

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: *Joint Budget Committee***

A Bill

HOUSE BILL 1440

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 20, CHAPTER 7, OF THE ARKANSAS CODE
9 OF 1987 TO AUTHORIZE THE EXPANSION OR ACQUISITION OF
10 FACILITIES FOR THE ARKANSAS DEPARTMENT OF HEALTH; TO
11 PROVIDE FOR FEES FOR VISITS TO LOCAL HEALTH UNITS; TO
12 ESTABLISH A STATE HEALTH BUILDING AND LOCAL GRANT TRUST
13 FUND; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

16 "TO AUTHORIZE THE EXPANSION OR ACQUISITION OF FACILITIES
17 FOR THE ARKANSAS DEPARTMENT OF HEALTH."

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

21 SECTION 1. Arkansas Code Annotated §20-7-202 is amended to read as
22 follows:

23 "§ 20-7-202. Definitions.

24 As used herein, unless the text otherwise requires:

25 (1) Board means the State Board of Health;

26 (2) Director or State Health Officer means the Director of the
27 Arkansas Department of Health;

28 (3) Department means the Arkansas Department of Health;

29 (4) Fund means the State Health Department Building and Local Grant
30 Trust Fund as established in this subchapter;

31 (5) Construct means to acquire, construct, reconstruct, renovate,
32 remodel, install and equip any lands, buildings, structures, improvements or
33 other property, real, personal or mixed, useful in connection with any
34 expansion or acquisition and to make other necessary expenditures in
35 connection therewith, by such methods and in such manner as may be authorized

1 by law, and in the case of an acquisition of equipment and other property of a
2 medical, laboratory or technical nature, by such method as the director shall
3 determine to be necessary or desirable to accomplish the power, purposes and
4 authorities set forth in this subchapter and without regard to the provisions
5 of other laws pertaining to the construction and acquisition of property by
6 state agencies. The term also includes payment or provision for payment for
7 all expenses incidental thereto;

8 (6) Acquire means to lease, lease-purchase or purchase any lands,
9 buildings, structures, improvements or other property, real, personal or
10 mixed; the term acquire also includes payment or provision for payment of
11 all expenses incidental thereto; and

12 (7) Fees mean all fees set forth in Arkansas Code Annotated §20-7-
13 123(a) which are hereby confirmed and ratified by this act."

14

15 SECTION 2. Arkansas Code Annotated §20-7-203 is amended to read as
16 follows:

17 "§ 20-7-203. Disposition of funds.

18 (a) The director is hereby authorized to construct or acquire such
19 facilities and property as are necessary for the provision of current and
20 future requirements for the State Health Department.

21 (b) Notwithstanding other provisions of this act, the director, with
22 the approval of the board, shall be authorized to use any unobligated funds in
23 the State Health Department Building and Local Grant Trust Fund in an amount
24 not to exceed six hundred fifty thousand dollars (\$650,000) to construct or
25 acquire any land, building, structure, or other property, real, personal or
26 mixed and any expenses incidental thereto, which are deemed appropriate for
27 the provision of current and future requirements for the State Health
28 Department.

29 (c) The director, with the approval of the board, shall be authorized
30 to lease, sublease or otherwise negotiate for the use of any space acquired or
31 constructed under this act to other governmental and non-governmental
32 entities. Revenues derived from any such lease, sublease, or other
33 arrangement shall be deposited in the Public Health Fund.

34 (d) Neither the director nor any member of the board shall be
35 personally liable for any obligation or action undertaken in connection

1 therewith or for any damages sustained by anyone with respect to any
2 obligations or actions unless he or she shall have acted with a corrupt
3 intent."

4

5 SECTION 3. Effective July 1, 1993 Arkansas Code Annotated §20-7-204 is
6 amended to read as follows:

7 "§20-7-204. State Health Department Building and Local Grant Trust
8 Fund.

9 (a) There is hereby established on the books of the State Treasurer,
10 State Auditor, and Chief Fiscal Officer of the State, a fund to be known as
11 the State Health Department Building and Local Grant Trust Fund.

12 (b) Such fund shall consist of such revenues as may be authorized by
13 law including the portion of client visit fees specified in Arkansas Code
14 Annotated §20-7-127.

15 (c) The director shall be the disbursing agent and executive officer
16 for the fund.

17 (d) The fund shall be a continuing fund, not subject to fiscal year
18 limitations, and except as provided in §20-7-203(b), shall only be used for
19 expansion, renovation, construction, or improvements to the State Health
20 Building and for grants for construction, renovation, or other expansion of
21 approved local health unit facilities in this state.

22 (e) No money from the fund may be used for the acquisition, purchase,
23 lease, or otherwise, of real property for any local health unit facility."

24

25 SECTION 4. Effective July 1, 1993 Arkansas Code Annotated §20-7-127(b)
26 is amended to read as follows:

27 "(b) If revenue from these fees is inadequate to enable local health
28 units to continue the provision of essential services and the expansion and
29 improvement of local health unit facilities in the state, the State Board of
30 Health, with the review and comment of the Legislative Council, is authorized
31 to adopt appropriate rules and regulations to increase the client visit fee
32 imposed in subsection (a) of this section to an amount not to exceed five
33 dollars (\$5.00) per client visit or a twenty-five dollar (\$25.00) single
34 annual charge and to prescribe guidelines for the assessment, collection, and
35 remittance of those fees."

