	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. Act 1872 of the Regular Session
1	State of Arkansas As Engrossed: \$3/31/05
2	85th General Assembly A Bill
3	Regular Session, 2005 HOUSE BILL 2552
4	
5	By: Representative Ledbetter
6	
7	
8	For An Act To Be Entitled
9	AN ACT TO CLARIFY THE PROPER DISTRIBUTION OF
10	MASTER SETTLEMENT AGREEMENT FUNDS; AND FOR OTHER
11	PURPOSES.
12	
13	Subtitle
14	AN ACT TO CLARIFY THE PROPER
15	DISTRIBUTION OF MASTER SETTLEMENT
16	AGREEMENT FUNDS.
17	
18	
19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20	
21	SECTION 1. Arkansas Code § 19-12-108(d)(2) is amended to read as
22	follows:
23	(2)(A) The Prevention and Cessation Program Account may receive
24	loans from the Budget Stabilization Trust Fund from time to time in amounts
25	determined by the Chief Fiscal Officer of the State which shall not exceed
26	thirty-one and six-tenths percent (31.6%) of the amounts estimated to be
27	received in the Tobacco Settlement Program Fund during the current fiscal
28	year. This estimate shall not include moneys returned to the Tobacco
29	Settlement Program Fund pursuant to subdivision (e)(1) of this section.
30	(B) The loans shall be repaid from thirty-one and six-
31	tenths percent (31.6%) of amounts received in the Tobacco Settlement Program
32	Fund during the fiscal year in which the loans are made. The loans shall be
33	repaid prior to the end of the fiscal year. After the loans have been
34	repaid, the Prevention and Cessation Program Account shall be transferred the
35	difference between thirty-one and six-tenths percent (31.6%) of amounts



As Engrossed: S3/31/05

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5(e)(1) All moneys distributed to the program accounts6subdivision (d)(1) of this section and remaining at the end7biennium shall be transferred to the Tobacco Settlement Program8board. The amounts will be held in the Tobacco Settlement Program9combined with amounts deposited to the fund from the annual.10Disbursements, and then redeposited on July 1 pursuant to the11forth in § 19 12 108(d)(1). as follows:12(A) Twenty-three and one-tenth percent (2)13in the Tobacco Settlement Program Fund shall be transferred14State Needs Program Account;15(B) Thirty-three and three-tenths percent16amounts in the Tobacco Settlement Program Account; and17Arkansas Biosciences Institute Program Account; and18(C) Forty-three and six-tenths percent (4)19in the Tobacco Settlement Program Fund shall be transferred20Expansion Program Account.21(2) However, if the director of any agency recent22the Tobacco Settlement Program Fund determines that there is23a portion of the amounts transferred under this section, the24submit a request and written justification to the Chief Fiscal25State. Upon determination by the Chief Fiscal Officer of the26sufficient justification exists, and after certification by27Tobacco Settlement Commission that the program has met the co28established in § 19-12-118, such amounts requested shall ref39State shall seek the review of the Legislative Council	1	received in the Tobacco Settlement Program Fund during the fiscal year in
 SECTION 2. Arkansas Code § 19-12-108(e) is amended to (e)(1) All moneys distributed to the program accounts subdivision (d)(1) of this section and remaining at the end biennium shall be transferred to the Tobacco Settlement Prog board. The amounts will be held in the Tobacco Settlement Prog combined with amounts deposited to the fund from the annual Disburcements, and then redeposited on July 1 pursuant to the forth in § 19 12 108(d)(1), as follows: (A) Twenty-three and one-tenth percent (3 in the Tobacco Settlement Program Fund shall be transferred State Needs Program Account; (B) Thirty-three and three-tenths percent amounts in the Tobacco Settlement Program Fund shall be transferred (C) Forty-three and six-tenths percent (4 in the Tobacco Settlement Program Fund shall be transferred Expansion Program Account. (2) However, if the director of any agency rece the Tobacco Settlement Program Fund shall be transferred Expansion Program Account. (2) However, if the director of any agency rece the Tobacco Settlement Program Fund shall be transferred submit a request and written justification to the Chief Fisca State. Upon determination by the Chief Fiscal Officer of the subficient justification exists, and after certification by Tobacco Settlement Commission that the program has met the commission that the program has met the commission that the program has met the commission that the chief Fiscal State shall seek the review of the Legislative Council prior any such request. SECTION 3. Arkansas Code § 19-12-109(c) is amended to (c) Moneys remaining in the account at the end of the 	2	which the loans are made and the amount of the loans.
