

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S2/23/15
A Bill

SENATE BILL 391

5 By: Senator J. Hendren
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE DISTRIBUTION AND USE OF TOBACCO
9 MASTER SETTLEMENT AGREEMENT FUNDS; TO DECLARE AN
10 EMERGENCY; AND FOR OTHER PURPOSES.
11

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13 **Subtitle**

14 TO AMEND THE DISTRIBUTION AND USE OF
15 TOBACCO MASTER SETTLEMENT AGREEMENT
16 FUNDS; AND TO DECLARE AN EMERGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 19-12-108(d), concerning the creation and
22 administration of the Tobacco Settlement Program Fund, is amended to read as
23 follows:

24 (d)(1) On each July 1, the amounts deposited into the Tobacco
25 Settlement Program Fund, excluding investment earnings, shall be transferred
26 to the various program accounts as follows:

27 (A) Fifteen and eight-tenths percent (15.8%) of amounts in
28 the Tobacco Settlement Program Fund shall be transferred to the Targeted
29 State Needs Program Account;

30 (B) Twenty-two and eight-tenths percent (22.8%) of amounts
31 in the Tobacco Settlement Program Fund shall be transferred to the Arkansas
32 Biosciences Institute Program Account; and

33 (C) ~~Twenty-nine and eight-tenths percent (29.8%)~~ Thirty-
34 four and two-tenths percent (34.2%) of amounts in the Tobacco Settlement
35 Program Fund shall be transferred to the Medicaid Expansion Program Account.

36 (2)(A) The Prevention and Cessation Program Account may receive



1 loans from the Budget Stabilization Trust Fund, ~~from time to time~~, in amounts
2 determined by the Chief Fiscal Officer of the State that shall not exceed
3 ~~thirty one and six tenths percent (31.6%)~~ twenty-seven and two-tenths percent
4 (27.2%) of the amounts estimated to be received in the Tobacco Settlement
5 Program Fund during the current fiscal year. This estimate shall not include
6 moneys returned to the Tobacco Settlement Program Fund ~~pursuant to~~ under
7 subdivision (e)(1) of this section.

8 (B) The loans shall be repaid from ~~thirty one and six-~~
9 ~~tenths percent (31.6%)~~ twenty-seven and two-tenths percent (27.2%) of amounts
10 received in the Tobacco Settlement Program Fund during the fiscal year in
11 which the loans are made. The loans shall be repaid ~~prior to~~ before the end
12 of the fiscal year. After the loans have been repaid, the Prevention and
13 Cessation Program Account shall be transferred the difference between ~~thirty-~~
14 ~~one and six tenths percent (31.6%)~~ twenty-seven and two-tenths percent
15 (27.2%) of amounts received in the Tobacco Settlement Program Fund during the
16 fiscal year in which the loans are made and the amount of the loans.

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18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that the Medicaid Expansion Program
20 Account currently funds a program that provides increased healthcare access
21 to Arkansans; that this increased healthcare access is necessary for the
22 preservation of the public peace, health, and safety; that increased funding
23 is essential to continuation of that program; and that without this increased
24 funding, the program may be compromised. Therefore, an emergency is declared
25 to exist, and this act being necessary for the preservation of the public
26 peace, health, and safety shall become effective on July 1, 2015.

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28 /s/J. Hendren

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31 **APPROVED: 04/01/2015**