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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 117

4
5 By: Joint Budget Committee

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE STATE INSURANCE
10 DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2020;
11 AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT FOR THE STATE INSURANCE DEPARTMENT
16 APPROPRIATION FOR THE 2019-2020 FISCAL
17 YEAR.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the State Insurance Department for the 2019-2020 fiscal year, the
24 following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
30	(1) U047U	STATE INSURANCE COMMISSIONER	1	GRADE SE03
31	(2) U042U	INSURANCE CHIEF DEPUTY COMMISSIONER	1	GRADE SE02
32	(3) N025N	INSURANCE DEP. COMM. INFO SYSTEMS	1	GRADE SE01
33	(4) D028N	REGULATORY HEALTH LINK TECH OFFICER	1	GRADE IT10
34	(5) D007C	INFORMATION SYSTEMS MANAGER	2	GRADE IT08
35	(6) D010N	INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE IT08
36	(7) D034C	DATABASE ADMINISTRATOR	1	GRADE IT07



ARKANSAS SENATE

92nd General Assembly - Regular Session, 2019

Amendment Form

DRAFT

Subtitle of Senate Bill No. 117

AN ACT FOR THE STATE INSURANCE DEPARTMENT APPROPRIATION FOR THE 2019-2020 FISCAL
YEAR.

Amendment No. ___ to Senate Bill No. 117

Amend Senate Bill No. 117 as originally introduced:

Delete SECTION 25 in its entirety and substitute the following new SECTIONS:
“ SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS.

(a) As used in this section, "Arkansas Works" means Arkansas Works
established under the Arkansas Works Act of 2016, Arkansas Code § 23-61-1001
et seq.

(b)(1) Determining the maximum number of employees, the maximum amount
of appropriation, for what purposes an appropriation is authorized, and
general revenue funding for a state agency each fiscal year is the
prerogative of the General Assembly.

(2) The purposes of subdivision (b)(1) of this section are
typically accomplished by:

(A) Identifying the purpose in the appropriation act;
(B) Delineating such maximums in the appropriation act for
a state agency; and

(C) Delineating the general revenue allocations authorized
for each fund and fund account by amendment to the Revenue Stabilization Law,
Arkansas Code § 19-5-101 et seq.

(3) It is both necessary and appropriate that the General
Assembly restrict the use of appropriations authorized in this act.

(c)(1) Except as provided in this subsection, the State Insurance

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MAH050 - 01-25-2019 09:02:34

Page 1 of 6

Department shall conduct outreach and education activities that meet the standards of 45 C.F.R. § 155.200(c), as existing on January 1, 2019, to educate consumers about the Arkansas Health Insurance Marketplace and insurance affordability programs to encourage participation, including without limitation the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

(2) The department shall not advertise, promote, or engage in other activities designed to promote or encourage enrollment in the Arkansas Works Program established by the Arkansas Works Act of 2016, § 23-61-1001 et seq., including without limitation:

(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

(D) Advertisements in newspapers, magazines, or other print media; and

(E) Advertisements on websites or other electronic media.

(3) Subdivision (c)(2) of this section does not prohibit the department from:

(A) Engaging in direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Engaging in solicited communications with potential recipients;

(C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the potential recipient might qualify.

(ii) Educational materials and information distributed under subdivision (c)(3)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding the coverage for which the potential recipient might be eligible; and

(D) Using a website for the exclusive purpose of enrolling individuals in the program.

(d) The department shall not apply for or accept any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the program.

(e)(1) Biannually, the department shall report to the Legislative Council regarding the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

(2) The report shall include without limitation:

(A) The number of navigators, guides, certified application counselors, and certified licensed producers;

(B) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage; and

(C) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage and who obtained coverage through the program.

(f) This section expires on June 30, 2020.

