

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 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1168

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, 2009; AND FOR OTHER  
16 PURPOSES.

## Subtitle

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19 AN ACT FOR THE ARKANSAS TOBACCO  
20 SETTLEMENT COMMISSION APPROPRIATION FOR  
21 THE 2007-2009 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 2007-2009 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	
				2007-2008	2008-2009
(1)	R499	AR TOBACCO SETTLEMENT CMSN DIRECTOR	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, 2009, the following:

ITEM NO.		FISCAL YEARS	
		2007-2008	2008-2009
(01)	REGULAR SALARIES	\$ 70,510	\$ 71,919
(02)	PERSONAL SERVICES MATCHING	22,678	22,965
(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>\$ 636,500</u>	<u>\$ 638,196</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.

2 Any carry forward of unexpended balance of appropriation and/or funding as  
 3 authorized herein, may be carried forward under the following conditions:

4 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
 5 its reason(s) for the need to carry forward said appropriation and/or funding  
 6 to the Department of Finance and Administration Office of Budget;

7 (2) The Department of Finance and Administration Office of Budget shall  
 8 report to the Arkansas Legislative Council all amounts carried forward from  
 9 the first fiscal year of the biennium to the second fiscal year of the  
 10 biennium by the September Arkansas Legislative Council or Joint Budget  
 11 Committee meeting in the second fiscal year of the biennial period which  
 12 report shall include the name of the Agency, Board, Commission or Institution  
 13 and the amount of the appropriation and/or funding carried forward from the  
 14 first fiscal year to the second fiscal year, the program name or line item,  
 15 the funding source of that appropriation and a copy of the written request  
 16 set forth in (1) above;

17 (3) Each Agency, Board, Commission or Institution shall provide a written  
 18 report to the Arkansas Legislative Council or Joint Budget Committee  
 19 containing all information set forth in item (2) above, along with a written  
 20 statement as to the current status of the project, contract, purpose etc. for  
 21 which the carry forward was originally requested no later than thirty (30)  
 22 days prior to the time the Agency, Board, Commission or Institution presents  
 23 its budget request to the Arkansas Legislative Council/Joint Budget  
 24 Committee; and

25 (4) Thereupon, the Department of Finance and Administration shall include  
 26 all information obtained in item (3) above in the biennial budget manuals  
 27 and/or a statement of non-compliance by the Agency, Board, Commission or  
 28 Institution.

29 The provisions of this section shall be in effect only from July 1, 2005  
 30 2007 through June 30, ~~2007~~ 2009.

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 32 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 34 INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement  
 35 Commission shall file a quarterly progress report to the Public Health,  
 36 Welfare and Labor Committees and shall hire an independent third party, not

1 receiving tobacco settlement funding in any other contract or grant, to  
 2 perform monitoring and evaluation of program expenditures made from tobacco  
 3 settlement funds. This independent third party shall have appropriate  
 4 experience in health, preventive resources, health statistics and evaluation  
 5 expertise. The third party retained to perform such services shall prepare a  
 6 biennial report to be delivered to the General Assembly and the Governor by  
 7 each August 1 preceding a general session of the General Assembly. The report  
 8 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement  
 9 Commission as to the continued funding for each program.

10 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 11 2007 through June 30, ~~2007~~ 2009.

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

18 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 19 2007 through June 30, ~~2007~~ 2009.

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

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

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

20 The provisions of this section shall be in effect only from July 1, 2005  
 21 2007 through June 30, ~~2007~~ 2009.

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 23 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 25 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
 26 State of Arkansas or any of its agencies or institutions to continue funding  
 27 any position paid from the proceeds of the Tobacco Settlement in the event  
 28 that Tobacco Settlement funds are not sufficient to finance the position.  
 29 (b) State funds will not be used to replace Tobacco Settlement funds when  
 30 such funds expire, unless appropriated by the General Assembly and authorized  
 31 by the Governor.  
 32 (c) A disclosure of the language contained in (a) and (b) of this Section  
 33 shall be made available to all new hire and current positions paid from the  
 34 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.  
 35 (d) Whenever applicable the information contained in (a) and (b) of this  
 36 Section shall be included in the employee handbook and or Professional

1 Services Contract paid from the proceeds of the Tobacco Settlement.

2 The provisions of this section shall be in effect only from July 1, 2005  
 3 2007 through June 30, ~~2007~~ 2009.

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 5 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 7 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
 8 shall be limited to the appropriation for such agency and funds made  
 9 available by law for the support of such appropriations; and the restrictions  
 10 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 11 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
 12 and other fiscal control laws of this State, where applicable, and  
 13 regulations promulgated by the Department of Finance and Administration, as  
 14 authorized by law, shall be strictly complied with in disbursement of said  
 15 funds.

16 The provisions of this section shall be in effect only from July 1, 2005  
 17 2007 through June 30, ~~2007~~ 2009.

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 19 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 21 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
 22 disbursed under the authority of the appropriations contained in this act  
 23 shall be in compliance with the stated reasons for which this act was  
 24 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
 25 Executive Recommendations and Legislative Recommendations contained in the  
 26 budget manuals prepared by the Department of Finance and Administration,  
 27 letters, or summarized oral testimony in the official minutes of the Arkansas  
 28 Legislative Council or Joint Budget Committee which relate to its passage and  
 29 adoption.

30 The provisions of this section shall be in effect only from July 1, 2005  
 31 2007 through June 30, ~~2007~~ 2009.

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 33 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General  
 34 Assembly, that the Constitution of the State of Arkansas prohibits the  
 35 appropriation of funds for more than a two (2) year period; that the  
 36 effectiveness of this Act on July 1, 2007 is essential to the operation of

the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.

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