

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 439

5 By: Senator B. Ballinger  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 23 OF  
10 THE ARKANSAS CODE CONCERNING PUBLIC UTILITIES AND  
11 REGULATED INDUSTRIES; AND FOR OTHER PURPOSES.  
12  
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## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 23  
16 OF THE ARKANSAS CODE CONCERNING PUBLIC  
17 UTILITIES AND REGULATED INDUSTRIES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 23-63-1620(k)(6), concerning insolvency of  
23 sponsored captive insurance companies, is amended to read as follows to  
24 replace a short-form reference with the term as defined for the subchapter:

25 (6) In the event of the insolvency of a sponsored captive  
26 insurance company in which the commissioner determines that one (1) or more  
27 protected cells remain solvent, the commissioner may separate the protected  
28 cells from the sponsored captive insurance company and, on application of the  
29 sponsor, may allow for the conversion of the protected cells into one (1) or  
30 more new or existing sponsored captive insurance companies, or one (1) or  
31 more other captive insurance companies, under a plan of operation approved by  
32 the commissioner.  
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34 SECTION 2. Arkansas Code § 23-63-1705(b)(2)(B), concerning investments  
35 in protected cells, is amended to read as follows to replace a short-form  
36 reference with the term as defined for the subchapter:



1 (B) The investments in a protected cell or protected cells  
 2 shall not be taken into account in applying the investment limitations  
 3 applicable to the investments of the protected cell company.

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 5 SECTION 3. Arkansas Code § 23-79-160 is repealed because it is  
 6 obsolete.

7 ~~23-79-160. Health insurance information regarding Health Care  
 8 Independence Program.~~

9 ~~Upon notification to enrollees in the Health Care Independence Program  
 10 established by the Health Care Independence Act of 2013, § 20-77-2401 et seq.  
 11 {repealed}, that the Health Care Independence Program ends on December 31,  
 12 2016, the Department of Human Services shall simultaneously provide to  
 13 enrollees in the Health Care Independence Program the following information  
 14 in accordance with the Arkansas Health Reform Act of 2015, Acts 2015, No. 46.~~

15 ~~(1) Upon program termination, recommend an alternative  
 16 healthcare coverage model and legislative framework to ensure the continued  
 17 availability of healthcare services for vulnerable populations covered by the  
 18 Health Care Independence Program;~~

19 ~~(2) Explore and recommend options to modernize Medicaid programs  
 20 serving the indigent, aged, and disabled; and~~

21 ~~(3) Identify the populations eligible for and participating in  
 22 the Health Care Independence Program, including:~~

23 ~~(A) Individuals newly eligible for health coverage under  
 24 the Health Care Independence Program; and~~

25 ~~(B) Individuals previously eligible for Medicaid before  
 26 the effective date of the Health Care Independence Program, whether under a  
 27 Medicaid waiver or some other eligibility criteria.~~

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 29 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

30 It is the intent of the General Assembly that:

31 (1) The enactment and adoption of this act shall not expressly  
 32 or impliedly repeal an act passed during the regular session of the Ninety-  
 33 Third General Assembly;

34 (2) To the extent that a conflict exists between an act of the  
 35 regular session of the Ninety-Third General Assembly and this act:

36 (A) The act of the regular session of the Ninety-Third

1 General Assembly shall be treated as a subsequent act passed by the General  
2 Assembly for the purposes of:

3 (i) Giving the act of the regular session of the  
4 Ninety-Third General Assembly its full force and effect; and

5 (ii) Amending or repealing the appropriate parts of  
6 the Arkansas Code of 1987; and

7 (B) Section 1-2-107 shall not apply; and

8 (3) This act shall make only technical, not substantive, changes  
9 to the Arkansas Code of 1987.

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12 **APPROVED: 3/25/21**  
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