5(e)(1) All moneys distributed to the program accounts6subdivision (d)(1) of this section and remaining at the end7biennium shall be transferred to the Tobacco Settlement Program8board. The amounts will be held in the Tobacco Settlement Program9combined with amounts deposited to the fund from the annual.10Disbursements, and then redeposited on July 1 pursuant to the11forth in § 19 12 108(d)(1). as follows:12(A) Twenty-three and one-tenth percent (2)13in the Tobacco Settlement Program Fund shall be transferred14State Needs Program Account;15(B) Thirty-three and three-tenths percent16amounts in the Tobacco Settlement Program Account; and17Arkansas Biosciences Institute Program Account; and18(C) Forty-three and six-tenths percent (4)19in the Tobacco Settlement Program Fund shall be transferred20Expansion Program Account.21(2) However, if the director of any agency recent22the Tobacco Settlement Program Fund determines that there is23a portion of the amounts transferred under this section, the24submit a request and written justification to the Chief Fiscal25State. Upon determination by the Chief Fiscal Officer of the26sufficient justification exists, and after certification by27Tobacco Settlement Commission that the program has met the co28established in § 19-12-118, such amounts requested shall ref39State shall seek the review of the Legislative Council	3	
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11forth in § 19-12-108(d)(1). as follows:12(A) Twenty-three and one-tenth percent (2)13in the Tobacco Settlement Program Fund shall be transferred14State Needs Program Account;15(B) Thirty-three and three-tenths percent16amounts in the Tobacco Settlement Program Fund shall be transferred17Arkansas Biosciences Institute Program Account; and18(C) Forty-three and six-tenths percent (4)19in the Tobacco Settlement Program Fund shall be transferred20Expansion Program Account.21(2) However, if the director of any agency rece21(2) However, if the director of any agency rece22the Tobacco Settlement Program Fund determines that there is23a portion of the amounts transferred under this section, the24submit a request and written justification to the Chief Fiscal25State. Upon determination by the Chief Fiscal Officer of th26sufficient justification exists, and after certification by27Tobacco Settlement Commission that the program has met the co28established in § 19-12-118, such amounts requested shall ref29account at the end of a biennium, there to be used for the p20established by this chapter; provided, that the Chief Fiscal31SECTION 3. Arkansas Code § 19-12-109(c) is amended to32(c) Moneys remaining in the account at the end of the	9	combined with amounts deposited to the fund from the annual NSA
12 (A) Twenty-three and one-tenth percent (2) 13 in the Tobacco Settlement Program Fund shall be transferred 14 State Needs Program Account; 15 (B) Thirty-three and three-tenths percent 16 amounts in the Tobacco Settlement Program Fund shall be transferred 17 Arkansas Biosciences Institute Program Account; and 18 (C) Forty-three and six-tenths percent (4) 19 in the Tobacco Settlement Program Fund shall be transferred 20 Expansion Program Account. 21 (2) However, if the director of any agency rece 22 the Tobacco Settlement Program Fund determines that there is 23 a portion of the amounts transferred under this section, the 24 submit a request and written justification to the Chief Fiscal 25 State. Upon determination by the Chief Fiscal Officer of th 26 sufficient justification exists, and after certification by 27 Tobacco Settlement Commission that the program has met the or 28 established in § 19-12-118, such amounts requested shall ref 39 established by this chapter; provided, that the Chief Fiscal 31 State shall seek the review of the Legislative Council prior 32 <td>10</td> <td>Disbursements, and then redeposited on July 1 pursuant to the formula set</td>	10	Disbursements, and then redeposited on July 1 pursuant to the formula set