SECTION 26. Section 26 of Uncodified Act 248 of 2018 is amended to read as follows:

~~"SECTION 1. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Arkansas Works" means Arkansas Works established under the Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.~~

~~(b)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.~~

~~(2) The purposes of subdivision (b)(1) of this section are typically accomplished by:~~

~~(A) Identifying the purpose in the appropriation act;~~

~~(B) Delineating such maximums in the appropriation act for a state agency; and~~

~~(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, Arkansas Code § 19-5-101 et seq.~~

~~(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.~~

~~(c)(1) Except as provided in this subsection, the State Insurance Department shall not allocate, budget, expend, or utilize any appropriation authorized by the General Assembly for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas Works, including without limitation:~~

~~(A) Unsolicited communications mailed to potential recipients;~~

~~(B) Television, radio, or online commercials;~~

~~(C) Billboard or mobile billboard advertising;~~

~~(D) Advertisements printed in newspapers, magazines, or other print media; and~~

~~(E) Internet websites and electronic media.~~

~~(2) This subsection does not prohibit the department from:~~

~~(A) Direct communications with:~~

~~(i) Licensed insurance agents; and~~

~~(ii) Persons licensed by the department;~~

~~(B) Solicited communications with potential recipients;~~

~~(C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.~~

~~(ii) Educational materials and information distributed under subdivision (c)(2)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding the coverage for which the potential recipient might be eligible; and~~

~~(D) Using an Internet website for the exclusive purpose of enrolling individuals in the Arkansas Health Insurance Marketplace or Arkansas Works.~~

~~(d) The State Insurance Department shall not apply for or accept any funds, including without limitation federal funds, for the purpose of~~

~~advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas Works.~~

~~(e)(1) Except as provided in subdivision (e)(2) of this section, the State Insurance Department shall not:~~

~~(A)(i) Except as provided in subdivision (e)(1)(A)(ii) of this section, allocate, budget, expend, or utilize an appropriation authorized by the General Assembly for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.~~

~~(ii) Subdivision (e)(1)(A)(i) of this section does not apply to regulatory and training responsibilities related to navigators, guides, certified application counselors, and certified licensed producers; and~~

~~(B) Apply for or accept any funds, including without limitation federal funds, for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.~~

~~(2) Subdivision (e)(1) of this section does not apply to certified application counselors at health related institutions, including without limitation the University of Arkansas for Medical Sciences.~~

~~(f) An appropriation authorized by the General Assembly shall not be subject to the provisions allowed through reallocation of resources or transfer of appropriation authority for the purpose of transferring an appropriation to any other appropriation authorized for the State Insurance Department to be allocated, budgeted, expended, or utilized in a manner prohibited by this section.~~

~~(g) The provisions of this section are severable, and the invalidity of any subsection or subdivision of this section shall not affect other provisions of the section that can be given effect without the invalid provision.~~

~~(h) This section expires on June 30, 2019.””~~

AND

Delete SECTION 30 in its entirety and substitute the following new SECTION:

SECTION 30. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 25 and 26 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2019, with the exception that Section 25 and Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019; with the exception that Section 25 and Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval."

AND

Appropriately renumber all the SECTION numbers.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Rapert
MAH/MAH - 01-25-2019 09:02:34
MAH050

Secretary

Hall of the House of Representatives

92nd General Assembly - Regular Session, 2019

Amendment Form

DRAFT

Subtitle of House Bill No. 1109

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER
APPROPRIATION FOR THE 2019-2020 FISCAL YEAR.

Amendment No. ___ to House Bill No. 1109

Amend House Bill No. 1109 as originally introduced:

Page 35, line 12, delete "or (iv)"

AND

Page 35, delete lines 17 through 21 in their entirety

AND

Page 35, line 22, delete "(iv)" and substitute "(iii)"

AND

Page 35, line 22, delete "that is"

AND

Page 35, delete lines 23 and 24 in their entirety and substitute ", including requests that establish"

AND

Page 35, line 28, delete "(v)" and substitute "(iv)"

AND

Page 35, line 31, delete "(vi)" and substitute "(v)".

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The Amendment was read _____
By: Joint Budget Committee
By: Senator Hickey
JAP/JAP - 01-30-2019 09:10:40
JAP071

Chief Clerk

40

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1109

4
5 By: Joint Budget Committee
6

For An Act To Be Entitled

7
8 AN ACT TO MAKE AN APPROPRIATION FOR MISCELLANEOUS
9 GRANTS AND EXPENSES AND VARIOUS AGENCY TRANSFERS FOR
10 THE DEPARTMENT OF FINANCE AND ADMINISTRATION -
11 DISBURSING OFFICER FOR THE FISCAL YEAR ENDING JUNE
12 30, 2020; AND FOR OTHER PURPOSES.
13

