

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 11

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  
12 TOBACCO SETTLEMENT PROGRAM FUND FOR THE ARKANSAS  
13 TOBACCO SETTLEMENT COMMISSION FOR THE FISCAL YEAR  
14 ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.  
15

## Subtitle

16  
17  
18 AN ACT FOR THE ARKANSAS TOBACCO SETTLEMENT  
19 COMMISSION APPROPRIATION FOR THE 2011-2012  
20 FISCAL YEAR.  
21  
22

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

25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
26 for the Arkansas Tobacco Settlement Commission for the 2011-2012 fiscal year,  
27 the following maximum number of regular employees.  
28

Item	Class	Title	Maximum No. of Employees	Maximum Annual
				Salary Rate Fiscal Year
No.	Code			2011-2012
(1)	X014C	TOBACCO SETTLEMENT COMMISSION DIREC	1	GRADE C124
(2)	G147C	GRANTS COORDINATOR	1	GRADE C119
(3)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
MAX. NO. OF EMPLOYEES			3	



1  
 2 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 3 to the Arkansas Tobacco Settlement Commission, to be payable from the Tobacco  
 4 Settlement Commission Fund, for personal services and operating expenses  
 5 necessary to monitor and evaluate the various program accounts established  
 6 within the Tobacco Settlement Program Fund, and to provide grants as  
 7 authorized in Section 17 of Initiated Act 1 of 2000 for the Arkansas Tobacco  
 8 Settlement Commission for the fiscal year ending June 30, 2012, the  
 9 following:

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2011-2012</u>
13	(01) REGULAR SALARIES	\$148,539
14	(02) PERSONAL SERVICES MATCHING	43,638
15	(03) MAINT. & GEN. OPERATION	
16	(A) OPER. EXPENSE	197,870
17	(B) CONF. & TRAVEL	3,000
18	(C) PROF. FEES	1,000,000
19	(D) CAP. OUTLAY	0
20	(E) DATA PROC.	0
21	(04) TOBACCO SETTLEMENT GRANTS	<u>1,000,000</u>
22	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,393,047</u></u>

23  
 24 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 26 INDEPENDENT MONITORING AND EVALUATION. The Arkansas Tobacco Settlement  
 27 Commission shall file a quarterly progress report to the Public Health,  
 28 Welfare and Labor Committees and shall hire an independent third party, not  
 29 receiving tobacco settlement funding in any other contract or grant, to  
 30 perform monitoring and evaluation of program expenditures made from tobacco  
 31 settlement funds. This independent third party shall have appropriate  
 32 experience in health, preventive resources, health statistics and evaluation  
 33 expertise. The third party retained to perform such services shall prepare a  
 34 biennial report to be delivered to the General Assembly and the Governor by  
 35 each August 1 preceding a regular session of the General Assembly. The report  
 36 shall be accompanied by a recommendation from the Arkansas Tobacco Settlement

1 Commission as to the continued funding for each program.

2 The provisions of this section shall be in effect only from July 1, ~~2010~~  
3 2011 through June 30, ~~2011~~ 2012.

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

10 The provisions of this section shall be in effect only from July 1, ~~2010~~  
11 2011 through June 30, ~~2011~~ 2012.

12  
13 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
15 OF APPROPRIATIONS. In the event the amount of any of the budget  
16 classifications of maintenance and general operation in this act are found by  
17 the administrative head of the agency to be inadequate, then the agency head  
18 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
19 of the State, a modification of the amounts of the budget classification. In  
20 that event, he shall set out on the forms the particular classifications for  
21 which he is requesting an increase or decrease, the amounts thereof, and his  
22 reasons therefor. In no event shall the total amount of the budget exceed  
23 either the amount of the appropriation or the amount of the funds available,  
24 nor shall any transfer be made from the capital outlay or data processing  
25 subclassifications unless specific authority for such transfers is provided  
26 by law, except for transfers from capital outlay to data processing when  
27 determined by the Department of Information Systems that data processing  
28 services for a state agency can be performed on a more cost-efficient basis  
29 by the Department of Information Systems than through the purchase of data  
30 processing equipment by that state agency. In considering the proposed  
31 modification as prepared and submitted by each state agency, the Chief Fiscal  
32 Officer of the State shall make such studies as he deems necessary. The Chief  
33 Fiscal Officer of the State shall, after obtaining the approval of the  
34 Legislative Council, approve the requested transfer if in his opinion it is  
35 in the best interest of the state.

