

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: S3/16/17 S3/23/17

# A Bill

SENATE BILL 755

5 By: Senator J. Hendren  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS HEALTHY CENTURY TRUST  
9 FUND; TO AMEND INITIATED ACT 1 OF 2000, ALSO KNOWN AS  
10 THE TOBACCO SETTLEMENT PROCEEDS ACT; AND FOR OTHER  
11 PURPOSES.  
12  
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### Subtitle

14 TO AMEND THE ARKANSAS HEALTHY CENTURY  
15 TRUST FUND; AND TO AMEND INITIATED ACT 1  
16 OF 2000, ALSO KNOWN AS THE TOBACCO  
17 SETTLEMENT PROCEEDS ACT.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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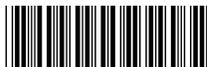
23 SECTION 1. Arkansas Code § 19-5-985(b)(1), concerning the funds in the  
24 Arkansas Medicaid Program Trust Fund and derived from Initiated Act 1 of  
25 2000, is amended to add an additional subdivision to read as follows:

26 (E) Transfers from the Arkansas Healthy Century Trust Fund  
27 under § 19-12-107.  
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29 SECTION 2. Arkansas Code § 19-12-107(e)(2), concerning the Arkansas  
30 Healthy Century Trust Fund, is amended to read as follows:

31 (2) the principal amounts in the Arkansas Healthy Century Trust  
32 Fund may only be used for ~~such~~:

33 (A) such programs, and other projects related to health  
34 care services, health education, and health-related research as shall, from  
35 time to time, be designated in legislation adopted by the General Assembly,  
36 it being the intent of this chapter that the principal amount of the Arkansas



1 Healthy Century Trust Fund should not be appropriated without amendment of  
2 this public trust; and

3 (B) transfers to the Arkansas Medicaid Program Trust Fund  
4 upon request of the Department of Human Services with approval of the Chief  
5 Fiscal Officer of the State and the Legislative Council or, if the General  
6 Assembly is in session, the Joint Budget Committee.

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8 SECTION 3. DO NOT CODIFY. Nonseverability.

9 (a) Determining the maximum amount of appropriation and general  
10 revenue funding for a state agency each fiscal year is the prerogative of the  
11 General Assembly and is usually accomplished by delineating such maximums in  
12 the appropriation act or acts for a state agency and the general revenue  
13 allocations authorized for each fund and fund account by amendment to the  
14 Revenue Stabilization Law, § 19--5-101 et seq.

15 (b)(1) The General Assembly has determined that the Department of  
16 Human Services may operate more efficiently if some flexibility is provided  
17 to the department authorizing broad powers under this act.

18 (2) However, it is both necessary and appropriate that the  
19 General Assembly maintain oversight by requiring prior approval of the  
20 Legislative Council or Joint Budget Committee as provided by this act.

21 (c) The requirement of approval by the Legislative Council or Joint  
22 Budget Committee is not a severable part of this act, and it is the intent of  
23 the General Assembly that if the requirement of approval by the Legislative  
24 Council or Joint Budget Committee is ruled unconstitutional by a court of  
25 competent jurisdiction, this entire act is void.

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27 /s/J. Hendren  
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