

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S3/16/17 S3/23/17

# A Bill

SENATE BILL 755

By: Senator J. Hendren

## For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS HEALTHY CENTURY TRUST FUND; TO AMEND INITIATED ACT 1 OF 2000, ALSO KNOWN AS THE TOBACCO SETTLEMENT PROCEEDS ACT; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE ARKANSAS HEALTHY CENTURY TRUST FUND; AND TO AMEND INITIATED ACT 1 OF 2000, ALSO KNOWN AS THE TOBACCO SETTLEMENT PROCEEDS ACT.

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

*SECTION 1. Arkansas Code § 19-5-985(b)(1), concerning the funds in the Arkansas Medicaid Program Trust Fund and derived from Initiated Act 1 of 2000, is amended to add an additional subdivision to read as follows:*

*(E) Transfers from the Arkansas Healthy Century Trust Fund under § 19-12-107.*

*SECTION 2. Arkansas Code § 19-12-107(e)(2), concerning the Arkansas Healthy Century Trust Fund, is amended to read as follows:*

*(2) the principal amounts in the Arkansas Healthy Century Trust Fund may only be used for ~~such~~:*

*(A) such programs, and other projects related to health care services, health education, and health-related research as shall, from time to time, be designated in legislation adopted by the General Assembly, it being the intent of this chapter that the principal amount of the Arkansas*



Healthy Century Trust Fund should not be appropriated without amendment of this public trust; and

(B) transfers to the Arkansas Medicaid Program Trust Fund upon request of the Department of Human Services with approval of the Chief Fiscal Officer of the State and the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

SECTION 3. DO NOT CODIFY. Nonseverability.

(a) Determining the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating such maximums in the appropriation act or acts for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, § 19--5-101 et seq.

(b)(1) The General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the department authorizing broad powers under this act.

(2) However, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this act.

(c) The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this act, and it is the intent of the General Assembly that if the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire act is void.

/s/J. Hendren