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15(B) Thirty-three and three-tenths percent16amounts in the Tobacco Settlement Program Fund shall be trans17Arkansas Biosciences Institute Program Account; and18(C) Forty-three and six-tenths percent (4)19in the Tobacco Settlement Program Fund shall be transferred20Expansion Program Account.21(2) However, if the director of any agency rece22the Tobacco Settlement Program Fund determines that there is23a portion of the amounts transferred under this section, the24submit a request and written justification to the Chief Fiscal25State. Upon determination by the Chief Fiscal Officer of th26sufficient justification exists, and after certification by27Tobacco Settlement Commission that the program has met the of28established in § 19-12-118, such amounts requested shall ref29account at the end of a biennium, there to be used for the p30established by this chapter; provided, that the Chief Fiscal31SECTION 3. Arkansas Code § 19-12-109(c) is amended to32(c) Moneys remaining in the account at the end of the	13	in the Tobacco Settlement Program Fund shall be transferred to the Targeted
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18(C) Forty-three and six-tenths percent (419in the Tobacco Settlement Program Fund shall be transferred20Expansion Program Account.21(2) However, if the director of any agency reco22the Tobacco Settlement Program Fund determines that there is23a portion of the amounts transferred under this section, the24submit a request and written justification to the Chief Fisc25State. Upon determination by the Chief Fiscal Officer of th26sufficient justification exists, and after certification by27Tobacco Settlement Commission that the program has met the o28established in § 19-12-118, such amounts requested shall ref29account at the end of a biennium, there to be used for the p30established by this chapter; provided, that the Chief Fiscal31State shall seek the review of the Legislative Council prior32any such request.33SECTION 3. Arkansas Code § 19-12-109(c) is amended to35(c) Moneys remaining in the account at the end of the	16	amounts in the Tobacco Settlement Program Fund shall be transferred to the
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20Expansion Program Account.21(2) However, if the director of any agency reco22the Tobacco Settlement Program Fund determines that there is23a portion of the amounts transferred under this section, the24submit a request and written justification to the Chief Fisca25State. Upon determination by the Chief Fiscal Officer of th26sufficient justification exists, and after certification by27Tobacco Settlement Commission that the program has met the o28established in § 19-12-118, such amounts requested shall ref29account at the end of a biennium, there to be used for the p30established by this chapter; provided, that the Chief Fiscal31State shall seek the review of the Legislative Council prior32any such request.33SECTION 3. Arkansas Code § 19-12-109(c) is amended to35(c) Moneys remaining in the account at the end of the	18	(C) Forty-three and six-tenths percent (43.6%) of amounts
 (2) However, if the director of any agency records the Tobacco Settlement Program Fund determines that there is a portion of the amounts transferred under this section, the submit a request and written justification to the Chief Fiscal State. Upon determination by the Chief Fiscal Officer of the sufficient justification exists, and after certification by Tobacco Settlement Commission that the program has met the or established in § 19-12-118, such amounts requested shall ref account at the end of a biennium, there to be used for the p established by this chapter; provided, that the Chief Fiscal State shall seek the review of the Legislative Council prior any such request. SECTION 3. Arkansas Code § 19-12-109(c) is amended to (c) Moneys remaining in the account at the end of the 	19	in the Tobacco Settlement Program Fund shall be transferred to the Medicaid
the Tobacco Settlement Program Fund determines that there is a portion of the amounts transferred under this section, the submit a request and written justification to the Chief Fisc State. Upon determination by the Chief Fiscal Officer of th sufficient justification exists, and after certification by Tobacco Settlement Commission that the program has met the established in § 19-12-118, such amounts requested shall ref account at the end of a biennium, there to be used for the state shall seek the review of the Legislative Council prior any such request.	20	Expansion Program Account.
