

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: H3/28/01

A Bill

HOUSE BILL 1746

5 By: Joint Budget Committee
6
7

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 TOBACCO
13 SETTLEMENT PROGRAM FUND FOR THE ARKANSAS TOBACCO
14 SETTLEMENT COMMISSION FOR THE BIENNIAL PERIOD ENDING
15 JUNE 30, 2003; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 AN ACT FOR THE ARKANSAS TOBACCO SETTLEMENT
19 COMMISSION APPROPRIATION FOR THE
20 2001-2003 BIENNIAL PERIOD.
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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 2001-2003 biennium, 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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			Maximum	Maximum Annual
			No. of	Salary Rate
Item	Class		Empl oyees	Fiscal Years
No.	Code	Title		2001-2002
<u>2003</u>				
(1)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21
(2)	R010	ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17
		MAX. NO. OF EMPLOYEES	2	

SECTION 2. APPROPRIATION. 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 of the Arkansas Tobacco Settlement Commission for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 65,862	\$ 67,575
(02) PERSONAL SERV MATCHING	17,593	17,896
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	29,958	30,870
(B) CONF. & TRAVEL	500	500
(C) PROF. FEES	500,000	500,000
(D) CAP. OUTLAY	12,500	5,000
(E) DATA PROC.	0	0
(04) TOBACCO SETTLEMENT GRANTS	<u>1,800,000</u>	<u>1,810,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,426,413</u>	<u>\$ 2,431,841</u>

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Such appropriation as is authorized in this Act which remains at the end of the first fiscal year of the biennium may be carried forward into the second fiscal year of the biennium there to be used for the same purposes.

1 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. The
3 Arkansas Tobacco Settlement Commission shall hire an independent third party,
4 not receiving tobacco settlement funding in any other contract or grant, to
5 perform monitoring and evaluation of program expenditures made from tobacco
6 settlement funds. This independent third party shall have appropriate
7 experience in health, preventive resources, health statistics and evaluation
8 expertise. The third party retained to perform such services shall prepare a
9 biennial report to be delivered to the General Assembly and the Governor by
10 each August 1 preceding a general session of the General Assembly. The report
11 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement
12 Commission as to the continued funding for each program.

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14 SECTION 5. 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 or the provisions
18 of Arkansas code 6-62-104, but only as provided by this act.

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20 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
22 OF APPROPRIATIONS. In the event the amount of any of the budget
23 classifications of maintenance and general operation in this act are found by
24 the administrative head of the agency to be inadequate, then the agency head
25 may request, upon forms provided for such purpose by the Chief Fiscal Officer
26 of the State, a modification of the amounts of the budget classification. In
27 that event, he shall set out on the forms the particular classifications for
28 which he is requesting an increase or decrease, the amounts thereof, and his
29 reasons therefor. In no event shall the total amount of the budget exceed
30 either the amount of the appropriation or the amount of the funds available,
31 nor shall any transfer be made from the capital outlay or data processing
32 subclassifications unless specific authority for such transfers is provided
33 by law, except for transfers from capital outlay to data processing when
34 determined by the Department of Information Systems that data processing
35 services for a state agency can be performed on a more cost-efficient basis
36 by the Department of Information Systems than through the purchase of data

1 processing equipment by that state agency. In considering the proposed
 2 modification as prepared and submitted by each state agency, the Chief Fiscal
 3 Officer of the State shall make such studies as he deems necessary. The Chief
 4 Fiscal Officer of the State shall, after obtaining the approval of the
 5 Legislative Council, approve the requested transfer if in his opinion it is
 6 in the best interest of the state.

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

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 20 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITIONS.
 22 Nothing in this act shall be construed as a commitment of the State of
 23 Arkansas or any of its agencies or institutions to continue funding any
 24 position paid from the proceeds of the Tobacco Settlement in the event that
 25 Tobacco Settlement funds are not sufficient to finance the position.

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 27 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 29 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
 30 shall be limited to the appropriation for such agency and funds made
 31 available by law for the support of such appropriations; and the restrictions
 32 of the State Purchasing Law, the General Accounting and Budgetary Procedures
 33 Law, ~~the Revenue Stabilization Law,~~ the Regular Salary Procedures and
 34 Restrictions Act, or their successors, and other fiscal control laws of this
 35 State, where applicable, and regulations promulgated by the Department of
 36 Finance and Administration, as authorized by law, shall be strictly complied

1 with in disbursement of said funds.

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

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

25 */s/ Joint Budget Committee*