

1 State of Arkansas
2 92nd General Assembly
3 Fiscal Session, 2020
4

A Bill

SENATE BILL 74

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF COMMERCE
10 - STATE INSURANCE DEPARTMENT FOR THE FISCAL YEAR
11 ENDING JUNE 30, 2021; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT FOR THE DEPARTMENT OF COMMERCE -
14 STATE INSURANCE DEPARTMENT APPROPRIATION
15 FOR THE 2020-2021 FISCAL YEAR.
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18

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

21 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
22 for the Department of Commerce - State Insurance Department for the 2020-2021
23 fiscal year, the following maximum number of regular employees.
24

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2020-2021
29	(1) U047U	STATE INSURANCE COMMISSIONER	1	GRADE SE03
30	(2) U042U	INSURANCE CHIEF DEPUTY COMMISSIONER	1	GRADE SE02
31	(3) N025N	INSURANCE DEP. COMM. INFO SYSTEMS	1	GRADE SE01
32	(4) D028N	REGULATORY HEALTH LINK TECH OFFICER	1	GRADE IT10
33	(5) D007C	INFORMATION SYSTEMS MANAGER	2	GRADE IT08
34	(6) D010N	INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE IT08
35	(7) D034C	DATABASE ADMINISTRATOR	1	GRADE IT07
36	(8) D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06



1	(9)	D022C SYSTEMS SPECIALIST	4	GRADE IT06
2	(10)	D052C SOFTWARE SUPPORT ANALYST	4	GRADE IT05
3	(11)	D044C SYSTEMS ANALYST	1	GRADE IT05
4	(12)	N201N DEPUTY COMM. OF CRIMINAL INVESTIGATIONS	1	GRADE GS15
5	(13)	N014N INSURANCE DEP. COMM. FINANCIAL REGS	1	GRADE GS15
6	(14)	G018N DIRECTOR RISK MANAGEMENT	1	GRADE GS14
7	(15)	N140N INS ASST. DEP. COMMISSIONER FINANCE	1	GRADE GS14
8	(16)	A128C INSURANCE CLAIMS DIR. PUBLIC EMPLOYEE	1	GRADE GS14
9	(17)	N023N INSURANCE DEPUTY COMMISSIONER	2	GRADE GS14
10	(18)	N190N INSURANCE GENERAL COUNSEL	1	GRADE GS14
11	(19)	X002N PROPERTY & CASUALTY MANAGER	1	GRADE GS14
12	(20)	A004N CERTIFIED FINANCIAL EXAMINER MANAGER	3	GRADE GS13
13	(21)	N073N INSURANCE CHIEF FIN/MKT CONDUCT EXMR	1	GRADE GS13
14	(22)	G004C MANAGING ATTORNEY	3	GRADE GS13
15	(23)	G043N RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE GS13
16	(24)	A004C CERTIFIED FINANCIAL EXAMINER	12	GRADE GS12
17	(25)	R013C AGENCY HUMAN RESOURCES MANAGER	1	GRADE GS11
18	(26)	G047C ATTORNEY SPECIALIST	7	GRADE GS11
19	(27)	P074C AID PUBLIC INFORMATION OFFICER	1	GRADE GS10
20	(28)	A044C AUDIT COORDINATOR	1	GRADE GS10
21	(29)	X009C INSURANCE DEPT. DIR. OF SECURITY OPS	1	GRADE GS10
22	(30)	G259C INSURANCE PROGRAM MANAGER	1	GRADE GS10
23	(31)	G241C HEALTH INFO TECH OPER & TECH OFFICER	1	GRADE GS09
24	(32)	A042C INSURANCE SENIOR EXAMINER	7	GRADE GS09
25	(33)	X032C SENIOR SECURITIES EXAMINER	1	GRADE GS09
26	(34)	X192C ASST. DIRECTOR FRAUD INVESTIGATION	1	GRADE GS08
27	(35)	X020C BURIAL ASSOCIATION BD EXEC SEC	1	GRADE GS08
28	(36)	X072C CRIMINAL INSURANCE FRAUD INVESTIGATOR	7	GRADE GS08
29	(37)	X018C INSURANCE CONSUMER PROTECTION MANAGER	1	GRADE GS08
30	(38)	X017C INSURANCE LICENSING MANAGER	1	GRADE GS08
31	(39)	R014C PERSONNEL MANAGER	1	GRADE GS08
32	(40)	X034C PREPAID FUNERAL MANAGER	1	GRADE GS08
33	(41)	A060C SENIOR AUDITOR	2	GRADE GS08
34	(42)	G064C SR HLTH INSURANCE INFO. PROG. MANAGER	1	GRADE GS08
35	(43)	G107C WCC PROGRAM MANAGER	1	GRADE GS08
36	(44)	G106C WCC CLAIMS SPECIALIST	5	GRADE GS08

