluate the various program accounts established within the Tobacco Settlement Program Fund, and to provide grants as authorized in Section 17 of Initiated Act 1 of 2000 of the Department of Health - Arkansas Tobacco Settlement Commission for the fiscal year ending June 30, 2024, the following:

11	ITEM		FISCAL YEAR
12	NO.		2023-2024
13	(01)	REGULAR SALARIES	\$40,055
14	(02)	PERSONAL SERVICES MATCHING	16,130
15	(03)	MAINT. & GEN. OPERATION	
16		(A) OPER. EXPENSE	42,575
17		(B) CONF. & TRAVEL	3,000
18		(C) PROF. FEES	250,000
19		(D) CAP. OUTLAY	0
20		(E) DATA PROC.	0
21	(04)	TOBACCO SETTLEMENT GRANTS	0
22		TOTAL AMOUNT APPROPRIATED	\$351,760

SECTION 3. SPECIAL LANGUAGE — CODE AMENDMENT. Arkansas Code § 19-12-117(g), concerning the establishment of the Arkansas Tobacco Settlement Commission and resulting from Initiated Act 1 of 2000, is amended to codify special language in appropriation acts to read as follows:

(g)(1) The commission is authorized to hire an independent third party with appropriate experience in health, preventive resources, health statistics, and evaluation expertise to perform monitoring and evaluation of program expenditures made from the program accounts pursuant to this chapter.

(2)(A) Such monitoring and evaluation shall be performed in accordance with § 19-12-118, and the third party retained to perform such services shall prepare a biennial report to be delivered to the General Assembly and the Secretary of the Department of Health by each August 1 preceding a general session of the General Assembly.

1 (B) The report shall be accompanied by a recommendation 2 from the commission as to the continued funding for each program. 3 (3) The commission shall file a quarterly progress report with 4 the House Committee on Public Health, Welfare, and Labor and the Senate 5 Committee on Public Health, Welfare, and Labor. 6 7 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. 9 TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be 10 transferred under the provisions of Arkansas Code 19-4-522, but only as 11 provided by this act. 12 The provisions of this section shall be in effect only from July 1, 2022 13 2023 through June 30, 2023 2024. 14 15 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. 17 TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget 18 classifications of maintenance and general operation in this act are found by 19 the administrative head of the agency to be inadequate, then the agency head 20 may request, upon forms provided for such purpose by the Chief Fiscal Officer 21 of the State, a modification of the amounts of the budget classification. In 22 that event, he shall set out on the forms the particular classifications for 23 which he is requesting an increase or decrease, the amounts thereof, and his 24 reasons therefor. In no event shall the total amount of the budget exceed 25 either the amount of the appropriation or the amount of the funds available, 26 nor shall any transfer be made from the capital outlay or data processing 27 subclassifications unless specific authority for such transfers is provided 28 by law, except for transfers from capital outlay to data processing when 29 determined by the Department of Transformation & Shared Services - Division 30 of Information Systems that data processing services for a state agency can 31 be performed on a more cost-efficient basis by the Department of 32 Transformation & Shared Services - Division of Information Systems than 33 through the purchase of data processing equipment by that state agency. In 34 considering the proposed modification as prepared and submitted by each state 35 agency, the Chief Fiscal Officer of the State shall make such studies as he 36 deems necessary. The Chief Fiscal Officer of the State shall, after obtaining

- $1 \hspace{0.1in}$ the approval of the Legislative Council, approve the requested transfer if in
- 2 his opinion it is in the best interest of the state.
- 3 The General Assembly has determined that the agency in this act could be
- 4 operated more efficiently if some flexibility is given to that agency and
- 5 that flexibility is being accomplished by providing authority to transfer
- 6 between certain items of appropriation made by this act. Since the General
- 7 Assembly has granted the agency broad powers under the transfer of
- 8 appropriations, it is both necessary and appropriate that the General
- 9 Assembly maintain oversight of the utilization of the transfers by requiring
- 10 prior approval of the Legislative Council in the utilization of the transfer
- 11 authority. Therefore, the requirement of approval by the Legislative Council
- 12 is not a severable part of this section. If the requirement of approval by
- 13 the Legislative Council is ruled unconstitutional by a court of competent
- 14 jurisdiction, this entire section is void.
- The provisions of this section shall be in effect only from July 1, 2022
- 16 2023 through June 30, 2023 2024.

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- 18 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
- 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
- 20 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
- 21 State of Arkansas or any of its agencies or institutions to continue funding
- 22 any position paid from the proceeds of the Tobacco Settlement in the event
- 23 that Tobacco Settlement funds are not sufficient to finance the position.
- 24 (b) State funds will not be used to replace Tobacco Settlement funds when
- 25 such funds expire, unless appropriated by the General Assembly and authorized
- 26 by the Governor.
- 27 (c) A disclosure of the language contained in (a) and (b) of this Section
- 28 shall be made available to all new hire and current positions paid from the
- 29 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
- 30 (d) Whenever applicable the information contained in (a) and (b) of this
- 31 Section shall be included in the employee handbook and/or Professional
- 32 Services Contract paid from the proceeds of the Tobacco Settlement.
- 33 The provisions of this section shall be in effect only from July 1, 2022
- 34 2023 through June 30, 2023 2024.

35 36

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

- 1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
- 2 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
- 3 shall be limited to the appropriation for such agency and funds made
- 4 available by law for the support of such appropriations; and the restrictions
- 5 of the State Purchasing Law, the General Accounting and Budgetary Procedures
- 6 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
- 7 and other fiscal control laws of this State, where applicable, and
- 8 regulations promulgated by the Department of Finance and Administration, as
- 9 authorized by law, shall be strictly complied with in disbursement of said
- 10 funds.
- 11 The provisions of this section shall be in effect only from July 1, $\frac{2022}{1}$
- 12 <u>2023</u> through June 30, 2023 <u>2024</u>.

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- 14 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
- 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
- 16 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
- 17 disbursed under the authority of the appropriations contained in this act
- 18 shall be in compliance with the stated reasons for which this act was
- 19 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
- 20 Executive Recommendations and Legislative Recommendations contained in the
- 21 budget manuals prepared by the Department of Finance and Administration,
- 22 letters, or summarized oral testimony in the official minutes of the Arkansas
- 23 Legislative Council or Joint Budget Committee which relate to its passage and
- 24 adoption.
- 25 The provisions of this section shall be in effect only from July 1, 2022
- 26 <u>2023</u> through June 30, 2023 <u>2024</u>.

27

- 28 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
- 29 Assembly, that the Constitution of the State of Arkansas prohibits the
- 30 appropriation of funds for more than a one (1) year period; that the
- 31 <u>effectiveness of this Act on July 1, 2023 is essential to the operation of</u>
- 32 the agency for which the appropriations in this Act are provided, and that in
- 33 the event of an extension of the legislative session, the delay in the
- 34 effective date of this Act beyond July 1, 2023 could work irreparable harm
- 35 upon the proper administration and provision of essential governmental
- 36 programs. Therefore, an emergency is hereby declared to exist and this Act

Ţ	being necessary for the immediate preservation of the public peace, health
2	and safety shall be in full force and effect from and after July 1, 2023.
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5	APPROVED: 4/11/23
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