

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1163

4  
5 By: Joint Budget Committee  
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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  
13 TOBACCO SETTLEMENT PROGRAM FUND FOR THE ARKANSAS  
14 TOBACCO SETTLEMENT COMMISSION FOR THE BIENNIAL  
15 PERIOD ENDING JUNE 30, 2007; AND FOR OTHER  
16 PURPOSES.

## Subtitle

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19 AN ACT FOR THE ARKANSAS TOBACCO  
20 SETTLEMENT COMMISSION APPROPRIATION FOR  
21 THE 2005-2007 BIENNIUM.  
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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 for  
28 the Arkansas Tobacco Settlement Commission for the 2005-2007 biennium, the  
29 following maximum number of regular employees whose salaries shall be  
30 governed by the provisions of the Uniform Classification and Compensation Act  
31 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory  
32 thereto. Provided, however, that any position to which a specific maximum  
33 annual salary is set out herein in dollars, shall be exempt from the  
34 provisions of said Uniform Classification and Compensation Act. All persons  
35 occupying positions authorized herein are hereby governed by the provisions  
36 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-



1 101), or its successor.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2005-2006	2006-2007
(1)	R499	AR TOBACCO SETTLEMENT COMMSN.	DIR 1	GRADE 22	
(2)	R010	ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
		MAX. NO. OF EMPLOYEES	2		

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 of the Arkansas Tobacco Settlement Commission for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 73,321	\$ 75,521
(02) PERSONAL SERVICES MATCHING	21,464	21,878
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	30,870	30,870
(B) CONF. & TRAVEL	500	500
(C) PROF. FEES	300,000	300,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) TOBACCO SETTLEMENT GRANTS	<u>211,942</u>	<u>211,942</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 638,097</u>	<u>\$ 640,711</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

1 the second fiscal year of the biennium ~~there to be used for the Tobacco~~  
2 ~~Settlement Grants line item which are used only as authorized in Subsection~~  
3 ~~(i) of Section 17 in Initiated Act 1 of 2000.~~

4 The provisions of this section shall be in effect only from July 1, 2003  
5 2005 through June 30, ~~2005~~ 2007.

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7 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement  
10 Commission shall file a quarterly progress report to the Public Health,  
11 Welfare and Labor Committees and shall hire an independent third party, not  
12 receiving tobacco settlement funding in any other contract or grant, to  
13 perform monitoring and evaluation of program expenditures made from tobacco  
14 settlement funds. This independent third party shall have appropriate  
15 experience in health, preventive resources, health statistics and evaluation  
16 expertise. The third party retained to perform such services shall prepare a  
17 biennial report to be delivered to the General Assembly and the Governor by  
18 each August 1 preceding a general session of the General Assembly. The report  
19 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement  
20 Commission as to the continued funding for each program.

21 The provisions of this section shall be in effect only from July 1, 2003  
22 2005 through June 30, ~~2005~~ 2007.

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24 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
26 RESTRICTIONS. The appropriations provided in this act shall not be  
27 transferred under the provisions of Arkansas Code 19-4-522 or the provisions  
28 of Arkansas code 6-62-104, but only as provided by this act.

29 The provisions of this section shall be in effect only from July 1, 2003  
30 2005 through June 30, ~~2005~~ 2007.

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32 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
34 OF APPROPRIATIONS. In the event the amount of any of the budget  
35 classifications of maintenance and general operation in this act are found by  
36 the administrative head of the agency to be inadequate, then the agency head

1 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 2 of the State, a modification of the amounts of the budget classification. In  
 3 that event, he shall set out on the forms the particular classifications for  
 4 which he is requesting an increase or decrease, the amounts thereof, and his  
 5 reasons therefor. In no event shall the total amount of the budget exceed  
 6 either the amount of the appropriation or the amount of the funds available,  
 7 nor shall any transfer be made from the capital outlay or data processing  
 8 subclassifications unless specific authority for such transfers is provided  
 9 by law, except for transfers from capital outlay to data processing when  
 10 determined by the Department of Information Systems that data processing  
 11 services for a state agency can be performed on a more cost-efficient basis  
 12 by the Department of Information Systems than through the purchase of data  
 13 processing equipment by that state agency. In considering the proposed  
 14 modification as prepared and submitted by each state agency, the Chief Fiscal  
 15 Officer of the State shall make such studies as he deems necessary. The Chief  
 16 Fiscal Officer of the State shall, after obtaining the approval of the  
 17 Legislative Council, approve the requested transfer if in his opinion it is  
 18 in the best interest of the state.

19 The General Assembly has determined that the agency in this act could be  
 20 operated more efficiently if some flexibility is given to that agency and  
 21 that flexibility is being accomplished by providing authority to transfer  
 22 between certain items of appropriation made by this act. Since the General  
 23 Assembly has granted the agency broad powers under the transfer of  
 24 appropriations, it is both necessary and appropriate that the General  
 25 Assembly maintain oversight of the utilization of the transfers by requiring  
 26 prior approval of the Legislative Council in the utilization of the transfer  
 27 authority. Therefore, the requirement of approval by the Legislative Council  
 28 is not a severable part of this section. If the requirement of approval by  
 29 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
 30 this entire section is void.

31 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 32 2005 through June 30, ~~2005~~ 2007.

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34 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 36 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the

1 State of Arkansas or any of its agencies or institutions to continue funding  
 2 any position paid from the proceeds of the Tobacco Settlement in the event  
 3 that Tobacco Settlement funds are not sufficient to finance the position.

4 (b) State funds will not be used to replace Tobacco Settlement funds when  
 5 such funds expire, unless appropriated by the General Assembly and authorized  
 6 by the Governor.

7 (c) A disclosure of the language contained in (a) and (b) of this Section  
 8 shall be made available to all new hire and current positions paid from the  
 9 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

10 (d) Whenever applicable the information contained in (a) and (b) of this  
 11 Section shall be included in the employee handbook and or Professional  
 12 Services Contract paid from the proceeds of the Tobacco Settlement.

13 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 14 2005 through June 30, ~~2005~~ 2007.

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

18 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
 19 shall be limited to the appropriation for such agency and funds made  
 20 available by law for the support of such appropriations; and the restrictions  
 21 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 22 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
 23 and other fiscal control laws of this State, where applicable, and  
 24 regulations promulgated by the Department of Finance and Administration, as  
 25 authorized by law, shall be strictly complied with in disbursement of said  
 26 funds.

27 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 28 2005 through June 30, ~~2005~~ 2007.

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 30 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

32 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
 33 disbursed under the authority of the appropriations contained in this act  
 34 shall be in compliance with the stated reasons for which this act was  
 35 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 36 Executive Recommendations and Legislative Recommendations contained in the

1 budget manuals prepared by the Department of Finance and Administration,  
2 letters, or summarized oral testimony in the official minutes of the Arkansas  
3 Legislative Council or Joint Budget Committee which relate to its passage and  
4 adoption.

5 The provisions of this section shall be in effect only from July 1, 2003  
6 2005 through June 30, ~~2005~~ 2007.

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8 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General  
9 Assembly, that the Constitution of the State of Arkansas prohibits the  
10 appropriation of funds for more than a two (2) year period; that the  
11 effectiveness of this Act on July 1, 2005 is essential to the operation of  
12 the agency for which the appropriations in this Act are provided, and that in  
13 the event of an extension of the Regular Session, the delay in the effective  
14 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
15 proper administration and provision of essential governmental programs.  
16 Therefore, an emergency is hereby declared to exist and this Act being  
17 necessary for the immediate preservation of the public peace, health and  
18 safety shall be in full force and effect from and after July 1, 2005.

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