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submit a request and written justification to the Chief Fisc State. Upon determination by the Chief Fiscal Officer of the sufficient justification exists, and after certification by Tobacco Settlement Commission that the program has met the established in § 19-12-118, such amounts requested shall ref account at the end of a biennium, there to be used for the stablished by this chapter; provided, that the Chief Fiscal State shall seek the review of the Legislative Council prior any such request.	22	the Tobacco Settlement Program Fund determines that there is a need to retain
State. Upon determination by the Chief Fiscal Officer of the sufficient justification exists, and after certification by Tobacco Settlement Commission that the program has met the established in § 19-12-118, such amounts requested shall ref account at the end of a biennium, there to be used for the setablished by this chapter; provided, that the Chief Fiscal State shall seek the review of the Legislative Council prior any such request. SECTION 3. Arkansas Code § 19-12-109(c) is amended to (c) Moneys remaining in the account at the end of the	23	a portion of the amounts transferred under this section, the director may
sufficient justification exists, and after certification by Tobacco Settlement Commission that the program has met the established in § 19-12-118, such amounts requested shall rer account at the end of a biennium, there to be used for the established by this chapter; provided, that the Chief Fiscal State shall seek the review of the Legislative Council prior any such request. SECTION 3. Arkansas Code § 19-12-109(c) is amended to (c) Moneys remaining in the account at the end of the	24	submit a request and written justification to the Chief Fiscal Officer of the
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29 account at the end of a biennium, there to be used for the p 30 established by this chapter; provided, that the Chief Fiscal 31 State shall seek the review of the Legislative Council prior 32 any such request. 33 34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to 35 (c) Moneys remaining in the account at the end of the	27	Tobacco Settlement Commission that the program has met the criteria
 30 established by this chapter; provided, that the Chief Fiscal 31 State shall seek the review of the Legislative Council prior 32 any such request. 33 34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to 35 (c) Moneys remaining in the account at the end of the 	28	established in § 19-12-118, such amounts requested shall remain in the
31 State shall seek the review of the Legislative Council prior 32 any such request. 33 34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to 35 (c) Moneys remaining in the account at the end of the	29	account at the end of a biennium, there to be used for the purposes
32 any such request. 33 34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to 35 (c) Moneys remaining in the account at the end of the	30	established by this chapter; provided, that the Chief Fiscal Officer of the
 33 34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to 35 (c) Moneys remaining in the account at the end of the 	31	State shall seek the review of the Legislative Council prior to approval of
34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to 35 (c) Moneys remaining in the account at the end of the	32	any such request.
35 (c) Moneys remaining in the account at the end of the	33	
·	34	SECTION 3. Arkansas Code § 19-12-109(c) is amended to read as follows:
36 fiscal year of a biennium shall be carried forward and used	35	(c) Moneys remaining in the account at the end of the first <u>each</u>
	36	fiscal year of a biennium shall be carried forward and used for the purposes

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As Engrossed: S3/31/05

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1	provided by law. The amounts that remain at the end of a biennium shall be
2	transferred to the Tobacco Settlement Program Fund.
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4	SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
5	General Assembly of the State of Arkansas that clarification is needed to
6	properly distribute moneys under the Master Settlement Agreement; that the
7	distributions are for the benefit of the programs supported by tobacco
8	settlement funds; and that the clarification is required immediately in order
9	for the distributions for the current fiscal year to be correct. Therefore,
10	an emergency is declared to exist and this act being immediately necessary
11	for the preservation of the public peace, health, and safety shall become
12	effective on:
13	(1) The date of its approval by the Governor;
14	(2) If the bill is neither approved nor vetoed by the Governor,
15	the expiration of the period of time during which the Governor may veto the
16	<u>bill; or</u>
17	(3) If the bill is vetoed by the Governor and the veto is
18	overridden, the date the last house overrides the veto.
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20	/s/ Ledbetter
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23	APPROVED: 04/08/2005
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