

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

# **A Bill**

**ACT 350 OF 1993**  
**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**

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

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

21  
22 **SECTION 1. Arkansas Code Annotated §20-7-202 is amended to read as 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 Arkansas Department**  
27 **of Health;**

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

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

31 **(5) Construct means to acquire, construct, reconstruct, renovate, remodel, install**  
32 **and equip any lands, buildings, structures, improvements or other property, real, personal or**  
33 **mixed, useful in connection with any expansion or acquisition and to make other necessary**  
34 **expenditures in connection therewith, by such methods and in such manner as may be**  
35 **authorized by law, and in the case of an acquisition of equipment and other property of a**  
36 **medical, laboratory or technical nature, by such method as the director shall determine to be**

1 necessary or desirable to accomplish the power, purposes and authorities set forth in this  
2 subchapter and without regard to the provisions of other laws pertaining to the construction  
3 and acquisition of property by state agencies. The term also includes payment or provision for  
4 payment for all expenses incidental thereto;

5 (6) **\_Acquire\_ means to lease, lease-purchase or purchase any lands, buildings,**  
6 **structures, improvements or other property, real, personal or mixed; the term \_acquire\_ also**  
7 **includes payment or provision for payment of all expenses incidental thereto; and**

8 (7) **\_Fees\_ mean all fees set forth in Arkansas Code Annotated §20-7-123(a) which are**  
9 **hereby confirmed and ratified by this act."**

10

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

12 **"§ 20-7-203. Disposition of funds.**

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

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

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

26 **(d) Neither the director nor any member of the board shall be personally liable for any**  
27 **obligation or action undertaken in connection therewith or for any damages sustained by**  
28 **anyone with respect to any obligations or actions unless he or she shall have acted with a**  
29 **corrupt intent."**

30

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

33 **"§20-7-204. State Health Department Building and Local Grant Trust Fund.**

34 **(a) There is hereby established on the books of the State Treasurer, State Auditor, and**  
35 **Chief Fiscal Officer of the State, a fund to be known as the \_State Health Department**

1 **Building and Local Grant Trust Fund\_.**

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

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

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

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

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

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

21

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

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

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

33 **(3) Subject to such rules and regulations as may be implemented by the Chief Fiscal**  
34 **Officer of the State, the disbursing officers for the Department of Health are authorized to**  
35 **transfer all remaining unexpended funds, as certified by the Chief Fiscal Officer of the State,**

1 to be carried forward and made available for expenditure for the same purposes for any  
2 following fiscal year."

3

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

6 **"§20-7-123. Fees.**

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

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

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

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

16 **(C) A fee of two dollars (\$2.00) collected by the clerks of the probate courts**  
17 **upon the filing of an adoption decree;**

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

21 **(E) A fee of one dollar (\$1.00) collected by the clerks of the county courts upon**  
22 **the application of any person for marriage, which fee is in addition to the fee of one dollar**  
23 **(\$1.00) provided by § 9-11-203;**

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

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

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

29 **(I) A fee of four dollars (\$4.00) collected for the making and certification of a**  
30 **single copy of a death certificate and a fee of one dollar (\$1.00) collected for the making and**  
31 **certification of each additional copy of a death certificate; and**

32 **(J) A fee of five dollars (\$5.00) collected for an examination and search of the**  
33 **files for any birth, marriage, or divorce record; and a fee of four dollars (\$4.00) for an**  
34 **examination and search of the files for any death record;**

35 **(2) A fee, as determined pursuant to this subdivision, to be collected for the**

1 review of plans and specifications covering improvements which, by law or regulation, are  
2 required to be reviewed by the State Board of Health, or the Department of Health, or any law  
3 or regulation amendatory thereof or supplementary thereto, including, without limitation,  
4 plans and specifications covering waterworks, sewage works, swimming pools, hospitals and  
5 related facilities, food service and food processing establishments, and plumbing in public  
6 facilities.

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

11 (ii) If the maximum fee of five hundred dollars (\$500) is paid, no  
12 engineering estimate of the total cost need be submitted with the plans and specifications.

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

16

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

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

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

24

25 **SECTION 8. All provisions of this act of a general and permanent nature are**  
26 **amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision**  
27 **Commission shall incorporate the same in the Code.**

28

29 **SECTION 9. If any provision of this act or the application thereof to any person or**  
30 **circumstance is held invalid, such invalidity shall not affect other provisions or applications of**  
31 **the act which can be given effect without the invalid provision or application, and to this end**  
32 **the provisions of this act are declared to be severable.**

33

34 **SECTION 10. (a) All laws and parts of laws in conflict with this act are hereby**  
35 **repealed.**

1           **(b) Act 1162 of 1991 is hereby repealed.**

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3           **SECTION II. EMERGENCY. It is hereby found and determined by the General**  
4 **Assembly that the Arkansas Department of Health is critically in need of additional space and**  
5 **that, accordingly, the authorization to construct or acquire space enabled by this act, must be**  
6 **obtained as soon as feasible. Therefore, an emergency is hereby declared to exist and this act**  
7 **being necessary for the immediate preservation of the public peace, health and safety shall be**  
8 **in full force and effect from and after its passage and approval.**

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*/s/John E. Miller*

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**APPROVED: 03/03/93**

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