

**ARKANSAS SENATE**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

JBC 02/07/2019 (1)

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**Subtitle of Senate Bill No. 117**

AN ACT FOR THE STATE INSURANCE DEPARTMENT APPROPRIATION FOR THE 2019-2020 FISCAL  
YEAR.

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**Amendment No. 1 to Senate Bill 117**

Amend Senate Bill No. 117 as originally introduced:

Delete SECTION 25 in its entirety and substitute the following new SECTIONS:

“ SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS.

(a) As used in this section, "Arkansas Works" means Arkansas Works established under the Arkansas Works Act of 2016, 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 state agency 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 state agency; 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 this act.

(c)(1) Except as provided in this subsection, the State Insurance



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

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

(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

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

(E) Advertisements on websites or other electronic media.

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

(A) Engaging in direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Engaging in 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 potential recipient might qualify.

(ii) Educational materials and information distributed under subdivision (c)(3)(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 a website for the exclusive purpose of enrolling individuals in the program.

(d) The department 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 or the program.

(e)(1) Biannually, the department shall report to the Legislative Council regarding the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

(2) The report shall include without limitation:

(A) The number of navigators, guides, certified application counselors, and certified licensed producers;

(B) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage; and

(C) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage and who obtained coverage through the program.

(f) This section expires on June 30, 2020.

SECTION 26. Section 26 of Uncodified Act 248 of 2018 is amended to read as follows:

~~“SECTION 1. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Arkansas Works" means Arkansas Works established under the Arkansas Works Act of 2016, 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 state agency 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 state agency; 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 this act.~~

~~(c)(1) Except as provided in this subsection, the State Insurance Department 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 or Arkansas Works, including without limitation:~~

~~(A) Unsolicited communications mailed to potential recipients;~~

~~(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 department from:~~

~~(A) Direct communications with:~~

~~(i) Licensed insurance agents; and~~

~~(ii) Persons licensed by the department;~~

~~(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 or Arkansas Works.~~

~~(d) The State Insurance Department 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 or Arkansas Works.~~

~~(e)(1) Except as provided in subdivision (e)(2) of this section, the State Insurance Department 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 the State Insurance Department 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, 2019.””~~

AND

Delete SECTION 30 in its entirety and substitute the following new SECTION:

“ SECTION 30. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 25 and 26 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2019, with the exception that Section 25 and Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019; with the exception that Section 25 and Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval.”

AND

Appropriately renumber all the SECTION numbers.

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Joint Budget Committee

By: Senator Rapert

MAH/MAH - 02-07-2019 10:36:07

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Secretary