

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.

Act 2045 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Engrossed: H4/1/05

A Bill

HOUSE BILL 2088

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

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9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN
11 SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2007; AND FOR OTHER PURPOSES.
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Subtitle

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16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - MEDICAID EXPANSION PROGRAM
18 APPROPRIATION FOR THE 2005-2007
19 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS - MEDICAID EXPANSION
25 PROGRAM. There is hereby established for the Department of Human Services -
26 Division of County Operations - Medicaid Expansion Program for the 2005-2007
27 biennium, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.



			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
Item	Class	Title	Employees	2005-2006	2006-2007
(1)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE	22
(2)	M024	FAMILY SUPPORT SPECIALIST SUPV	7	GRADE	18
(3)	M023	FAMILY SUPPORT SPECIALIST III	44	GRADE	17
(4)	K039	DOCUMENT EXAMINER II	<u>11</u>	GRADE	12
MAX. NO. OF EMPLOYEES			63		

SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM. There is hereby established for the Department of Human Services - Division of Medical Services - Medicaid Expansion Program for the 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
Item	Class	Title	Employees	2005-2006	2006-2007
(1)	697Z	DHS PRGM MANAGER	1	GRADE	21
(2)	M154	DHS FIELD REPRESENTATIVE	<u>1</u>	GRADE	19
MAX. NO. OF EMPLOYEES			2		

SECTION 3. APPROPRIATION - COUNTY OPERATIONS - MEDICAID EXPANSION PROGRAM. There is hereby appropriated, to the Department of Human Services - Division of County Operations, to be payable from the Medicaid Expansion Program

1 Account, for personal services and operating expenses of the Department of
 2 Human Services - Division of County Operations - Medicaid Expansion Program
 3 for the biennial period ending June 30, 2007, the following:

4		FISCAL YEARS	
5	ITEM		
6	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
7	(01) REGULAR SALARIES	\$ 1,494,764	\$ 1,540,391
8	(02) PERSONAL SERVICES MATCHING	536,538	545,531
9	(03) MAINT. & GEN. OPERATION		
10	(A) OPER. EXPENSE	195,795	195,795
11	(B) CONF. & TRAVEL	0	0
12	(C) PROF. FEES	0	0
13	(D) CAP. OUTLAY	0	0
14	(E) DATA PROC.	0	0
15	(04) DATA PROCESSING SERVICES	<u>50,000</u>	<u>50,000</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,277,097</u>	<u>\$ 2,331,717</u>

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18 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.
 19 There is hereby appropriated, to the Department of Human Services - Division
 20 of Medical Services, to be payable from the Medicaid Expansion Program
 21 Account, for personal services and operating expenses of the Department of
 22 Human Services - Division of Medical Services - Medicaid Expansion Program
 23 for the biennial period ending June 30, 2007, the following:

24		FISCAL YEARS	
25	ITEM		
26	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
27	(01) REGULAR SALARIES	\$ 76,007	\$ 78,286
28	(02) PERSONAL SERVICES MATCHING	22,661	23,110
29	(03) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	15,973	15,973
31	(B) CONF. & TRAVEL	2,000	2,000
32	(C) PROF. FEES	0	0
33	(D) CAP. OUTLAY	0	0
34	(E) DATA PROC.	<u>0</u>	<u>0</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 116,641</u>	<u>\$ 119,369</u>

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1 SECTION 5. APPROPRIATION – MEDICAL SERVICES – MEDICAID EXPANSION PROGRAM
 2 GRANTS. There is hereby appropriated, to the Department of Human Services -
 3 Division of Medical Services, to be payable from the Medicaid Expansion
 4 Program Account, for grant payments by the Department of Human Services -
 5 Division of Medical Services - Medicaid Expansion Program Grants for the
 6 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) HOSPITAL AND MEDICAL SERVICES	\$ 100,428,742	\$ 45,428,742
(02) PRESCRIPTION DRUGS	<u>5,000,000</u>	<u>5,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 105,428,742</u>	<u>\$ 50,428,742</u>

14 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID
 16 EXPANSION PROGRAM - CARRY FORWARD. Such appropriation as is authorized in
 17 this Act for the Arkansas Tobacco Settlement - Medicaid Expansion Program
 18 which remains at the end of the first fiscal year of the biennium may be
 19 carried forward into the second fiscal year of the biennium there to be used
 20 for the same purposes.

21 The provisions of this section shall be in effect only from July 1, ~~2003~~
 22 2005 through June 30, ~~2005~~ 2007.

24 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID
 26 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as
 27 established by Initiated Act 1 of 2000 shall be a separate and distinct
 28 component embracing (1) expanded Medicaid coverage and benefits to pregnant
 29 women; (2) expanded inpatient and outpatient hospital reimbursements and
 30 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-
 31 institutional coverage and benefits to adults aged 65 and over; and (4)
 32 creation and provision of a limited benefit package to adults aged nineteen
 33 (19) to sixty-four (64), to be administered by the Department of Human
 34 Services. Separate Paying Accounts shall be established for the Medicaid
 35 Expansion Program as designated by the Chief Fiscal Officer of the State, to
 36 be used exclusively for the purpose of drawing down federal funds associated

1 with the federal share of expenditures and for the state share of
2 expenditures transferred from the Medicaid Expansion Program Account or for
3 any other appropriate state match funds.

4 The provisions of this section shall be in effect only from July 1, ~~2003~~
5 2005 through June 30, ~~2005~~ 2007.

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7 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.
9 Such appropriations and fund accounts as may be necessary to administer the
10 provisions of this act shall be established on the books of the Chief Fiscal
11 Officer of the State, State Treasurer, and the Auditor of the State.