36 The General Assembly has determined that the agency in this act could

1 be operated more efficiently if some flexibility is given to that agency and  
2 that flexibility is being accomplished by providing authority to transfer  
3 between certain items of appropriation made by this act. Since the General  
4 Assembly has granted the agency broad powers under the transfer of  
5 appropriations, it is both necessary and appropriate that the General  
6 Assembly maintain oversight of the utilization of the transfers by requiring  
7 prior approval of the Legislative Council in the utilization of the transfer  
8 authority. Therefore, the requirement of approval by the Legislative Council  
9 is not a severable part of this section. If the requirement of approval by  
10 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
11 this entire section is void.

12 The provisions of this section shall be in effect only from July 1, ~~2010~~  
13 2011 through June 30, ~~2011~~ 2012.

14

15 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
17 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
18 State of Arkansas or any of its agencies or institutions to continue funding  
19 any position paid from the proceeds of the Tobacco Settlement in the event  
20 that Tobacco Settlement funds are not sufficient to finance the position.  
21 (b) State funds will not be used to replace Tobacco Settlement funds when  
22 such funds expire, unless appropriated by the General Assembly and authorized  
23 by the Governor.  
24 (c) A disclosure of the language contained in (a) and (b) of this Section  
25 shall be made available to all new hire and current positions paid from the  
26 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.  
27 (d) Whenever applicable the information contained in (a) and (b) of this  
28 Section shall be included in the employee handbook and/or Professional  
29 Services Contract paid from the proceeds of the Tobacco Settlement.

30 The provisions of this section shall be in effect only from July 1, ~~2010~~  
31 2011 through June 30, ~~2011~~ 2012.

32

33 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
35 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act  
36 shall be limited to the appropriation for such agency and funds made

1 available by law for the support of such appropriations; and the restrictions  
2 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
3 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
4 and other fiscal control laws of this State, where applicable, and  
5 regulations promulgated by the Department of Finance and Administration, as  
6 authorized by law, shall be strictly complied with in disbursement of said  
7 funds.

8 The provisions of this section shall be in effect only from July 1, ~~2010~~  
9 2011 through June 30, ~~2011~~ 2012.

10  
11 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
13 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds  
14 disbursed under the authority of the appropriations contained in this act  
15 shall be in compliance with the stated reasons for which this act was  
16 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,  
17 Executive Recommendations and Legislative Recommendations contained in the  
18 budget manuals prepared by the Department of Finance and Administration,  
19 letters, or summarized oral testimony in the official minutes of the Arkansas  
20 Legislative Council or Joint Budget Committee which relate to its passage and  
21 adoption.

22 The provisions of this section shall be in effect only from July 1, ~~2010~~  
23 2011 through June 30, ~~2011~~ 2012.

24  
25 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General  
26 Assembly, that the Constitution of the State of Arkansas prohibits the  
27 appropriation of funds for more than a one (1) year period; that the  
28 effectiveness of this Act on July 1, 2011 is essential to the operation of  
29 the agency for which the appropriations in this Act are provided, and that in  
30 the event of an extension of the legislative session, the delay in the  
31 effective date of this Act beyond July 1, 2011 could work irreparable harm  
32 upon the proper administration and provision of essential governmental  
33 programs. Therefore, an emergency is hereby declared to exist and this Act  
34 being necessary for the immediate preservation of the public peace, health  
35 and safety shall be in full force and effect from and after July 1, 2011.

36