

1 State of Arkansas  
2 94th General Assembly  
3 Fiscal Session, 2024  
4

# A Bill

SENATE BILL 35

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES, OPERATING EXPENSES AND GRANTS FOR THE  
10 PURPOSE OF MONITORING AND EVALUATING PROGRAM  
11 EXPENDITURES FROM THE PROGRAM ACCOUNTS OF THE TOBACCO  
12 SETTLEMENT PROGRAM FUND FOR THE DEPARTMENT OF HEALTH  
13 - ARKANSAS TOBACCO SETTLEMENT COMMISSION FOR THE  
14 FISCAL YEAR ENDING JUNE 30, 2025; AND FOR OTHER  
15 PURPOSES.  
16

## Subtitle

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18 AN ACT FOR THE DEPARTMENT OF HEALTH -  
19 ARKANSAS TOBACCO SETTLEMENT COMMISSION  
20 APPROPRIATION FOR THE 2024-2025 FISCAL  
21 YEAR.  
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23  
24

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  
28 for the Department of Health - Arkansas Tobacco Settlement Commission for the  
29 2024-2025 fiscal year, the following maximum number of regular employees.  
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2024-2025
(1)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
		MAX. NO. OF EMPLOYEES	1	



SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Health, 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 Department of Health - Arkansas Tobacco Settlement Commission for the fiscal year ending June 30, 2025, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2024-2025</u>
(01) REGULAR SALARIES	\$40,055
(02) PERSONAL SERVICES MATCHING	16,790
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	42,575
(B) CONF. & TRAVEL	3,000
(C) PROF. FEES	250,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) TOBACCO SETTLEMENT GRANTS	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$352,420</u></u>

SECTION 3. 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, but only as provided by this act.

The provisions of this section shall be in effect only from July 1, ~~2023~~ 2024 through June 30, ~~2024~~ 2025.

SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by 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 Transformation & Shared Services - Division  
11 of Information Systems that data processing services for a state agency can  
12 be performed on a more cost-efficient basis by the Department of  
13 Transformation & Shared Services - Division of Information Systems than  
14 through the purchase of data processing equipment by that state agency. In  
15 considering the proposed modification as prepared and submitted by each state  
16 agency, the Chief Fiscal Officer of the State shall make such studies as he  
17 deems necessary. The Chief Fiscal Officer of the State shall, after obtaining  
18 the approval of the Legislative Council, approve the requested transfer if in  
19 his opinion it is in the best interest of the state.

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

32 The provisions of this section shall be in effect only from July 1, ~~2023~~  
33 2024 through June 30, ~~2024~~ 2025.

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35 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

14 The provisions of this section shall be in effect only from July 1, ~~2023~~  
 15 2024 through June 30, ~~2024~~ 2025.

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 17 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

28 The provisions of this section shall be in effect only from July 1, ~~2023~~  
 29 2024 through June 30, ~~2024~~ 2025.

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

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

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

6 The provisions of this section shall be in effect only from July 1, ~~2023~~  
7 2024 through June 30, ~~2024~~ 2025.

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9 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
10 Assembly, that the Constitution of the State of Arkansas prohibits the  
11 appropriation of funds for more than a one (1) year period; that the  
12 effectiveness of this Act on July 1, 2024 is essential to the operation of  
13 the agency for which the appropriations in this Act are provided, and that in  
14 the event of an extension of the legislative session, the delay in the  
15 effective date of this Act beyond July 1, 2024 could work irreparable harm  
16 upon the proper administration and provision of essential governmental  
17 programs. Therefore, an emergency is hereby declared to exist and this Act  
18 being necessary for the immediate preservation of the public peace, health  
19 and safety shall be in full force and effect from and after July 1, 2024.