

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
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/31/05

A Bill

HOUSE BILL 2552

5 By: Representative Ledbetter
6
7

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

Subtitle

13 AN ACT TO CLARIFY THE PROPER
14 DISTRIBUTION OF MASTER SETTLEMENT
15 AGREEMENT FUNDS.
16
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



1 received in the Tobacco Settlement Program Fund during the fiscal year in
2 which the loans are made and the amount of the loans.

3
4 SECTION 2. Arkansas Code § 19-12-108(e) is amended to read as follows:

5 (e)(1) All moneys distributed to the program accounts set forth in
6 subdivision (d)(1) of this section and remaining at the end of each fiscal
7 biennium shall be transferred to the Tobacco Settlement Program Fund by the
8 board. The amounts will be held in the Tobacco Settlement Program Fund ~~and~~
9 ~~combined with amounts deposited to the fund from the annual NSA~~
10 ~~Disbursements, and then redeposited on July 1 pursuant to the formula set~~
11 ~~forth in § 19-12-108(d)(1).~~ as follows:

12 (A) Twenty-three and one-tenth percent (23.1%) of amounts
13 in the Tobacco Settlement Program Fund shall be transferred to the Targeted
14 State Needs Program Account;

15 (B) Thirty-three and three-tenths percent (33.3%) of
16 amounts in the Tobacco Settlement Program Fund shall be transferred to the
17 Arkansas Biosciences Institute Program Account; and

18 (C) Forty-three and six-tenths percent (43.6%) of amounts
19 in the Tobacco Settlement Program Fund shall be transferred to the Medicaid
20 Expansion Program Account.

21 (2) However, if the director of any agency receiving funds from
22 the Tobacco Settlement Program Fund determines that there is a need to retain
23 a portion of the amounts transferred under this section, the director may
24 submit a request and written justification to the Chief Fiscal Officer of the
25 State. Upon determination by the Chief Fiscal Officer of the State that
26 sufficient justification exists, and after certification by the Arkansas
27 Tobacco Settlement Commission that the program has met the criteria
28 established in § 19-12-118, such amounts requested shall remain in the
29 account at the end of a biennium, there to be used for the purposes
30 established by this chapter; provided, that the Chief Fiscal Officer of the
31 State shall seek the review of the Legislative Council prior to approval of
32 any such request.

33
34 SECTION 3. Arkansas Code § 19-12-109(c) is amended to read as follows:

35 (c) Moneys remaining in the account at the end of ~~the first~~ each
36 ~~fiscal year of a biennium~~ shall be carried forward and used for the purposes

1 provided by law. ~~The amounts that remain at the end of a biennium shall be~~
2 ~~transferred to the Tobacco Settlement Program Fund.~~

3
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 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is
18 overridden, the date the last house overrides the veto.

19
20 /s/ Ledbetter

21
22
23 APPROVED: 04/08/2005

1