

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010

# A Bill

HOUSE BILL 1024

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

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES, OPERATING EXPENSES AND GRANTS FOR THE  
11 PURPOSE OF MONITORING AND EVALUATING PROGRAM  
12 EXPENDITURES FROM THE PROGRAM ACCOUNTS OF THE  
13 TOBACCO SETTLEMENT PROGRAM FUND FOR THE ARKANSAS  
14 TOBACCO SETTLEMENT COMMISSION FOR THE FISCAL YEAR  
15 ENDING JUNE 30, 2011; AND FOR OTHER PURPOSES.  
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## Subtitle

18 AN ACT FOR THE ARKANSAS TOBACCO  
19 SETTLEMENT COMMISSION APPROPRIATION FOR  
20 THE 2010-2011 FISCAL YEAR.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
27 the Arkansas Tobacco Settlement Commission for the 2010-2011 fiscal year, the  
28 following maximum number of regular employees whose salaries shall be  
29 governed by the provisions of the Uniform Classification and Compensation Act  
30 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory  
31 thereto. Provided, however, that any position to which a specific maximum  
32 annual salary is set out herein in dollars, shall be exempt from the  
33 provisions of said Uniform Classification and Compensation Act. All persons  
34 occupying positions authorized herein are hereby governed by the provisions  
35 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-  
36 101), or its successor.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
(1)	X014C	TOBACCO SETTLEMENT CMSN DIRECTOR	1	GRADE C124
(2)	G147C	GRANTS COORDINATOR	1	GRADE C119
(3)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
		MAX. NO. OF EMPLOYEES	3	

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Arkansas Tobacco Settlement Commission, 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 for the Arkansas Tobacco Settlement Commission for the fiscal year ending June 30, 2011, the following:

ITEM NO.	FISCAL YEAR 2010-2011
(01) REGULAR SALARIES	\$ 141,148
(02) PERSONAL SERVICES MATCHING	41,721
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	48,870
(B) CONF. & TRAVEL	3,000
(C) PROF. FEES	1,250,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) TOBACCO SETTLEMENT GRANTS	<u>2,250,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,734,739</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement Commission shall file a quarterly progress report to the Public Health,

1 Welfare and Labor Committees and shall hire an independent third party, not  
2 receiving tobacco settlement funding in any other contract or grant, to  
3 perform monitoring and evaluation of program expenditures made from tobacco  
4 settlement funds. This independent third party shall have appropriate  
5 experience in health, preventive resources, health statistics and evaluation  
6 expertise. The third party retained to perform such services shall prepare a  
7 biennial report to be delivered to the General Assembly and the Governor by  
8 each August 1 preceding a regular session of the General Assembly. The report  
9 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement  
10 Commission as to the continued funding for each program.

11 The provisions of this section shall be in effect only from July 1,  
12 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

19 The provisions of this section shall be in effect only from July 1,  
20 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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22 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
24 OF APPROPRIATIONS. In the event the amount of any of the budget  
25 classifications of maintenance and general operation in this act are found by  
26 the administrative head of the agency to be inadequate, then the agency head  
27 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
28 of 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.

21 The provisions of this section shall be in effect only from July 1,  
22 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

1 Section shall be included in the employee handbook and/or Professional  
2 Services Contract paid from the proceeds of the Tobacco Settlement.

3 The provisions of this section shall be in effect only from July 1,  
4 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

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

17 The provisions of this section shall be in effect only from July 1,  
18 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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

22 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
23 disbursed under the authority of the appropriations contained in this act  
24 shall be in compliance with the stated reasons for which this act was  
25 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
26 Executive Recommendations and Legislative Recommendations contained in the  
27 budget manuals prepared by the Department of Finance and Administration,  
28 letters, or summarized oral testimony in the official minutes of the Arkansas  
29 Legislative Council or Joint Budget Committee which relate to its passage and  
30 adoption.

31 The provisions of this section shall be in effect only from July 1,  
32 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

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34 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
35 Assembly, that the Constitution of the State of Arkansas prohibits the  
36 appropriation of funds for more than a one (1) year period; that the

1 effectiveness of this Act on July 1, 2010 is essential to the operation of  
2 the agency for which the appropriations in this Act are provided, and that in  
3 the event of an extension of the legislative session, the delay in the  
4 effective date of this Act beyond July 1, 2010 could work irreparable harm  
5 upon the proper administration and provision of essential governmental  
6 programs. Therefore, an emergency is hereby declared to exist and this Act  
7 being necessary for the immediate preservation of the public peace, health  
8 and safety shall be in full force and effect from and after July 1, 2010.

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11 **APPROVED: 02/23/2010**  
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