Subtitle

14
15
16 AN ACT FOR THE DEPARTMENT OF FINANCE AND
17 ADMINISTRATION - DISBURSING OFFICER
18 APPROPRIATION FOR THE 2019-2020 FISCAL
19 YEAR.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATION - STATE'S CONTRIBUTIONS. There is hereby
25 appropriated, to the Department of Finance and Administration - Disbursing
26 Officer, to be payable from the Miscellaneous Agencies Fund Account, for
27 disbursements for Arkansas' contribution to various interstate organizations
28 by the Department of Finance and Administration - Disbursing Officer for the
29 fiscal year ending June 30, 2020, the following:
30

31 ITEM	FISCAL YEAR
32 NO.	2019-2020
33 (01) ASSOCIATION OF RACING COMMISSIONERS	\$21,000
34 (02) COUNCIL OF STATE GOVERNMENT	146,000
35 (03) DELTA REGIONAL AUTHORITY	194,123
36 (04) FEDERATION OF TAX ADMINISTRATORS	20,000



1 year ending June 30, 2020, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2019-2020</u>
5 (01) MEDICAL MARIJUANA IMPLEMENTATION AND	
6 REGULATION - VARIOUS AGENCIES	<u>\$5,000,000</u>

7

8 SECTION 34. APPROPRIATION - ARKANSAS WINE GRANTS PROGRAM. There is
 9 hereby appropriated, to the Department of Finance and Administration -
 10 Disbursing Officer, to be payable from the Arkansas Wine Grants Fund, for
 11 grants to wineries as provided by Arkansas Code § 19-6-839(b), for the fiscal
 12 year ending June 30, 2020, the following:

13

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2019-2020</u>
16 (01) ARKANSAS WINE GRANTS	<u>\$650,000</u>

17

18 SECTION 35. APPROPRIATION - VARIOUS TEMPORARY APPROPRIATION FOR STATE
 19 AGENCIES AND INSTITUTIONS. There is hereby appropriated, to the Department
 20 of Finance and Administration - Disbursing Officer, to be payable from
 21 various state agency funds, for providing various state agencies and
 22 institutions with additional appropriation for the fiscal year ending June
 23 30, 2020, the following:

24

25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2019-2020</u>
27 (01) ADDITIONAL APPROPRIATION - VARIOUS	
28 AGENCIES AND INSTITUTIONS	<u>\$250,000,000</u>

29

30 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 32 CLASSIFICATION AND USE OF APPROPRIATIONS. The appropriations authorized in
 33 the Marketing and Redistribution Section, hereof which are transferred to the
 34 various agencies, as authorized in the Transfer Provision - Marketing and
 35 Redistribution Section hereof, are to be used for the maintenance and general
 36 operation of the benefiting agency and shall only be expended under the

1 Medical Marijuana Amendment of 2016 for any state agency, pursuant to
 2 Arkansas Code § 19-4-701 et seq., said agency shall request a transfer of
 3 appropriation from the Chief Fiscal Officer of the State, stating clearly the
 4 amount required. Upon approval of the Chief Fiscal Officer of the State said
 5 appropriations shall be established upon the books of the Department of
 6 Finance and Administration in compliance with the applicable classifications
 7 of appropriations as enumerated in Arkansas Code §§ 19-4-521 through 19-4-
 8 527.

9 The provisions of this section shall be in effect only from July 1, ~~2018~~
 10 2019 through June 30, ~~2019~~ 2020.

11
 12 SECTION 72. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 14 TRANSFER AUTHORITY. From time to time, the Chief Fiscal Officer of the State
 15 may transfer from his or her books and those of the Treasurer of State and
 16 the Auditor of State from the Medical Marijuana Implementation and Operations
 17 Fund to various state agencies' funds the amounts necessary to fund the
 18 expenses for the implementation, administration, and/or enforcement of the
 19 Arkansas Medical Marijuana Amendment of 2016.

20 The provisions of this section shall be in effect only from July 1, ~~2018~~
 21 2019 through June 30, ~~2019~~ 2020.

22
 23 SECTION 73. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BLANKET
 25 BOND PROGRAM. The Director of the Department of Finance and Administration
 26 is authorized to transfer Appropriation between the Blanket Surety Bond
 27 Program appropriations authorized for State Employees (Appropriation 2DM),
 28 County Employees (Appropriation 2DN), Municipal Employees (Appropriation 2DP)
 29 and Public School Employees (Appropriation 2DQ).