1	(45)	A081C AUDITOR	1	GRADE GS07
2	(46)	A067C INSURANCE EXAMINER	2	GRADE GS07
3	(47)	X083C INSURANCE LIFE & HEALTH COMP OFFICER	5	GRADE GS07
4	(48)	X066C INSURANCE PREMIUM TAX EXAMINER	4	GRADE GS07
5	(49)	G125C INSURANCE SPECIAL PROJECTS COORDINATOR	1	GRADE GS07
6	(50)	X080C PROPERTY & CASUALTY COMPLIANCE OFFICER	4	GRADE GS07
7	(51)	G120C RISK CONSULTANT	7	GRADE GS07
8	(52)	X076C TITLE INSURANCE COMPLIANCE OFFICER	1	GRADE GS07
9	(53)	C037C ADMINISTRATIVE ANALYST	7	GRADE GS06
10	(54)	X088C EMBALMERS & FUNERAL DIR. INVESTIGATOR	2	GRADE GS06
11	(55)	A080C FINANCE AUTHORITY SPECIALIST	1	GRADE GS06
12	(56)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
13	(57)	M066C PROGRAM ELIGIBILITY SPECIALIST	2	GRADE GS06
14	(58)	G202C VOLUNTEER PROGRAM COORDINATOR	3	GRADE GS06
15	(59)	R033C BENEFITS ANALYST	1	GRADE GS05
16	(60)	A091C FISCAL SUPPORT ANALYST	1	GRADE GS05
17	(61)	C016C INSURANCE ADMINISTRATIVE COORDINATOR	3	GRADE GS05
18	(62)	X123C INSURANCE INVESTIGATOR	9	GRADE GS05
19	(63)	G201C WCC CLAIMS ANALYST	3	GRADE GS05
20	(64)	C056C ADMINISTRATIVE SPECIALIST III	13	GRADE GS04
21	(65)	A098C FISCAL SUPPORT SPECIALIST	4	GRADE GS04
22	(66)	R036C HUMAN RESOURCES SPECIALIST	1	GRADE GS04
23	(67)	C046C LEGAL SUPPORT SPECIALIST	3	GRADE GS04
24	(68)	C073C ADMINISTRATIVE SPECIALIST II	10	GRADE GS03
25	(69)	X180C INSURANCE LICENSING TECHNICIAN	7	GRADE GS03
26	(70)	C087C ADMINISTRATIVE SPECIALIST I	1	GRADE GS02
27	(71)	C084C MAIL SERVICES SPECIALIST	<u>2</u>	GRADE GS02
28		MAX. NO. OF EMPLOYEES	189	

29

30 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department
 31 of Commerce - State Insurance Department for the 2020-2021 fiscal year, the
 32 following maximum number of part-time or temporary employees, to be known as
 33 "Extra Help", payable from funds appropriated herein for such purposes:
 34 nineteen (19) temporary or part-time employees, when needed, at rates of pay
 35 not to exceed those provided in the Uniform Classification and Compensation
 36 Act, or its successor, or this act for the appropriate classification.

1
 2 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 3 to the Department of Commerce, to be payable from the State Insurance
 4 Department Trust Fund, for personal services, operating expenses, special
 5 maintenance and professional services of the Department of Commerce - State
 6 Insurance Department - Operations for the fiscal year ending June 30, 2021,
 7 the following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2020-2021</u>
11 (01) REGULAR SALARIES	\$7,500,172
12 (02) EXTRA HELP	140,000
13 (03) PERSONAL SERVICES MATCHING	2,448,800
14 (04) OVERTIME	27,500
15 (05) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	2,200,674
17 (B) CONF. & TRAVEL	188,000
18 (C) PROF. FEES	161,600
19 (D) CAP. OUTLAY	86,000
20 (E) DATA PROC.	0
21 (06) SPECIAL MAINTENANCE	50,000
22 (07) PROFESSIONAL SERVICES	956,000
23 (08) AHIM EXPENSES	<u>500,000</u>
24 TOTAL AMOUNT APPROPRIATED	<u>\$14,270,015</u>

