

1 **State of Arkansas**
2 **78th General Assembly**
3 **Second Extraordinary Session, 1992**
4 **By: Representatives Allen and Mullinex**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FINANCIAL RELIEF TO THE ARKANSAS
9 DEPARTMENT OF HUMAN SERVICES FOR THE MEDICAID PROGRAM FOR
10 THE REMAINDER OF THE BIENNIAL PERIOD ENDING JUNE 30, 1993
11 FROM FUNDS ACCRUING TO THE STATE DUE TO THE RELEASE OF THE
12 ESCROW ACCOUNT IN PLEDGER V. BRUNNER AND LAY, INC.; AND
13 FOR OTHER PURPOSES."

Subtitle

16 "AN ACT TO PROVIDE ADDITIONAL FUNDS FOR THE ARKANSAS
17 MEDICAID PROGRAM FOR THE REMAINDER OF THE 1992-93 FISCAL
18 YEAR."

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

22 SECTION 1. In order to provide supplemental funds for the Arkansas
23 Medicaid program as operated by the Department of Human Services and to do so
24 from monies which were unanticipated by the various state agencies and
25 programs when they completed their financial plans for the current fiscal year
26 due to the release of the escrow account in Pledger v. Brunner and Lay, Inc.,
27 308 Ark. 512 (1992), the State Treasurer shall, on the effective date of this
28 act or as near to that date as possible, transfer the sum of \$9,148,325.25
29 from the General Revenue Fund Account of the State Apportionment Fund to the
30 Grants Fund Account of the Department of Human Services Fund. The funds so
31 transferred shall be used to supplement other funds as may be made available
32 for the Arkansas Medicaid program and shall not be used to supplant such other
33 funds nor shall the funds so transferred be used for any other purpose.

35 SECTION 2. LEGISLATIVE INTENT. It is the intent of the General

1 Assembly that any funds disbursed under the authority of the appropriations
2 contained in this Act shall be in compliance with the stated reasons for which
3 this Act was adopted, as evidenced by the Agency Requests, Executive
4 Recommendations and Legislative Recommendations contained in the budget
5 manuals prepared by the Department of Finance and Administration, letters, or
6 summarized oral testimony in the official minutes of the Arkansas Legislative
7 Council or Joint Budget Committee which relate to its passage and adoption.

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9 SECTION 3. CODE. All provisions of this Act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

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13 SECTION 4. SEVERABILITY. If any provision of this Act or the
14 application thereof to any person or circumstance is held invalid, such
15 invalidity shall not affect other provisions or applications of the Act which
16 can be given effect without the invalid provision or application, and to this
17 end the provisions of this Act are declared to be severable.

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19 SECTION 5. GENERAL REPEALER. All laws and parts of laws in conflict
20 with this Act are hereby repealed.

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22 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
23 Seventy-Eighth General Assembly, meeting in extraordinary session, that the
24 State of Arkansas must provide adequate health care to its indigent citizens,
25 that if immediate measures are not taken many Arkansans will be irreversibly
26 emotionally and physically damaged by the removal of health care measures,
27 that unplanned funds were received by the State of Arkansas in the case of
28 Pledger v. Brunner and Lay, Inc. in the amount of over nine million dollars
29 which can be now be used to assist the Medicaid program until a permanent
30 solution can be found by the next regular session of the Arkansas General
31 Assembly. Therefore an emergency is hereby declared to exist and this act
32 being necessary for the immediate preservation of the public peace, health and
33 safety shall be in full force and effect from and after the date of its
34 passage and approval.

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