

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1377

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID  
10 EXPANSION PROGRAM FOR THE DEPARTMENT OF HUMAN  
11 SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30,  
12 2005; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF HUMAN  
17 SERVICES - MEDICAID EXPANSION PROGRAM  
18 APPROPRIATION FOR THE 2003-2005  
19 BIENNIUM.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. REGULAR SALARIES - COUNTY OPERATIONS. There is hereby  
25 established for the Department of Human Services - Division of County  
26 Operations for the 2003-2005 biennium, the following maximum number of  
27 regular employees whose salaries shall be governed by the provisions of the  
28 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et  
29 seq.), or its successor, and all laws amendatory thereto. Provided, however,  
30 that any position to which a specific maximum annual salary is set out herein  
31 in dollars, shall be exempt from the provisions of said Uniform  
32 Classification and Compensation Act. All persons occupying positions  
33 authorized herein are hereby governed by the provisions of the Regular  
34 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
35 successor.  
36



Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Years
				2003-2004
				2004-2005
(1)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE 22
(2)	M024	FAMILY SUPPORT SPECIALIST SUPV	7	GRADE 18
(3)	M023	FAMILY SUPPORT SPECIALIST III	44	GRADE 17
(4)	K039	DOCUMENT EXAMINER II	<u>11</u>	GRADE 12
MAX. NO. OF EMPLOYEES			63	

10

11 SECTION 2. REGULAR SALARIES - MEDICAL SERVICES. There is hereby  
 12 established for the Department of Human Services - Division of Medical  
 13 Services for the 2003-2005 biennium, the following maximum number of regular  
 14 employees whose salaries shall be governed by the provisions of the Uniform  
 15 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 16 its successor, and all laws amendatory thereto. Provided, however, that any  
 17 position to which a specific maximum annual salary is set out herein in  
 18 dollars, shall be exempt from the provisions of said Uniform Classification  
 19 and Compensation Act. All persons occupying positions authorized herein are  
 20 hereby governed by the provisions of the Regular Salaries Procedures and  
 21 Restrictions Act (Arkansas Code §21-5-101), or its successor.

22

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Years
				2003-2004
				2004-2005
(1)	697Z	DHS PRGM MANAGER	1	GRADE 21
(2)	M154	DHS FIELD REPRESENTATIVE	<u>1</u>	GRADE 19
MAX. NO. OF EMPLOYEES			2	

30

31 SECTION 3. APPROPRIATION - COUNTY OPERATIONS - MEDICAID EXPANSION PROGRAM.  
 32 There is hereby appropriated, to the Department of Human Services - Division  
 33 of County Operations, to be payable from the Medicaid Expansion Program  
 34 Account, for personal services and operating expenses of the Department of  
 35 Human Services - Division of County Operations - Medicaid Expansion Program  
 36 for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 1,389,539	\$ 1,427,057
(02) PERSONAL SERV MATCH	466,522	473,403
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	195,795	195,795
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) DATA PROCESSING SERVICES	<u>50,000</u>	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,101,856</u>	<u>\$ 2,146,255</u>

SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM.  
 There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Medicaid Expansion Program Account, for personal services and operating expenses of the Department of Human Services - Division of Medical Services - Medicaid Expansion Program for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 72,539	\$ 74,497
(02) PERSONAL SERV MATCH	20,024	20,383
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	15,973	15,973
(B) CONF. & TRAVEL	2,000	2,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 110,536</u>	<u>\$ 112,853</u>

SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID EXPANSION PROGRAM GRANTS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Medicaid Expansion

1 Program Account, for grant payments of the Department of Human Services -  
 2 Division of Medical Services - Medicaid Expansion Program for the biennial  
 3 period ending June 30, 2005, the following:

4	5 ITEM	6 FISCAL YEARS	
7	8 <u>NO.</u>	9 <u>2003-2004</u>	10 <u>2004-2005</u>
11	(01) PRESCRIPTION DRUGS	\$ 29,063,678	\$ 29,063,678
12	(02) HOSPITAL AND MEDICAL SERVICES	<u>46,765,542</u>	<u>46,765,542</u>
13	TOTAL AMOUNT APPROPRIATED	<u>\$ 75,829,220</u>	<u>\$ 75,829,220</u>

14 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
 16 EXPANSION PROGRAM - CARRY FORWARD. Such appropriation as is authorized in  
 17 this Act for the Arkansas Tobacco Settlement - Medicaid Expansion Program  
 18 which remains at the end of the first fiscal year of the biennium may be  
 19 carried forward into the second fiscal year of the biennium there to be used  
 20 for the same purposes.

21 The provisions of this section shall be in effect only from ~~July 1, 2001~~  
 22 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

23 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID  
 25 EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as  
 26 established by Initiated Act 1 of 2000 shall be a separate and distinct  
 27 component embracing (1) expanded Medicaid coverage and benefits to pregnant  
 28 women; (2) expanded inpatient and outpatient hospital reimbursements and  
 29 benefits to adults aged nineteen (19) to sixty-four (64); (3) expanded non-  
 30 institutional coverage and benefits to adults aged 65 and over; and (4)  
 31 creation and provision of a limited benefit package to adults aged nineteen  
 32 (19) to sixty-four (64), to be administered by the Department of Human  
 33 Services. Separate Paying Accounts shall be established for the Medicaid  
 34 Expansion Program as designated by the Chief Fiscal Officer of the State, to  
 35 be used exclusively for the purpose of drawing down federal funds associated  
 36 with the federal share of expenditures and for the state share of  
 expenditures transferred from the Medicaid Expansion Program Account or for  
 any other appropriate state match funds.

