

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  
4

# A Bill

HOUSE BILL 1353

5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR TOBACCO  
11 PREVENTION AND CESSATION PROGRAMS OF THE  
12 DEPARTMENT OF HEALTH & HUMAN SERVICES - DIVISION  
13 OF HEALTH FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
14 2009; AND FOR OTHER PURPOSES.  
15

## Subtitle

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18 AN ACT FOR THE DEPARTMENT OF HEALTH &  
19 HUMAN SERVICES - DIVISION OF HEALTH -  
20 TOBACCO PREVENTION AND CESSATION  
21 PROGRAMS APPROPRIATION FOR THE 2007-2009  
22 BIENNIUM.  
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24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. REGULAR SALARIES - TOBACCO PREVENTION AND CESSATION PROGRAMS.  
28 There is hereby established for the Department of Health & Human Services -  
29 Division of Health - Tobacco Prevention and Cessation Programs for the 2007-  
30 2009 biennium, the following maximum number of regular employees whose  
31 salaries shall be governed by the provisions of the Uniform Classification  
32 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
33 and all laws amendatory thereto. Provided, however, that any position to  
34 which a specific maximum annual salary is set out herein in dollars, shall be  
35 exempt from the provisions of said Uniform Classification and Compensation  
36 Act. All persons occupying positions authorized herein are hereby governed



1 by the provisions of the Regular Salaries Procedures and Restrictions Act  
 2 (Arkansas Code §21-5-101), or its successor.

			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
Item	Class	Title	Employees	2007-2008	2008-2009
8	(1) 6605	CHIEF PHYSICIAN SPECIALIST	1	\$179,537	\$183,127
9	(2) 361Z	HLTH MEDICAL CARE SVCS ADMR	2	GRADE	24
10	(3) 422Z	HLTH DIR HLTH MAINT/PUB HLTH PRGM	1	GRADE	23
11	(4) B006	SR EPIDEMIOLOGIST	1	GRADE	22
12	(5) 909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
13	(6) L082	NURSING SERVICES SPECIALIST	16	GRADE	21
14	(7) R298	AGENCY PROGRAM COORDINATOR	5	GRADE	21
15	(8) R266	MANAGEMENT PROJECT ANALYST II	4	GRADE	20
16	(9) A006	ACCOUNTING SUPERVISOR I	1	GRADE	20
17	(10) A108	ACCOUNTING TECHNICIAN II	1	GRADE	15
18	(11) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE	14
19	(12) K153	SECRETARY II	<u>1</u>	GRADE	13
20	MAX. NO. OF EMPLOYEES		36		

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 22 SECTION 2. EXTRA HELP - TOBACCO PREVENTION AND CESSATION PROGRAMS. There  
 23 is hereby authorized, for the Department of Health & Human Services -  
 24 Division of Health - Tobacco Prevention and Cessation Programs for the 2007-  
 25 2009 biennium, the following maximum number of part-time or temporary  
 26 employees, to be known as "Extra Help", payable from funds appropriated  
 27 herein for such purposes: two (2) temporary or part-time employees, when  
 28 needed, at rates of pay not to exceed those provided in the Uniform  
 29 Classification and Compensation Act, or its successor, or this act for the  
 30 appropriate classification.

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 32 SECTION 3. APPROPRIATION - TOBACCO PREVENTION AND CESSATION PROGRAMS.  
 33 There is hereby appropriated, to the Department of Health & Human Services -  
 34 Division of Health, to be payable from the Prevention and Cessation Program  
 35 Account, for personal services and operating expenses of the Department of  
 36 Health & Human Services - Division of Health - Tobacco Prevention and

1 Cessation Programs for the biennial period ending June 30, 2009, the  
 2 following:

4 ITEM	FISCAL YEARS	
	2007-2008	2008-2009
5 NO.		
6 (01) REGULAR SALARIES	\$ 1,511,322	\$ 1,541,531
7 (02) EXTRA HELP	50,000	50,000
8 (03) PERSONAL SERVICES MATCHING	433,864	439,259
9 (04) MAINT. & GEN. OPERATION		
10 (A) OPER. EXPENSE	282,655	282,655
11 (B) CONF. & TRAVEL	31,957	31,957
12 (C) PROF. FEES	1,257,165	1,257,165
13 (D) CAP. OUTLAY	0	0
14 (E) DATA PROC.	0	0
15 (05) TRANSFER TO BREAST CANCER CONTROL FUND	500,000	500,000
16 (06) TOBACCO CESSATION EXPENSES	10,349,295	10,349,295
17 (07) PERSONAL SERVICES & OPERATING EXPENSES		
18 FOR NUTRITION & PHYSICAL ACTIVITY		
19 PROGRAM	<u>739,798</u>	<u>744,822</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 15,156,056</u>	<u>\$ 15,196,684</u>

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 22 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 24 FORWARD. Such appropriation as is authorized in this Act which remains at  
 25 the end of the first fiscal year of the biennium may be carried forward into  
 26 the second fiscal year of the biennium there to be used for the same  
 27 purposes.

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

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

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 36 (2) The Department of Finance and Administration Office of Budget shall

1 report to the Arkansas Legislative Council all amounts carried forward from  
 2 the first fiscal year of the biennium to the second fiscal year of the  
 3 biennium by the September Arkansas Legislative Council or Joint Budget  
 4 Committee meeting in the second fiscal year of the biennial period which  
 5 report shall include the name of the Agency, Board, Commission or Institution  
 6 and the amount of the appropriation and/or funding carried forward from the  
 7 first fiscal year to the second fiscal year, the program name or line item,  
 8 the funding source of that appropriation and a copy of the written request  
 9 set forth in (1) above;

10  
 11 (3) Each Agency, Board, Commission or Institution shall provide a written  
 12 report to the Arkansas Legislative Council or Joint Budget Committee  
 13 containing all information set forth in item (2) above, along with a written  
 14 statement as to the current status of the project, contract, purpose etc. for  
 15 which the carry forward was originally requested no later than thirty (30)  
 16 days prior to the time the Agency, Board, Commission or Institution presents  
 17 its budget request to the Arkansas Legislative Council/Joint Budget  
 18 Committee; and

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

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 25 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 26 2007 through June 30, ~~2007~~ 2009.

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

33 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 34 2007 through June 30, ~~2007~~ 2009.

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 36 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, ~~2005~~  
 36 2007 through June 30, ~~2007~~ 2009.

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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, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

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, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

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, 2005  
5 2007 through June 30, ~~2007~~ 2009.

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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 appropriation 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, 2005  
19 2007 through June 30, ~~2007~~ 2009.

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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, 2007 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, 2007 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, 2007.

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