

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 20

5 By: Joint Budget Committee  
6

## 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.  
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## Subtitle

18 AN ACT FOR THE DEPARTMENT OF HEALTH -  
19 ARKANSAS TOBACCO SETTLEMENT COMMISSION  
20 APPROPRIATION FOR THE 2023-2024 FISCAL  
21 YEAR.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. REGULAR 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 number of regular employees.  
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2023-2024
(1)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
		MAX. NO. OF EMPLOYEES	1	



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

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2023-2024</u>
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	<u>0</u>
22 TOTAL AMOUNT APPROPRIATED	<u><u>\$351,760</u></u>

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 24 SECTION 3. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 19-12-  
 25 117(g), concerning the establishment of the Arkansas Tobacco Settlement  
 26 Commission and resulting from Initiated Act 1 of 2000, is amended to codify  
 27 special language in appropriation acts to read as follows:

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

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



1 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.

15 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.

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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, ~~2022~~  
12 2023 through June 30, ~~2023~~ 2024.

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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 2023 through June 30, ~~2023~~ 2024.

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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 effectiveness of this Act on July 1, 2023 is essential to the operation of  
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

1 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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