25
 26 SECTION 4. APPROPRIATION - STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,
 27 CEMETERIES, AND BURIAL SERVICES - OPERATIONS. There is hereby appropriated,
 28 to the Department of Commerce, to be payable from the cash fund deposited in
 29 the State Treasury as determined by the Chief Fiscal Officer of the State,
 30 for personal services and operating expenses of the Department of Commerce -
 31 State Insurance Department - State Board of Embalmers, Funeral Directors,
 32 Cemeteries, and Burial Services - Operations for the fiscal year ending June
 33 30, 2021, the following:

34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2020-2021</u>

1	(01) REGULAR SALARIES	\$245,995
2	(02) PERSONAL SERVICES MATCHING	87,828
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	167,242
5	(B) CONF. & TRAVEL	5,464
6	(C) PROF. FEES	2,950
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	0
9	(04) LOANS	<u>55,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u><u>\$564,479</u></u>

11

12 SECTION 5. APPROPRIATION - FRAUD INVESTIGATION UNIT. There is hereby
 13 appropriated, to the Department of Commerce, to be payable from the State
 14 Insurance Department Trust Fund, for personal services of the Department of
 15 Commerce - State Insurance Department - Fraud Investigation Unit for the
 16 fiscal year ending June 30, 2021, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2020-2021</u>
20	(01) REGULAR SALARIES	\$626,424
21	(02) PERSONAL SERVICES MATCHING	<u>202,085</u>
22	TOTAL AMOUNT APPROPRIATED	<u><u>\$828,509</u></u>

23

24 SECTION 6. APPROPRIATION - INSURANCE FRAUD INVESTIGATION DIVISION.
 25 There is hereby appropriated, to the Department of Commerce, to be payable
 26 from the Insurance Fraud Investigation Division Trust Fund, for personal
 27 services and operating expenses of the Department of Commerce - State
 28 Insurance Department - Insurance Fraud Investigation Division for the fiscal
 29 year ending June 30, 2021, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2020-2021</u>
33	(01) REGULAR SALARIES	\$190,049
34	(02) PERSONAL SERVICES MATCHING	59,611
35	(03) MAINT. & GEN. OPERATION	
36	(A) OPER. EXPENSE	220,635

1	(B) CONF. & TRAVEL	35,000
2	(C) PROF. FEES	4,000
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$509,295</u></u>

6

7 SECTION 7. APPROPRIATION - PREPAID FUNERAL BENEFITS DIVISION. There is

8 hereby appropriated, to the Department of Commerce, to be payable from the

9 State Insurance Department Prepaid Trust Fund, for personal services and

10 operating expenses of the Department of Commerce - State Insurance Department

11 - Prepaid Funeral Benefits Division for the fiscal year ending June 30, 2021,

12 the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2020-2021</u>
16	(01) REGULAR SALARIES	\$250,258
17	(02) PERSONAL SERVICES MATCHING	83,786
18	(03) MAINT. & GEN. OPERATION	
19	(A) OPER. EXPENSE	36,700
20	(B) CONF. & TRAVEL	4,000
21	(C) PROF. FEES	0
22	(D) CAP. OUTLAY	0
23	(E) DATA PROC.	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u><u>\$374,744</u></u>

25

26 SECTION 8. APPROPRIATION - PREPAID FUNERAL CONTRACTS RECOVERY PROGRAM.

27 There is hereby appropriated, to the Department of Commerce, to be payable

28 from the Prepaid Funeral Contracts Recovery Program Fund, for the expenses

29 and payment of claims by the Department of Commerce - State Insurance

30 Department - Prepaid Funeral Contracts Recovery Program for the fiscal year

31 ending June 30, 2021, the following:

33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2020-2021</u>
35	(01) EXPENSES AND CLAIMS FOR PREPAID FUNERAL	
36	CONTRACTS RECOVERY PROGRAM	<u><u>\$500,000</u></u>

1
2 SECTION 9. APPROPRIATION - REFUNDS OF OVERPAYMENTS. There is hereby
3 appropriated, to the Department of Commerce, to be payable from the
4 Miscellaneous Revolving Fund, for payments of miscellaneous tax and fee
5 refunds by the Department of Commerce - State Insurance Department - Refunds
6 of Overpayments for the fiscal year ending June 30, 2021, the following:

