## 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.

1	State of Arkansas	As Engrossed: S3/31/05	
2	85th General Assembly	A Bill	
3	Regular Session, 2005		HOUSE BILL 2552
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5	By: Representative Ledbetter		
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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	PURPOSE	S.	
12			
13		Subtitle	
14	AN A	CT TO CLARIFY THE PROPER	
15	DISTRIBUTION OF MASTER SETTLEMENT		
16	AGRE	EMENT FUNDS.	
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18			
19	BE IT ENACTED BY THE (	GENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
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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	•	ef Fiscal Officer of the State which	
26	thirty-one and six-tenths percent (31.6%) of the amounts estimated to be		
27		co Settlement Program Fund during the	
28		shall not include moneys returned to	
29		nd pursuant to subdivision (e)(1) of	
30	(B)	The loans shall be repaid from this	•
31	-	) of amounts received in the Tobacco	_
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 25	repaid, the Prevention and Cessation Program Account shall be transferred the		
35		irty-one and six-tenths percent (31.	
36	received in the Tobaco	co Settlement Program Fund during the	e riscal vear in

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1 which the loans are made and the amount of the loans. 2 SECTION 2. Arkansas Code § 19-12-108(e) is amended to read as follows: 3 4 (e)(1) All moneys distributed to the program accounts set forth in 5 subdivision (d)(1) of this section and remaining at the end of each fiscal 6 biennium shall be transferred to the Tobacco Settlement Program Fund by the 7 board. The amounts will be held in the Tobacco Settlement Program Fund and 8 combined with amounts deposited to the fund from the annual NSA 9 Disbursements, and then redeposited on July 1 pursuant to the formula set forth in § 19-12-108(d)(1). as follows: 10 11 (A) Twenty-three and one-tenth percent (23.1%) of amounts in the Tobacco Settlement Program Fund shall be transferred to the Targeted 12 State Needs Program Account; 13 14 (B) Thirty-three and three-tenths percent (33.3%) of 15 amounts in the Tobacco Settlement Program Fund shall be transferred to the 16 Arkansas Biosciences Institute Program Account; and 17 (C) Forty-three and six-tenths percent (43.6%) of amounts in the Tobacco Settlement Program Fund shall be transferred to the Medicaid 18 19 Expansion Program Account. (2) However, if the director of any agency receiving funds from 20 21 the Tobacco Settlement Program Fund determines that there is a need to retain 22 a portion of the amounts transferred under this section, the director may submit a request and written justification to the Chief Fiscal Officer of the 23 24 State. Upon determination by the Chief Fiscal Officer of the State that 25 sufficient justification exists, and after certification by the Arkansas 26 Tobacco Settlement Commission that the program has met the criteria 27 established in § 19-12-118, such amounts requested shall remain in the 28 account at the end of a biennium, there to be used for the purposes 29 established by this chapter; provided, that the Chief Fiscal Officer of the 30 State shall seek the review of the Legislative Council prior to approval of 31 any such request. 32 33 SECTION 3. Arkansas Code § 19-12-109(c) is amended to read as follows: 34 (c) Moneys remaining in the account at the end of the first each 35 fiscal year of a biennium shall be carried forward and used for the purposes provided by law. The amounts that remain at the end of a biennium shall be 36

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