

1 State of Arkansas
2 95th General Assembly
3 Fiscal Session, 2026
4

A Bill

SENATE BILL 5

5 By: Joint Budget Committee
6
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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 TOBACCO
13 SETTLEMENT PROGRAM FUND FOR THE DEPARTMENT OF HEALTH
14 - ARKANSAS TOBACCO SETTLEMENT COMMISSION FOR THE
15 FISCAL YEAR ENDING JUNE 30, 2027; AND FOR OTHER
16 PURPOSES.
17
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Subtitle

19 AN ACT FOR THE DEPARTMENT OF HEALTH -
20 ARKANSAS TOBACCO SETTLEMENT COMMISSION
21 APPROPRIATION FOR THE 2026-2027 FISCAL
22 YEAR.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
29 for the Department of Health - Arkansas Tobacco Settlement Commission for the
30 2026-2027 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
			2026-2027
(1)	PAS01P ADMINISTRATIVE ANALYST	<u>1</u>	GRADE SGS05



1 MAX. NO. OF EMPLOYEES 1

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3 SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 4 to the Department of Health, to be payable from the Tobacco Settlement
 5 Commission Fund, for personal services and operating expenses necessary to
 6 monitor and evaluate the various program accounts established within the
 7 Tobacco Settlement Program Fund, and to provide grants as authorized in
 8 Section 17 of Initiated Act 1 of 2000 of the Department of Health - Arkansas
 9 Tobacco Settlement Commission for the fiscal year ending June 30, 2027, the
 10 following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2026-2027</u>
(01) REGULAR SALARIES	\$43,881
(02) PERSONAL SERVICES MATCHING	18,000
(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>\$357,456</u></u>

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25 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 27 RESTRICTIONS. The appropriations provided in this act shall not be
 28 transferred under the provisions of Arkansas Code 19-4-513, but only as
 29 provided by this act.

30 The provisions of this section shall be in effect only from July 1, 2025
 31 2026 through June 30, ~~2026~~ 2027.

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33 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
 35 OF APPROPRIATIONS. In the event the amount of any of the budget
 36 classifications of maintenance and general operation in this act are found by

1 the administrative head of the agency to be inadequate, then the agency head
2 may request, upon forms provided for such purpose by the Chief Fiscal Officer
3 of the State, a modification of the amounts of the budget classification. In
4 that event, he shall set out on the forms the particular classifications for
5 which he is requesting an increase or decrease, the amounts thereof, and his
6 reasons therefor. In no event shall the total amount of the budget exceed
7 either the amount of the appropriation or the amount of the funds available,
8 nor shall any transfer be made from the capital outlay or data processing
9 subclassifications unless specific authority for such transfers is provided
10 by law, except for transfers from capital outlay to data processing when
11 determined by the Department of Shared Administrative Services - Office of
12 State Technology that data processing services for a state agency can be
13 performed on a more cost-efficient basis by the Department of Shared
14 Administrative Services - Office of State Technology than through the
15 purchase of data processing equipment by that state agency. In considering
16 the proposed modification as prepared and submitted by each state agency, the
17 Chief Fiscal Officer of the State shall make such studies as he deems
18 necessary. The Chief Fiscal Officer of the State shall, after obtaining the
19 approval of the Legislative Council, approve the requested transfer if in his
20 opinion it is in the best interest of the state.

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

33 The provisions of this section shall be in effect only from July 1, ~~2025~~
34 2026 through June 30, ~~2026~~ 2027.

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36 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

15 The provisions of this section shall be in effect only from July 1, ~~2025~~
16 2026 through June 30, ~~2026~~ 2027.

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18 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
21 shall be limited to the appropriation for such agency and funds made
22 available by law for the support of such appropriations; and the restrictions
23 of the State Purchasing Law, the General Accounting and Budgetary Procedures
24 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
25 and other fiscal control laws of this State, where applicable, and
26 regulations promulgated by the Department of Finance and Administration, as
27 authorized by law, shall be strictly complied with in disbursement of said
28 funds.

29 The provisions of this section shall be in effect only from July 1, ~~2025~~
30 2026 through June 30, ~~2026~~ 2027.

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32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
34 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
35 disbursed under the authority of the appropriations contained in this act
36 shall be in compliance with the stated reasons for which this act was

1 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
2 Executive Recommendations and Legislative Recommendations contained in the
3 budget manuals prepared by the Department of Finance and Administration,
4 letters, or summarized oral testimony in the official minutes of the Arkansas
5 Legislative Council or Joint Budget Committee which relate to its passage and
6 adoption.

7 The provisions of this section shall be in effect only from July 1, ~~2025~~
8 2026 through June 30, ~~2026~~ 2027.

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10 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
11 Assembly, that the Constitution of the State of Arkansas prohibits the
12 appropriation of funds for more than a one (1) year period; that the
13 effectiveness of this Act on July 1, 2026 is essential to the operation of
14 the agency for which the appropriations in this Act are provided, and that in
15 the event of an extension of the legislative session, the delay in the
16 effective date of this Act beyond July 1, 2026 could work irreparable harm
17 upon the proper administration and provision of essential governmental
18 programs. Therefore, an emergency is hereby declared to exist and this Act
19 being necessary for the immediate preservation of the public peace, health
20 and safety shall be in full force and effect from and after July 1, 2026.
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