

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: *Joint Budget Committee***

Call Item 39

A Bill

SENATE BILL 46

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 19 CHAPTER
9 5 SUBCHAPTER 3 AND SUBCHAPTER 9 TO ESTABLISH A FUND
10 ACCOUNT WITHIN THE DEPARTMENT OF HUMAN SERVICES FUND; AND
11 FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 19 CHAPTER
15 5 SUBCHAPTER 3 AND SUBCHAPTER 9."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code 19-5-306 (4) is amended to read as follows:

20 "(4) (A) YOUTH SERVICES FUND ACCOUNT. The Youth Services Fund Account shall be
21 used for the maintenance, operation, and improvement required by the Youth
22 Services Division of the department in carrying out the powers, functions and
23 duties as set out in § 25-10-301 et seq.

24 (B) The fund account shall consist of:

25 (i) Those general revenues as may be provided by law;

26 (ii) Nonrevenue income derived from services provided by the various
27 programs of the division; and

28 (iii) Any other non-federal grants-in-aid funds provided by law.

29 (C) Other federal reimbursement received by the Youth Services Division
30 shall be deposited into a separate federal reimbursement fund on the books of
31 the Treasurer of State."

33 SECTION 2. Arkansas Code 26-57-908 is amended to read as follows:

34 "26-57-908. *Disposition of revenues.*

35 *The revenues derived from the tax collected under this subchapter shall*

1 *be remitted to the Treasurer of State, who shall deposit the revenues as trust*
2 *funds in the State Treasury and shall credit the proceeds to the trust fund*
3 *known as the 'Arkansas Medicaid Program Trust Fund'."*

4

5 *SECTION 3. Arkansas Code 19-5-985 is amended to read as follows:*

6 *"19-5-985. Arkansas Medicaid Program Trust Fund.*

7 *(a) There is hereby established on the books of the Treasurer of State,*
8 *Auditor of State, and Chief Fiscal Officer of the State a fund to be known as*
9 *the Arkansas Medicaid Program Trust Fund.*

10 *(b) This fund shall consist of all revenues derived from taxes levied on*
11 *soft drinks sold or offered for sale in Arkansas as provided for in § 26-57-*
12 *901 et seq., there to be used exclusively for the state match of federal funds*
13 *participation under the Arkansas Medicaid Program. If the Arkansas Medicaid*
14 *Program should be discontinued for any reason, the revenues derived from the*
15 *soft drink tax levied in Arkansas Code 26-57-901 et seq. shall be used*
16 *exclusively to provide services to Arkansas residents comparable to the*
17 *services now provided under the Medicaid Program."*

18

19 *SECTION 4. It is the purpose and intent of this act to assure that the*
20 *revenues derived from the tax levied on soft drinks in Arkansas Code 26-57-901*
21 *will never become general revenues of the state but will be used exclusively*
22 *for matching federal funds available to the state for the Arkansas Medicaid*
23 *Program or in the event the Arkansas Medicaid Program is discontinued for any*
24 *reason, such revenues will be used exclusively to provide to Arkansas*
25 *residents those kinds of services now provided by the Arkansas Medicaid*
26 *Program.*

27

28 *SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds*
29 *authorized by this Act shall be limited to the appropriation for such agency*
30 *and funds made available by law for the support of such appropriations; and*
31 *the restrictions of the State Purchasing Law, the General Accounting and*
32 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
33 *Procedures and Restrictions Act, or their successors, and other fiscal control*
34 *laws of this State, where applicable, and regulations promulgated by the*
35 *Department of Finance and Administration, as authorized by law, shall be*

1 strictly complied with in disbursement of said funds.

2

3 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General
4 Assembly that any funds disbursed under the authority of the appropriations
5 contained in this Act shall be in compliance with the stated reasons for which
6 this Act was adopted, as evidenced by the Agency Requests, Executive
7 Recommendations and Legislative Recommendations contained in the budget
8 manuals prepared by the Department of Finance and Administration, letters, or
9 summarized oral testimony in the official minutes of the Arkansas Legislative
10 Council or Joint Budget Committee which relate to its passage and adoption.

11

12 SECTION 7. CODE. All provisions of this Act of a general and permanent
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
14 Code Revision Commission shall incorporate the same in the Code.

15

16 SECTION 8. SEVERABILITY. If any provision of this Act or the
17 application thereof to any person or circumstance is held invalid, such
18 invalidity shall not affect other provisions or applications of the Act which
19 can be given effect without the invalid provision or application, and to this
20 end the provisions of this Act are declared to be severable.

21

22 SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict
23 with this Act are hereby repealed.

24

25 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the
26 Seventy-Ninth General Assembly meeting in Second Extraordinary Session, that
27 it is necessary to establish a fund account on the books of the State
28 Treasurer, State Auditor and Chief Fiscal Officer of the State in order to
29 properly account for the funds of the Department of Human Services - Division
30 of Youth Services and to continue to provide this essential governmental
31 service; and that a delay in the effective date of this Act could work
32 irreparable harm upon the proper administration and provision of essential
33 governmental program. Therefore, an emergency is hereby declared to exist and
34 this Act being necessary for the immediate preservation of the public peace,
35 health and safety shall be in full force and effect from and after the date of

.As Engrossed: 8/18/94

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1 its passage and approval.

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/s/Russ