12 The provisions of this section shall be in effect only from July 1, ~~2003~~
13 2005 through June 30, ~~2005~~ 2007.

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15 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
18 State of Arkansas or any of its agencies or institutions to continue funding
19 any position paid from the proceeds of the Tobacco Settlement in the event
20 that Tobacco Settlement funds are not sufficient to finance the position.
21 (b) State funds will not be used to replace Tobacco Settlement funds when
22 such funds expire, unless appropriated by the General Assembly and authorized
23 by the Governor.
24 (c) A disclosure of the language contained in (a) and (b) of this Section
25 shall be made available to all new hire and current positions paid from the
26 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.
27 (d) Whenever applicable the information contained in (a) and (b) of this
28 Section shall be included in the employee handbook and or Professional
29 Services Contract paid from the proceeds of the Tobacco Settlement.

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31 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
33 RESTRICTIONS. The appropriations provided in this act shall not be
34 transferred under the provisions of Arkansas Code 19-4-522 or the provisions
35 of Arkansas code 6-62-104, but only as provided by this act.

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1 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
3 OF APPROPRIATIONS. In the event the amount of any of the budget
4 classifications of maintenance and general operation in this act are found by
5 the administrative head of the agency to be inadequate, then the agency head
6 may request, upon forms provided for such purpose by the Chief Fiscal Officer
7 of the State, a modification of the amounts of the budget classification. In
8 that event, he shall set out on the forms the particular classifications for
9 which he is requesting an increase or decrease, the amounts thereof, and his
10 reasons therefor. In no event shall the total amount of the budget exceed
11 either the amount of the appropriation or the amount of the funds available,
12 nor shall any transfer be made from the capital outlay or data processing
13 subclassifications unless specific authority for such transfers is provided
14 by law, except for transfers from capital outlay to data processing when
15 determined by the Department of Information Systems that data processing
16 services for a state agency can be performed on a more cost-efficient basis
17 by the Department of Information Systems than through the purchase of data
18 processing equipment by that state agency. In considering the proposed
19 modification as prepared and submitted by each state agency, the Chief Fiscal
20 Officer of the State shall make such studies as he deems necessary. The Chief
21 Fiscal Officer of the State shall, after obtaining the approval of the
22 Legislative Council, approve the requested transfer if in his opinion it is
23 *in the best interest of the state.*

24 Upon determination by the Director of the Department of Human Services
25 that a Reallocation of Resources is necessary for the effective operation of
26 the Medicaid Expansion Program Grants, the director, with the approval of the
27 Governor, shall have the authority to request from the Chief Fiscal Officer
28 of the State a transfer of Appropriation. This transfer authority applies
29 only to Section 5 Medicaid Expansion Program Grants of this Act between
30 Hospital and Medical Services Item (01) and Prescription Drugs Item (02). The
31 limitation restrictions applicable to the Department Reallocation of
32 Resources authority applies to this section.

33 The General Assembly has determined that the agency in this act could be
34 operated more efficiently if some flexibility is given to that agency and
35 that flexibility is being accomplished by providing authority to transfer
36 between certain items of appropriation made by this act. Since the General

1 Assembly has granted the agency broad powers under the transfer of
2 appropriations, it is both necessary and appropriate that the General
3 Assembly maintain oversight of the utilization of the transfers by requiring
4 prior approval of the Legislative Council in the utilization of the transfer
5 authority. Therefore, the requirement of approval by the Legislative Council
6 is not a severable part of this section. If the requirement of approval by
7 the Legislative Council is ruled unconstitutional by a court jurisdiction,
8 this entire section is void.

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10 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
13 shall be limited to the appropriation for such agency and funds made
14 available by law for the support of such appropriations; and the restrictions
15 of the State Purchasing Law, the General Accounting and Budgetary Procedures
16 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
17 and other fiscal control laws of this State, where applicable, and
18 regulations promulgated by the Department of Finance and Administration, as
19 authorized by law, shall be strictly complied with in disbursement of said
20 funds.

21 The provisions of this section shall be in effect only from July 1, 2003
22 2005 through June 30, ~~2005~~ 2007.

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24 SECTION 13. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of
25 the General Assembly that any funds disbursed under the authority of the
26 appropriations contained in this act shall be in compliance with the stated
27 reasons for which this act was adopted, as evidenced by Initiated Act 1 of
28 2000, the Agency Requests, Executive Recommendations and Legislative
29 Recommendations contained in the budget manuals prepared by the Department of
30 Finance and Administration, letters, or summarized oral testimony in the
31 official minutes of the Arkansas Legislative Council or Joint Budget
32 Committee which relate to its passage and adoption.

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34 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly, that the Constitution of the State of Arkansas prohibits the
36 appropriation of funds for more than a two (2) year period; that the

1 effectiveness of this Act on July 1, 2005 is essential to the operation of
2 the agency for which the appropriations in this Act are provided, and that in
3 the event of an extension of the Regular Session, the delay in the effective
4 date of this Act beyond July 1, 2005 could work irreparable harm upon the
5 proper administration and provision of essential governmental programs.
6 Therefore, an emergency is hereby declared to exist and this Act being
7 necessary for the immediate preservation of the public peace, health and
8 safety shall be in full force and effect from and after July 1, 2005.

9
10 */s/ Joint Budget Committee*

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13 **APPROVED: 04/13/2005**
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