30 The provisions of this section shall be in effect only from July 1,
 31 2019 through June 30, 2020.

32
 33 SECTION 74. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 35 PROCEDURES - VARIOUS TEMPORARY APPROPRIATION FOR STATE AGENCIES AND
 36 INSTITUTIONS. (i) In the event that sufficient appropriation is not provided

1 by the General Assembly for any state agency or institution, an agency or
 2 institution may request a transfer of appropriation, as provided in the
 3 Various Temporary Appropriation for State Agencies and Institutions
 4 Appropriation Section of this Act, from the Chief Fiscal Officer of the
 5 State, stating clearly the amount requested, purpose and any additional
 6 information requested by the Chief Fiscal Officer of the State.

7 (ii) After reviewing a request the Chief Fiscal Officer of the State may
 8 deny, modify or approve the agencies or institutions request based on the
 9 estimated amount of appropriation needed and currently available, purpose,
 10 estimated funding available and preferred spending priority. Upon approval
 11 or modification of a request by the Chief Fiscal Officer of the State and
 12 after meeting the requirements of subsection (iii) or (iv) herein, the
 13 Department of Finance and Administration shall establish the transfer of
 14 appropriation on the books of the Department of Finance and Administration
 15 and the State Auditor, in compliance with the applicable classifications of
 16 appropriations as enumerated in Arkansas Code 19-4-521 through 19-4-525.

17 (iii) Any request as authorized in subsection (ii) herein in the last month
 18 of a fiscal year that is equal to or less than 10% of the authorized
 19 commitment item that the appropriation is requested for, shall be reported to
 20 the Arkansas Legislative Council or if next meeting in Regular or Fiscal
 21 Session the Joint Budget Committee at the next meeting.

22 (iv) Any request approved as authorized in subsection (ii) herein that is
 23 not on the last month of a fiscal year or is greater than 10% on the last
 24 month of a fiscal year as defined in subsection (iii) herein, or establishes
 25 a new commitment item or new appropriation shall require prior approval by
 26 the Arkansas Legislative Council or if meeting in Regular or Fiscal Session
 27 the Joint Budget Committee.

28 (v) Any appropriation approved as authorized in this Section shall not be
 29 carried forward to the next fiscal year and shall be identified as a change
 30 level increase by the state agency or institution, if requested.

31 (vi) Determining the maximum amount of appropriation for a state agency or
 32 institution each fiscal year is the prerogative of the General Assembly.
 33 This is usually accomplished by delineating such maximums in the
 34 appropriation act(s) for a state agency or institution. Further, the General
 35 Assembly has determined that a state agency or institution may operate more
 36 efficiently if some flexibility is provided to the state agency or

Delete

Delete

44

1 institution authorizing broad powers under this section. Therefore, it is
2 both necessary and appropriate that the General Assembly maintain oversight
3 by requiring prior approval of the Legislative Council or Joint Budget
4 Committee as provided by this section. The requirement of approval by the
5 Legislative Council or Joint Budget Committee is not a severable part of this
6 section. If the requirement or approval by the Legislative Council or Joint
7 Budget Committee is ruled unconstitutional by a court of competent
8 jurisdiction, this entire section is void.

9 The provisions of this section shall be in effect only from July 1, 2019
10 through June 30, 2020.

11
12 SECTION 75. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
13 authorized by this act shall be limited to the appropriation for such agency
14 and funds made available by law for the support of such appropriations; and
15 the restrictions of the State Procurement Law, the General Accounting and
16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
17 Procedures and Restrictions Act, or their successors, and other fiscal
18 control laws of this State, where applicable, and regulations promulgated by
19 the Department of Finance and Administration, as authorized by law, shall be
20 strictly complied with in disbursement of said funds.

21
22 SECTION 76. LEGISLATIVE INTENT. It is the intent of the General
23 Assembly that any funds disbursed under the authority of the appropriations
24 contained in this act shall be in compliance with the stated reasons for
25 which this act was adopted, as evidenced by the Agency Requests, Executive
26 Recommendations and Legislative Recommendations contained in the budget
27 manuals prepared by the Department of Finance and Administration, letters, or
28 summarized oral testimony in the official minutes of the Arkansas Legislative
29 Council or Joint Budget Committee which relate to its passage and adoption.

30
31 SECTION 77. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly, that the Constitution of the State of Arkansas prohibits
33 the appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2019 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the legislative session, the delay in the