

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

As Engrossed: H3/26/07

A Bill

HOUSE BILL 1353

5 By: Joint Budget Committee
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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.
23

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.

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			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	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	
5 NO.	2007-2008	2008-2009
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 PREVENTION & 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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2 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

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

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

26 The provisions of this section shall be in effect only from July 1, ~~2005~~
27 2007 through June 30, ~~2007~~ 2009.

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

31 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
32 shall be limited to the appropriation for such agency and funds made
33 available by law for the support of such appropriations; and the restrictions
34 of the State Purchasing Law, the General Accounting and Budgetary Procedures
35 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
36 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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33 /s/ Joint Budget Committee
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