1 The provisions of this section shall be in effect only from ~~July 1, 2001~~  
 2 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

3  
 4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.  
 6 Such appropriations and fund accounts as may be necessary to administer the  
 7 provisions of this act shall be established on the books of the Chief Fiscal  
 8 Officer of the State, State Treasurer, and the Auditor of the State.

9 The provisions of this section shall be in effect only from ~~July 1, 2001~~  
 10 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

11  
 12 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 14 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the  
 15 State of Arkansas or any of its agencies or institutions to continue funding  
 16 any position paid from the proceeds of the Tobacco Settlement in the event  
 17 that Tobacco Settlement funds are not sufficient to finance the position.  
 18 (b) State funds will not be used to replace Tobacco Settlement funds when  
 19 such funds expire, unless appropriated by the General Assembly and authorized  
 20 by the Governor.  
 21 (c) A disclosure of the language contained in (a) and (b) of this Section  
 22 shall be made available to all new hire and current positions paid from the  
 23 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.  
 24 (d) Whenever applicable the information contained in (a) and (b) of this  
 25 Section shall be included in the employee handbook and or Professional  
 26 Services Contract paid from the proceeds of the Tobacco Settlement.

27  
 28 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 30 RESTRICTIONS. The appropriations provided in this act shall not be  
 31 transferred under the provisions of Arkansas Code 19-4-522 or the provisions  
 32 of Arkansas code 6-62-104, but only as provided by this act.

33  
 34 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS  
 36 OF APPROPRIATIONS. In the event the amount of any of the budget

1 classifications of maintenance and general operation in this act are found by  
 2 the administrative head of the agency to be inadequate, then the agency head  
 3 may request, upon forms provided for such purpose by the Chief Fiscal Officer  
 4 of the State, a modification of the amounts of the budget classification. In  
 5 that event, he shall set out on the forms the particular classifications for  
 6 which he is requesting an increase or decrease, the amounts thereof, and his  
 7 reasons therefor. In no event shall the total amount of the budget exceed  
 8 either the amount of the appropriation or the amount of the funds available,  
 9 nor shall any transfer be made from the capital outlay or data processing  
 10 subclassifications unless specific authority for such transfers is provided  
 11 by law, except for transfers from capital outlay to data processing when  
 12 determined by the Department of Information Systems that data processing  
 13 services for a state agency can be performed on a more cost-efficient basis  
 14 by the Department of Information Systems than through the purchase of data  
 15 processing equipment by that state agency. In considering the proposed  
 16 modification as prepared and submitted by each state agency, the Chief Fiscal  
 17 Officer of the State shall make such studies as he deems necessary. The Chief  
 18 Fiscal Officer of the State shall, after obtaining the approval of the  
 19 Legislative Council, approve the requested transfer if in his opinion it is  
 20 in the best interest of the state.

21 The General Assembly has determined that the agency in this act could be  
 22 operated more efficiently if some flexibility is given to that agency and  
 23 that flexibility is being accomplished by providing authority to transfer  
 24 between certain items of appropriation made by this act. Since the General  
 25 Assembly has granted the agency broad powers under the transfer of  
 26 appropriations, it is both necessary and appropriate that the General  
 27 Assembly maintain oversight of the utilization of the transfers by requiring  
 28 prior approval of the Legislative Council in the utilization of the transfer  
 29 authority. Therefore, the requirement of approval by the Legislative Council  
 30 is not a severable part of this section. If the requirement of approval by  
 31 the Legislative Council is ruled unconstitutional by a court jurisdiction,  
 32 this entire section is void.

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34 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 36 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act

1 shall be limited to the appropriation for such agency and funds made  
 2 available by law for the support of such appropriations; and the restrictions  
 3 of the State Purchasing Law, the General Accounting and Budgetary Procedures  
 4 Law, the Regular Salary Procedures and Restrictions Act, or their successors,  
 5 and other fiscal control laws of this State, where applicable, and  
 6 regulations promulgated by the Department of Finance and Administration, as  
 7 authorized by law, shall be strictly complied with in disbursement of said  
 8 funds.

9 The provisions of this section shall be in effect only from ~~July 1, 2001~~  
 10 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

11  
 12 SECTION 13. SPECIAL LANGUAGE. LEGISLATIVE INTENT. It is the intent of  
 13 the General Assembly that any funds disbursed under the authority of the  
 14 appropriations contained in this act shall be in compliance with the stated  
 15 reasons for which this act was adopted, as evidenced by Initiated Act 1 of  
 16 2000, the Agency Requests, Executive Recommendations and Legislative  
 17 Recommendations contained in the budget manuals prepared by the Department of  
 18 Finance and Administration, letters, or summarized oral testimony in the  
 19 official minutes of the Arkansas Legislative Council or Joint Budget  
 20 Committee which relate to its passage and adoption.

21  
 22 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the General  
 23 Assembly, that the Constitution of the State of Arkansas prohibits the  
 24 appropriation of funds for more than a two (2) year period; that the  
 25 effectiveness of this Act on July 1, 2003 is essential to the operation of  
 26 the agency for which the appropriations in this Act are provided, and that in  
 27 the event of an extension of the Regular Session, the delay in the effective  
 28 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
 29 proper administration and provision of essential governmental programs.  
 30 Therefore, an emergency is hereby declared to exist and this Act being  
 31 necessary for the immediate preservation of the public peace, health and  
 32 safety shall be in full force and effect from and after July 1, 2003.