8	ITEM	FISCAL YEAR
9	<u>NO.</u>	<u>2020-2021</u>
10	(01) REFUNDS/REIMBURSEMENTS	<u>\$11,000,000</u>

11
12 SECTION 10. APPROPRIATION - CONTINUING EDUCATION PROGRAM. There is
13 hereby appropriated, to the Department of Commerce, to be payable from the
14 Insurance Continuing Education Trust Fund, for personal services of the
15 Department of Commerce - State Insurance Department - Continuing Education
16 Program for the fiscal year ending June 30, 2021, the following:

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2020-2021</u>
20	(01) REGULAR SALARIES	\$25,268
21	(02) PERSONAL SERVICES MATCHING	<u>5,916</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$31,184</u>

23
24 SECTION 11. APPROPRIATION - HEALTH INFORMATION COUNSELING. There is
25 hereby appropriated, to the Department of Commerce, to be payable from the
26 federal funds as designated by the Chief Fiscal Officer of the State, for
27 personal services and operating expenses of the Department of Commerce -
28 State Insurance Department - Health Information Counseling for the fiscal
29 year ending June 30, 2021, the following:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2020-2021</u>
33	(01) REGULAR SALARIES	\$261,168
34	(02) PERSONAL SERVICES MATCHING	96,419
35	(03) MAINT. & GEN. OPERATION	
36	(A) OPER. EXPENSE	138,420

1	(B) CONF. & TRAVEL	8,000
2	(C) PROF. FEES	300,000
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$804,007</u></u>

6

7 SECTION 12. APPROPRIATION - CONSUMER INFORMATION SYSTEM - CASH. There

8 is hereby appropriated, to the Department of Commerce, to be payable from the

9 cash fund deposited in the State Treasury as determined by the Chief Fiscal

10 Officer of the State, for operating expenses of the Department of Commerce -

11 State Insurance Department - Consumer Information System - Cash for the

12 fiscal year ending June 30, 2021, the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2020-2021</u>
16	(01) MAINT. & GEN. OPERATION	
17	(A) OPER. EXPENSE	\$28,005
18	(B) CONF. & TRAVEL	0
19	(C) PROF. FEES	0
20	(D) CAP. OUTLAY	0
21	(E) DATA PROC.	<u>0</u>
22	TOTAL AMOUNT APPROPRIATED	<u><u>\$28,005</u></u>

23

24 SECTION 13. APPROPRIATION - TRAVEL AND SUBSISTENCE - CASH. There is

25 hereby appropriated, to the Department of Commerce, to be payable from the

26 cash fund deposited in the State Treasury as determined by the Chief Fiscal

27 Officer of the State, for travel and subsistence expenses of the Department

28 of Commerce - State Insurance Department - Travel and Subsistence - Cash for

29 the fiscal year ending June 30, 2021, the following:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2020-2021</u>
33	(01) TRAVEL & SUBSISTENCE EXPENSES	<u><u>\$100,000</u></u>

34

35 SECTION 14. APPROPRIATION - PUBLIC EMPLOYEE CLAIMS SECTION. There is

36 hereby appropriated, to the Department of Commerce, to be payable from the

1 Miscellaneous Agencies Fund Account, for personal services and operating
 2 expenses of the Department of Commerce - State Insurance Department - Public
 3 Employee Claims Section for the fiscal year ending June 30, 2021, the
 4 following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2020-2021</u>
8 (01) REGULAR SALARIES	\$1,040,942
9 (02) PERSONAL SERVICES MATCHING	359,605
10 (03) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	498,631
12 (B) CONF. & TRAVEL	24,300
13 (C) PROF. FEES	0
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	<u>0</u>
16 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,923,478</u></u>

17
 18 SECTION 15. APPROPRIATION - STATE EMPLOYEE CLAIMS. There is hereby
 19 appropriated, to the Department of Commerce, to be payable from the Workers'
 20 Compensation Revolving Fund, for payment of state employee claims by the
 21 Department of Commerce - State Insurance Department - State Employee Claims
 22 for the fiscal year ending June 30, 2021, the following:

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2020-2021</u>
26 (01) STATE EMPLOYEE CLAIMS	<u><u>\$16,500,000</u></u>

