

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

# A Bill

SENATE BILL 391

4  
5 By: Senator J. Hendren

## 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.

### 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 immediately necessary for the preservation of  
26 the public peace, health, and safety shall become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,  
29 the expiration of the period of time during which the Governor may veto the  
30 bill; or

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