

**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.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H3/29/01 H4/5/01*

# A Bill

**Act 1572 of 2001**  
HOUSE BILL 1748

5 By: Joint Budget Committee  
6  
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## **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE TOBACCO PREVENTION AND  
11 CESSATION PROGRAMS FOR THE DEPARTMENT OF HEALTH FOR  
12 THE BIENNIAL PERIOD ENDING JUNE 30, 2003; AND FOR  
13 OTHER PURPOSES.  
14

## **Subtitle**

15  
16 AN ACT FOR THE DEPARTMENT OF HEALTH  
17 - THE TOBACCO PREVENTION AND CESSATION  
18 PROGRAMS APPROPRIATION FOR THE 2001-2003  
19 BIENNIAL PERIOD.  
20  
21

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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### SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS.

25 There is hereby established for the Department of Health - Tobacco Cessation  
26 and Prevention Programs for the 2001-2003 biennium, the following maximum  
27 number of regular employees whose salaries shall be governed by the  
28 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
29 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.

30 Provided, however, that any position to which a specific maximum annual  
31 salary is set out herein in dollars, shall be exempt from the provisions of  
32 said Uniform Classification and Compensation Act. All persons occupying  
33 positions authorized herein are hereby governed by the provisions of the  
34 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
35 or its successor.  
36

| Item | Class |                               | Maximum   | Maximum Annual |
|------|-------|-------------------------------|-----------|----------------|
| No.  | Code  | Title                         | No. of    | Salary Rate    |
|      |       |                               | Employees | Fiscal Years   |
|      |       |                               |           | 2001-2002      |
|      |       |                               |           | 2002-          |
|      |       |                               |           | 2003           |
| (1)  | 6605  | CHIEF PHYSICIAN SPECIALIST    | 1         | \$154,628      |
|      |       |                               |           | \$158,648      |
| (2)  | 361Z  | MEDICAL CARE SVC ADIR         | 1         | GRADE 24       |
| (3)  | B006  | SR EPIDEMIOLOGIST             | 1         | GRADE 22       |
| (4)  | 909Z  | PROGRAM SUPPORT MANAGER       | 2         | GRADE 22       |
| (5)  | L082  | NURSING SERVICES SPECIALIST   | 19        | GRADE 21       |
| (6)  | R298  | AGENCY PROGRAM COORDINATOR    | 5         | GRADE 21       |
| (7)  | A006  | ACCOUNTING SUPV I             | 1         | GRADE 20       |
| (8)  | A111  | ACCOUNTANT                    | 1         | GRADE 18       |
| (9)  | A108  | ACCOUNTING TECHNICIAN II      | 1         | GRADE 15       |
| (10) | K041  | EXECUTIVE SECRETARY/ADMIN SEC | 1         | GRADE 14       |
| (11) | K153  | SECRETARY II                  | 1         | GRADE 13       |
|      |       | MAX. NO. OF EMPLOYEES         | 34        |                |

SECTION 2. 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 Tobacco Prevention and Cessation Program for the biennial period ending June 30, 2003, the following:

| ITEM                         | FISCAL YEARS |            |
|------------------------------|--------------|------------|
| NO.                          | 2001-2002    | 2002-2003  |
| (01) REGULAR SALARIES        | \$ 593,433   | \$ 634,332 |
| (02) EXTRA HELP              | 10,000       | 50,000     |
| (03) PERSONAL SERV MATCHING  | 158,995      | 168,662    |
| (04) MAINT. & GEN. OPERATION |              |            |
| (A) OPER. EXPENSE            | 217,236      | 217,236    |
| (B) CONF. & TRAVEL           | 30,000       | 40,000     |
| (C) PROF. FEES               | 1,080,000    | 1,700,000  |
| (D) CAP. OUTLAY              | 41,500       | 41,500     |
| (E) DATA PROC.               | 0            | 0          |

|   |                                      |                        |                        |
|---|--------------------------------------|------------------------|------------------------|
| 1 | (05) PREVENTION/CESSATION EXPENSES   | 7, 374, 365            | 24, 263, 722           |
| 2 | (06) PERSONAL SERVICES AND OPERATING |                        |                        |
| 3 | EXPENSES FOR PUBLIC HEALTH           |                        |                        |
| 4 | NURSES IN SCHOOLS                    | 1, 000, 000            | 1, 000, 000            |
| 5 | (07) TRANSFER TO BREAST CANCER       |                        |                        |
| 6 | CONTROL FUND                         | <u>500, 000</u>        | <u>500, 000</u>        |
| 7 | TOTAL AMOUNT APPROPRIATED            | <u>\$ 11, 005, 529</u> | <u>\$ 28, 615, 452</u> |