1

2 SECTION 5. Effective July 1, 1993 Arkansas Code Annotated §20-7-127(c)
3 is amended to read as follows:

4 "(c) (1) Funds derived from the fees levied pursuant to the authority
5 granted in this section shall be collected by the various local health units.
6 The funds shall be deposited in a local bank account and remitted monthly to
7 the Department of Health.

8 (2) The Department of Health shall deposit all the funds received
9 from local health units in the State Treasury where they shall be credited to
10 the State Health Building and Local Grant Trust Fund. Any funds derived from
11 the collection of client visit fees in excess of six hundred thousand dollars
12 (\$600,000) in any fiscal year shall be transferred upon the request of the
13 Director of the Department of Health by the Chief Fiscal Officer to the Public
14 Health Fund.

15 (3) Subject to such rules and regulations as may be implemented by the
16 Chief Fiscal Officer of the State, the disbursing officers for the Department
17 of Health are authorized to transfer all remaining unexpended funds, as
18 certified by the Chief Fiscal Officer of the State, to be carried forward and
19 made available for expenditure for the same purposes for any following fiscal
20 year."

21

22 SECTION 6. Effective July 1, 1993 Arkansas Code Annotated §20-7-123 is
23 amended to read as follows:

24 "§20-7-123. Fees.

25 (a) All revenue derived from fees collected pursuant to this section
26 shall be deposited in the State Treasury where they shall be credited to the
27 Public Health Fund. These fees are as follows:

28 (1) All fees prescribed in the Vital Statistics Act, § 20-18-101
29 et seq., as now existing and as at any time hereafter amended, being,
30 generally stated, the following:

31 (A) A fee of two dollars and fifty cents (\$2.50) collected
32 for the filing of a delayed certificate of birth;

33 (B) A fee of two dollars and fifty cents (\$2.50) collected
34 for the filing of a delayed certificate of death or marriage;

35 (C) A fee of two dollars (\$2.00) collected by the clerks of

1 the probate courts upon the filing of an adoption decree;

2 (D) A fee of five dollars (\$5.00) collected for issuing a
3 new certificate of birth for a person who has been legitimated, or whose
4 paternity has been determined, or whose name has been changed;

5 (E) A fee of one dollar (\$1.00) collected by the clerks of
6 the county courts upon the application of any person for marriage, which fee
7 is in addition to the fee of one dollar (\$1.00) provided by § 9-11-203;

8 (F) A fee of one dollar (\$1.00) collected by the clerks of
9 the chancery courts upon the filing of each divorce complaint;

10 (G) A fee of two dollars (\$2.00) collected for the
11 amendment of any record;

12 (H) A fee of five dollars (\$5.00) collected for making and
13 certification of any certificate or record other than a death certificate;

14 (I) A fee of four dollars (\$4.00) collected for the making
15 and certification of a single copy of a death certificate and a fee of one
16 dollar (\$1.00) collected for the making and certification of each additional
17 copy of a death certificate; and

18 (J) A fee of five dollars (\$5.00) collected for an
19 examination and search of the files for any birth, marriage, or divorce
20 record; and a fee of four dollars (\$4.00) for an examination and search of the
21 files for any death record;

22 (2) A fee, as determined pursuant to this subdivision, to be
23 collected for the review of plans and specifications covering improvements
24 which, by law or regulation, are required to be reviewed by the State Board of
25 Health, or the Department of Health, or any law or regulation amendatory
26 thereof or supplementary thereto, including, without limitation, plans and
27 specifications covering waterworks, sewage works, swimming pools, hospitals
28 and related facilities, food service and food processing establishments, and
29 plumbing in public facilities.

30 (i) The fee shall be one percent (1%) of the
31 estimated cost, with a maximum fee of five hundred dollars (\$500) and a
32 minimum of fifty dollars (\$50.00) calculated and paid on the basis of the
33 engineering estimate of the total cost of the particular improvement, which
34 estimate is to be submitted with the plans and specifications for review.

35 (ii) If the maximum fee of five hundred dollars

1 (\$500) is paid, no engineering estimate of the total cost need be submitted
2 with the plans and specifications.

3 (3) A fee of fifty dollars (\$50.00) to be collected by the State
4 Board of Health or Department of Health for each cemetery inspection as
5 required by law or regulation, or any law or regulation amendatory thereof or
6 supplementary thereto."

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8 SECTION 7. (a) All powers, functions and duties heretofore vested in
9 and exercised by the Health Building Commission are hereby transferred to and
10 shall hereafter be vested in the State Board of Health.

11 (b) All funds appropriated to and all property, both real and personal,
12 vested in the Health Building Commission are hereby transferred and shall be
13 made available to the State Board of Health.

14 (c) The Health Building Commission is hereby abolished.

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16 SECTION 8. All provisions of this act of a general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

19

20 SECTION 9. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 10. (a) All laws and parts of laws in conflict with this act
27 are hereby repealed.

28 (b) Act 1162 of 1991 is hereby repealed.

29

30 SECTION 11. EMERGENCY. It is hereby found and determined by the
31 General Assembly that the Arkansas Department of Health is critically in need
32 of additional space and that, accordingly, the authorization to construct or
33 acquire space enabled by this act, must be obtained as soon as feasible.
34 Therefore, an emergency is hereby declared to exist and this act being
35 necessary for the immediate preservation of the public peace, health and

1 safety shall be in full force and effect from and after its passage and
2 approval.

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/s/John E. Miller