

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

# A Bill

HOUSE BILL 1080

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HEALTH -  
10 TOBACCO PREVENTION AND CESSATION PROGRAMS FOR THE  
11 FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HEALTH -  
16 TOBACCO PREVENTION AND CESSATION PROGRAMS  
17 APPROPRIATION FOR THE 2023-2024 FISCAL  
18 YEAR.  
19  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION  
25 PROGRAMS. There is hereby established for the Department of Health - Tobacco  
26 Prevention and Cessation for the 2023-2024 fiscal year, the following maximum  
27 number of regular employees.  
28

Item	Class	No.	Code	Title	Maximum	No. of	Maximum Annual
							Salary Rate
							Fiscal Year
							2023-2024
33	(1)	L038C		REGISTERED NURSE	14		GRADE MP01
34	(2)	L013C		ADH BRANCH MANAGER	1		GRADE GS11
35	(3)	L025C		ADH PUBLIC HEALTH SECTION CHIEF III	1		GRADE GS10
36	(4)	L029C		ADH PUBLIC HEALTH SECTION CHIEF II	1		GRADE GS09



1	(5)	L028C EPIDEMIOLOGIST	1	GRADE GS09
2	(6)	L043C HEALTH PROGRAM SPECIALIST III	1	GRADE GS08
3	(7)	L048C HEALTH PROGRAM SPECIALIST II	1	GRADE GS07
4	(8)	L039C NUTRITIONIST	1	GRADE GS07
5	(9)	P013C PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
6	(10)	G180C GRANTS ANALYST	1	GRADE GS06
7	(11)	L053C HEALTH PROGRAM SPECIALIST I	6	GRADE GS06
8	(12)	C056C ADMINISTRATIVE SPECIALIST III	1	GRADE GS04
9	(13)	C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
10		MAX. NO. OF EMPLOYEES	31	

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SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS.

12  
 13 There is hereby authorized, for the Department of Health - Tobacco Prevention  
 14 and Cessation Programs for the 2023-2024 fiscal year, the following maximum  
 15 number of part-time or temporary employees, to be known as "Extra Help",  
 16 payable from funds appropriated herein for such purposes: four (4) temporary  
 17 or part-time employees, when needed, at rates of pay not to exceed those  
 18 provided in the Uniform Classification and Compensation Act, or its  
 19 successor, or this act for the appropriate classification.

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SECTION 3. APPROPRIATION - TOBACCO PREVENTION AND CESSATION PROGRAMS.

21  
 22 There is hereby appropriated, to the Department of Health, to be payable from  
 23 the Prevention and Cessation Program Account, for personal services and  
 24 operating expenses of the Department of Health - Tobacco Prevention and  
 25 Cessation Programs for the fiscal year ending June 30, 2024, the following:

26

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2023-2024</u>
29	(01) REGULAR SALARIES	\$1,648,808
30	(02) EXTRA HELP	50,000
31	(03) PERSONAL SERVICES MATCHING	563,277
32	(04) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	185,000
34	(B) CONF. & TRAVEL	25,000
35	(C) PROF. FEES	2,278,900
36	(D) CAP. OUTLAY	0

1	(E) DATA PROC.	0
2	(05) TOBACCO PREVENTION & CESSATION EXP	9,221,071
3	(06) EXP. NUTRITION & PHYSICAL ACTIVITY	<u>603,629</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$14,575,685</u>

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

11 The provisions of this section shall be in effect only from July 1, ~~2022~~  
12 2023 through June 30, ~~2023~~ 2024.

13

14 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
16 OF APPROPRIATIONS. In the event the amount of any of the budget  
17 classifications of maintenance and general operation in this act are found by  
18 the administrative head of the agency to be inadequate, then the agency head  
19 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
20 of the State, a modification of the amounts of the budget classification. In  
21 that event, he shall set out on the forms the particular classifications for  
22 which he is requesting an increase or decrease, the amounts thereof, and his  
23 reasons therefor. In no event shall the total amount of the budget exceed  
24 either the amount of the appropriation or the amount of the funds available,  
25 nor shall any transfer be made from the capital outlay or data processing  
26 subclassifications unless specific authority for such transfers is provided  
27 by law, except for transfers from capital outlay to data processing when  
28 determined by the Department of Transformation & Shared Services - Division  
29 of Information Systems that data processing services for a state agency can  
30 be performed on a more cost-efficient basis by the Department of  
31 Transformation & Shared Services - Division of Information Systems than  
32 through the purchase of data processing equipment by that state agency. In  
33 considering the proposed modification as prepared and submitted by each state  
34 agency, the Chief Fiscal Officer of the State shall make such studies as he  
35 deems necessary. The Chief Fiscal Officer of the State shall, after obtaining  
36 the approval of the Legislative Council, approve the requested transfer if in

1 his opinion it is in the best interest of the state.

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

14 The provisions of this section shall be in effect only from July 1, ~~2022~~  
15 2023 through June 30, ~~2023~~ 2024.

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

32 The provisions of this section shall be in effect only from July 1, ~~2022~~  
33 2023 through June 30, ~~2023~~ 2024.

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35 SECTION 7. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 21,  
36 Chapter 8, Subchapter 1, is amended to add an additional section to codify

1 special language in appropriation acts to read as follows:

2 21-8-104. Tobacco prevention or reduction advertising prohibited for  
 3 elected officials and their immediate families.

4 An advertising or advertisement targeting the prevention or reduction  
 5 of tobacco use shall not include the name, voice, or likeness of any elected  
 6 official or his or her immediate family.

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 8 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TOBACCO  
 10 FUND TRANSFER. The Arkansas Department of Health is authorized to transfer  
 11 five hundred thousand dollars (\$500,000) for the fiscal year ending June 30,  
 12 ~~2023~~ 2024 from the Prevention and Cessation Program Account to the Breast  
 13 Cancer Control Fund in order to provide for the State’s matching share for  
 14 Medicaid services provided for breast and cervical cancer screening and  
 15 treatment. The amount transferred annually shall be the only obligation of  
 16 the Arkansas Department of Health for state match for these services.

17 The provisions of this section shall be in effect only from July 1, ~~2022~~  
 18 2023 through June 30, ~~2023~~ 2024.

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

31 The provisions of this section shall be in effect only from July 1, ~~2022~~  
 32 2023 through June 30, ~~2023~~ 2024.

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 34 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 36 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds

1 disbursed under the authority of the appropriation contained in this act  
 2 shall be in compliance with the stated reasons for which this act was  
 3 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 4 Executive Recommendations and Legislative Recommendations contained in the  
 5 budget manuals prepared by the Department of Finance and Administration,  
 6 letters, or summarized oral testimony in the official minutes of the Arkansas  
 7 Legislative Council or Joint Budget Committee which relate to its passage and  
 8 adoption.

9 The provisions of this section shall be in effect only from July 1, ~~2022~~  
 10 2023 through June 30, ~~2023~~ 2024.

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 12 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the  
 13 General Assembly, that the Constitution of the State of Arkansas prohibits  
 14 the appropriation of funds for more than a one (1) year period; that the  
 15 effectiveness of this Act on July 1, 2023 is essential to the operation of  
 16 the agency for which the appropriations in this Act are provided, and that in  
 17 the event of an extension of the legislative session, the delay in the  
 18 effective date of this Act beyond July 1, 2023 could work irreparable harm  
 19 upon the proper administration and provision of essential governmental  
 20 programs. Therefore, an emergency is hereby declared to exist and this Act  
 21 being necessary for the immediate preservation of the public peace, health  
 22 and safety shall be in full force and effect from and after July 1, 2023.