

ARKANSAS SENATE
90th General Assembly - Fiscal Session, 2016
Amendment Form

JBC 4-27-2016 PM (3)

Subtitle of Senate Bill No. 86

AN ACT FOR THE DEPARTMENT OF HIGHER EDUCATION APPROPRIATION FOR THE 2016-2017
FISCAL YEAR.

Amendment No. 2 to Senate Bill No. 86

Amend Senate Bill No. 86 as engrossed, S4/26/16 (version: 04/26/2016 01:55:30 PM)

Following SECTION 40, insert a new section:

“ SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. (a) As used in this section:

(1) "Health Care Independence Program" means the Health Care Independence Program established under the Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.; and

(2) "Arkansas Works Program" means the Arkansas Works Program established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2, 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 publicly supported institution of higher education 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 publicly supported institution of higher education; 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 the acts of publicly supported institutions of higher education.

(c)(1) Except as provided in this subsection, the publicly supported institutions of higher education 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, the Health Care Independence Program, or the Arkansas Works Program, including without



limitation:

recipients;

- (A) Unsolicited communications mailed to potential
- (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 publicly supported institutions of higher education from:

- (A) Direct communications with licensed insurance agents;
- (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, the Health Care Independence Program, or the Arkansas Works Program.

(d) The publicly supported institutions of higher education 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, the Health Care Independence Program, or the Arkansas Works Program.

(e)(1) Except as provided in subdivision (e)(2) of this section, the publicly supported institutions of higher education 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 a publicly supported

institutions of higher education 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, 2017.”

And

Renumber the section numbers.

The Amendment was read the first time, rules suspended and read the second time and _____
By: Joint Budget Committee
By: Representative Ballinger
TWV/TWV - 04-27-2016 17:14:33
TWV193

Secretary