27
 28 SECTION 16. APPROPRIATION - PUBLIC SCHOOL EMPLOYEE CLAIMS. There is
 29 hereby appropriated, to the Department of Commerce, to be payable from the
 30 Miscellaneous Revolving Fund, for payment of public school employee claims by
 31 the Department of Commerce - State Insurance Department - Public School
 32 Employee Claims for the fiscal year ending June 30, 2021, the following:

34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2020-2021</u>
36 (01) PUBLIC SCHOOL EMPLOYEE CLAIMS	<u><u>\$400,000</u></u>

SECTION 17. APPROPRIATION - COUNTY EMPLOYEE CLAIMS. There is hereby appropriated, to the Department of Commerce, to be payable from the Miscellaneous Revolving Fund, for payment of county employee claims by the Department of Commerce - State Insurance Department - County Employee Claims for the fiscal year ending June 30, 2021, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2020-2021</u>
(01) COUNTY EMPLOYEE CLAIMS	<u>\$200,000</u>

SECTION 18. APPROPRIATION - CITY EMPLOYEE CLAIMS. There is hereby appropriated, to the Department of Commerce, to be payable from the Miscellaneous Revolving Fund, for payment of city employee claims by the Department of Commerce - State Insurance Department - City Employee Claims for the fiscal year ending June 30, 2021, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2020-2021</u>
(01) CITY EMPLOYEE CLAIMS	<u>\$400,000</u>

SECTION 19. APPROPRIATION - GOVERNMENTAL BONDING BOARD. There is hereby appropriated, to the Department of Commerce, to be payable from the Fidelity Bond Trust Fund, for operating expenses, refunds, reimbursements, claims, and professional services of the Department of Commerce - State Insurance Department - Governmental Bonding Board for the fiscal year ending June 30, 2021, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2020-2021</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$5,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0

1	(02) REFUNDS/REIMBURSEMENTS	150,000
2	(03) CLAIMS	2,800,000
3	(04) PROFESSIONAL SERVICES	<u>50,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,005,000</u></u>

5
6 SECTION 20. APPROPRIATION - ARKANSAS MULTI-AGENCY INSURANCE TRUST FUND.

7 There is hereby appropriated, to the Department of Commerce, to be payable
8 from the Arkansas Multi-Agency Insurance Trust Fund, for expenses and payment
9 of claims by the Department of Commerce - State Insurance Department -
10 Arkansas Multi-Agency Insurance Trust Fund for the fiscal year ending June
11 30, 2021, the following:

12		
13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2020-2021</u>
15	(01) FOR EXPENSES AND CLAIMS FROM AMAIT FUND	<u><u>\$20,000,000</u></u>

16
17 SECTION 21. APPROPRIATION - PUBLIC SCHOOL INSURANCE PROGRAM. There is
18 hereby appropriated, to the Department of Commerce, to be payable from the
19 Public School Insurance Trust Fund, for expenses and payment of claims by the
20 Department of Commerce - State Insurance Department - Public School Insurance
21 Program for the fiscal year ending June 30, 2021, the following:

22		
23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2020-2021</u>
25	(01) EXPENSES AND CLAIMS	<u><u>\$20,000,000</u></u>

26
27 SECTION 22. APPROPRIATION - CRIMINAL BACKGROUND CHECKS - CASH. There
28 is hereby appropriated, to the Department of Commerce, to be payable from the
29 cash fund deposited in the State Treasury as determined by the Chief Fiscal
30 Officer of the State, for operating expenses of the Department of Commerce -
31 State Insurance Department - Criminal Background Checks - Cash for the fiscal
32 year ending June 30, 2021, the following:

33		
34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2020-2021</u>
36	(01) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	\$125,000
2	(B) CONF. & TRAVEL	0
3	(C) PROF. FEES	0
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$125,000</u></u>

7

8 SECTION 23. APPROPRIATION - ARKANSAS HEALTHCARE TRANSPARENCY INITIATIVE

9 DATABASE. There is hereby appropriated, to the Department of Commerce, to be

10 payable from the Arkansas Healthcare Transparency Initiative Fund, for the

11 Arkansas Healthcare Transparency Initiative Database, maintenance and

12 operations, data collection and management, and data request fulfillment of

13 the Department of Commerce - State Insurance Department for the fiscal year

14 ending June 30, 2021, the following:

15		
16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2020-2021</u>
18	(01) AR HEALTHCARE TRANSPARENCY INITIATIVE	
19	DATABASE EXPENSES	<u><u>\$3,200,000</u></u>
20		

21 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

23 PROVISION. In the event the State Insurance Department is unable to maintain

24 a full roster of examination personnel, and upon approval of the Chief Fiscal

25 Officer of the State, the resulting unused appropriations in Regular

26 Salaries, Extra Help, and Personal Services Matching may be transferred to

27 the Professional Services special line item for the purpose of contracting

28 with qualified individuals or firms for examination assistance.