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9 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 CARRYFORWARD. Such appropriation as is authorized in this Act which remains

12 at the end of the first fiscal year of the biennium may be carried forward

13 into the second fiscal year of the biennium there to be used for the same

14 purposes.

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16 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

17 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

18 RESTRICTIONS. The appropriations provided in this act shall not be

19 transferred under the provisions of Arkansas Code 19-4-522 or the provisions

20 of Arkansas code 6-62-104, but only as provided by this act.

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22 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

23 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS OF

24 APPROPRIATIONS. In the event the amount of any of the budget classifications

25 of maintenance and general operation in this act are found by the

26 administrative head of the agency to be inadequate, then the agency head may

27 request, upon forms provided for such purpose by the Chief Fiscal Officer of

28 the State, a modification of the amounts of the budget classification. In

29 that event, he shall set out on the forms the particular classifications for

30 which he is requesting an increase or decrease, the amounts thereof, and his

31 reasons therefor. In no event shall the total amount of the budget exceed

32 either the amount of the appropriation or the amount of the funds available,

33 nor shall any transfer be made from the capital outlay or data processing

34 subclassifications unless specific authority for such transfers is provided

35 by law, except for transfers from capital outlay to data processing when

36 determined by the Department of Information Systems that data processing

1 services for a state agency can be performed on a more cost-efficient basis  
2 by the Department of Information Systems than through the purchase of data  
3 processing equipment by that state agency. In considering the proposed  
4 modification as prepared and submitted by each state agency, the Chief Fiscal  
5 Officer of the State shall make such studies as he deems necessary. The Chief  
6 Fiscal Officer of the State shall, after obtaining the approval of the  
7 Legislative Council, approve the requested transfer if in his opinion it is  
8 in the best interest of the state.

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

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

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

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

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

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35 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
 2 shall be limited to the appropriation for such agency and funds made  
 3 available by law for the support of such appropriations; and the restrictions  
 4 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 5 Law, the Revenue Stabilization Law, the Regular Salary Procedures and  
 6 Restrictions Act, or their successors, and other fiscal control laws of this  
 7 State, where applicable, and regulations promulgated by the Department of  
 8 Finance and Administration, as authorized by law, shall be strictly complied  
 9 with in disbursement of said funds.

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 11 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 12 that any funds disbursed under the authority of the appropriations contained  
 13 in this act shall be in compliance with the stated reasons for which this act  
 14 was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 15 Executive Recommendations and Legislative Recommendations contained in the  
 16 budget manuals prepared by the Department of Finance and Administration,  
 17 letters, or summarized oral testimony in the official minutes of the Arkansas  
 18 Legislative Council or Joint Budget Committee which relate to its passage and  
 19 adoption.

20  
 21 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the  
 22 Eighty-third General Assembly, that the Constitution of the State of Arkansas  
 23 prohibits the appropriation of funds for more than a two (2) year period;  
 24 that the effectiveness of this Act on July 1, 2001 is essential to the  
 25 operation of the agency for which the appropriations in this Act are  
 26 provided, and that in the event of an extension of the Regular Session, the  
 27 delay in the effective date of this Act beyond July 1, 2001 could work  
 28 irreparable harm upon the proper administration and provision of essential  
 29 governmental programs. Therefore, an emergency is hereby declared to exist  
 30 and this Act being necessary for the immediate preservation of the public  
 31 peace, health and safety shall be in full force and effect from and after  
 32 July 1, 2001.

33 */s/ Joint Budget Committee*

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 36 APPROVED: 4/13/2001