

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 2090

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE TOBACCO
11 PREVENTION AND CESSATION PROGRAMS OF THE
12 DEPARTMENT OF HEALTH FOR THE BIENNIAL PERIOD
13 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HEALTH -
17 THE TOBACCO PREVENTION AND CESSATION
18 PROGRAMS APPROPRIATION FOR THE 2005-2007
19 BIENNIUM.
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21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS.

25 There is hereby established for the Department of Health - Tobacco Prevention
26 and Cessation Programs for the 2005-2007 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.
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| | | | Maximum Annual | | |
|-----------------------|-------|------------------------------------|----------------|--------------|-----------|
| | | | Maximum | Salary Rate | |
| Item | Class | | No. of | Fiscal Years | |
| No. | Code | Title | Employees | 2005-2006 | 2006-2007 |
| (1) | 6605 | CHIEF PHYSICIAN SPECIALIST | 1 | \$172,520 | \$176,017 |
| (2) | 361Z | HLTH MEDICAL CARE SVCS ADMR | 2 | GRADE 24 | |
| (3) | 422Z | HLTH DIR HLTH MAINT/PUB HLTH PRGM | 1 | GRADE 23 | |
| (4) | B006 | SR EPIDEMIOLOGIST | 1 | GRADE 22 | |
| (5) | 909Z | PROGRAM SUPPORT MANAGER | 2 | GRADE 22 | |
| (6) | L082 | NURSING SERVICES SPECIALIST | 18 | GRADE 21 | |
| (7) | R298 | AGENCY PROGRAM COORDINATOR | 5 | GRADE 21 | |
| (8) | R266 | MANAGEMENT PROJECT ANALYST II | 4 | GRADE 20 | |
| (9) | A006 | ACCOUNTING SUPERVISOR I | 1 | GRADE 20 | |
| (10) | A111 | ACCOUNTANT | 1 | GRADE 18 | |
| (11) | A108 | ACCOUNTING TECHNICIAN II | 1 | GRADE 15 | |
| (12) | K041 | EXECUTIVE SECY/ADMINISTRATIVE SECY | 1 | GRADE 14 | |
| (13) | K153 | SECRETARY II | <u>1</u> | GRADE 13 | |
| MAX. NO. OF EMPLOYEES | | | 39 | | |

SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS. There is hereby authorized, for the Department of Health - Tobacco Prevention and Cessation Programs for the 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. 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 Department of Health - Tobacco Prevention and Cessation Programs for the biennial period ending June 30, 2007, the following:

| ITEM NO. | FISCAL YEARS | |
|---|----------------------|----------------------|
| | 2005-2006 | 2006-2007 |
| (01) REGULAR SALARIES | \$ 1,482,421 | \$ 1,524,750 |
| (02) EXTRA HELP | 50,000 | 50,000 |
| (03) PERSONAL SERVICES MATCHING | 415,915 | 424,263 |
| (04) MAINT. & GEN. OPERATION | | |
| (A) OPER. EXPENSE | 399,271 | 282,655 |
| (B) CONF. & TRAVEL | 31,957 | 31,957 |
| (C) PROF. FEES | 1,257,165 | 1,257,165 |
| (D) CAP. OUTLAY | 0 | 0 |
| (E) DATA PROC. | 0 | 0 |
| (05) TRANSFER TO BREAST CANCER CONTROL FUND | 500,000 | 500,000 |
| (06) TOBACCO CESSATION EXPENSES | 12,442,086 | 10,349,295 |
| (07) PERSONAL SERVICES & OPERATING EXPENSES FOR NUTRITION & PHYSICAL ACTIVITY PROGRAM | <u>872,569</u> | <u>758,951</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$ 17,451,384</u> | <u>\$ 15,179,036</u> |

SECTION 4. 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.

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

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

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

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

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

35 The provisions of this section shall be in effect only from July 1, ~~2003~~
 36 2005 through June 30, ~~2005~~ 2007.

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

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

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

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

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

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

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

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

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

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

COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and

1 regulations promulgated by the Department of Finance and Administration, as
2 authorized by law, shall be strictly complied with in disbursement of said
3 funds.

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

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

18 The provisions of this section shall be in effect only from July 1, 2003
19 2005 through June 30, ~~2005~~ 2007.

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