29 The provisions of this section shall be in effect only from July 1, ~~2019~~

30 2020 through June 30, ~~2020~~ 2021.

31

32 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

34 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in

35 this section, "Arkansas Works" means Arkansas Works established under the

36 Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.

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

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

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

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

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

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

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

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

28 (A) Unsolicited communications mailed to potential
29 recipients;

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

31 (C) Billboard or mobile billboard advertising;

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

34 (E) Advertisements on websites or other electronic media.

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

- 1 (A) Engaging in direct communications with:
2 (i) Licensed insurance agents; and
3 (ii) Persons licensed by the department;
4 (B) Engaging in solicited communications with potential
5 recipients;
6 (C)(i) Responding to an inquiry regarding the coverage for
7 which a potential recipient might be eligible, including without limitation
8 providing educational materials or information regarding any coverage for
9 which the potential recipient might qualify.
10 (ii) Educational materials and information
11 distributed under subdivision (c)(3)(C)(i) of this section shall contain only
12 factual information and shall not contain subjective statements regarding the
13 coverage for which the potential recipient might be eligible; and
14 (D) Using a website for the exclusive purpose of enrolling
15 individuals in the program.
16 (d) The department shall not apply for or accept any funds, including
17 without limitation federal funds, for the purpose of advertisement,
18 promotion, or other activities designed to promote or encourage enrollment in
19 the Arkansas Health Insurance Marketplace or the program.
20 (e)(1) Biannually, the department shall report to the Legislative
21 Council regarding the use of navigators, guides, certified application
22 counselors, and certified licensed producers under the Arkansas Health
23 Insurance Marketplace Navigator, Guide, and Certified Application Counselors
24 Act, § 23-64-601 et seq.
25 (2) The report shall include without limitation:
26 (A) The number of navigators, guides, certified
27 application counselors, and certified licensed producers;
28 (B) The number of recipients assisted by the navigators,
29 guides, certified application counselors, and certified licensed producers to
30 obtain coverage; and
31 (C) The number of recipients assisted by the navigators,
32 guides, certified application counselors, and certified licensed producers to
33 obtain coverage and who obtained coverage through the program.
34 (f) This section expires on June 30, 2020.
35

36 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INSURANCE
2 BUILDING CONSTRUCTION FUNDING PROVISION. Upon request of the Commissioner,
3 approval of the Chief Fiscal Officer of the State, and prior review by the
4 Arkansas Legislative Council or Joint Budget Committee, the State Insurance
5 Department may retain an amount above that which is set out in A.C.A. 23-61-
6 710(c) for the purposes of providing funding for the construction and
7 renovation of Department facilities, not to exceed eight million dollars
8 (\$8,000,000) in a single biennium. The amount being requested must be
9 submitted to the Chief Fiscal Officer of the State by April 1st of each
10 fiscal year.

11 The provisions of this section shall expire on June 30, ~~2020~~ 2021.

12
13 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
14 authorized by this act shall be limited to the appropriation for such agency
15 and funds made available by law for the support of such appropriations; and
16 the restrictions of the State Procurement Law, the General Accounting and
17 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
18 Procedures and Restrictions Act, or their successors, and other fiscal
19 control laws of this State, where applicable, and regulations promulgated by
20 the Department of Finance and Administration, as authorized by law, shall be
21 strictly complied with in disbursement of said funds.

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

31
32 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly, that the Constitution of the State of Arkansas prohibits
34 the appropriation of funds for more than a one (1) year period; that the
35 effectiveness of this Act on July 1, 2020 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the legislative session, the delay in the
2 effective date of this Act beyond July 1, 2020 could work irreparable harm
3 upon the proper administration and provision of essential governmental
4 programs. Therefore, an emergency is hereby declared to exist and this Act
5 being necessary for the immediate preservation of the public peace, health
6 and safety shall be in full force and effect from and after July 1, 2020.

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