

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S4/6/09
A Bill

SENATE BILL 152

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HUMAN SERVICES - DIVISION OF
12 MEDICAL SERVICES FOR THE FISCAL YEAR ENDING JUNE
13 30, 2010; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - DIVISION OF MEDICAL SERVICES
18 APPROPRIATION FOR THE 2009-2010 FISCAL
19 YEAR.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
26 the Department of Human Services - Division of Medical Services for the 2009-
27 2010 fiscal year, the following maximum number of regular employees whose
28 salaries shall be governed by the provisions of the Uniform Classification
29 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
30 and all laws amendatory thereto. Provided, however, that any position to
31 which a specific maximum annual salary is set out herein in dollars, shall be
32 exempt from the provisions of said Uniform Classification and Compensation
33 Act. All persons occupying positions authorized herein are hereby governed
34 by the provisions of the Regular Salaries Procedures and Restrictions Act
35 (Arkansas Code §21-5-101), or its successor.
36



				Maximum	Maximum Annual
				No. of	Salary Rate
	Item	Class		Employees	Fiscal Year
	No.	Code	Title		2009-2010
5	(1)	L016N	REGISTERED PHARMACIST	6	GRADE N911
6	(2)	N022N	DHS DEP DIR MEDICAL SERVICES	1	GRADE N910
7	(3)	N080N	DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	GRADE N907
8	(4)	N099N	DHS/DMS ADD - LONG TERM CARE	1	GRADE N906
9	(5)	N100N	DHS/DMS ADD - MEDICAL SERVICES	2	GRADE N906
10	(6)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
11	(7)	A016C	DHS DMS BUSINESS OPERATIONS MANAGER	9	GRADE C127
12	(8)	L010C	DHS DMS MEDICAL ASSISTANCE MANAGER	9	GRADE C125
13	(9)	L009C	NURSE MANAGER	5	GRADE C125
14	(10)	B023C	ENGINEER, P.E.	1	GRADE C124
15	(11)	L020C	NURSING SERVICES UNIT MANAGER	2	GRADE C123
16	(12)	L019C	REGISTERED NURSE COORDINATOR	5	GRADE C123
17	(13)	A044C	AUDIT COORDINATOR	1	GRADE C122
18	(14)	G099C	DHS PROGRAM ADMINISTRATOR	15	GRADE C122
19	(15)	L027C	REGISTERED NURSE SUPERVISOR	13	GRADE C122
20	(16)	A056C	DHS FINANCIAL SECTION MANAGER	1	GRADE C120
21	(17)	L040C	DIETARY SERVICES DIRECTOR	1	GRADE C120
22	(18)	L038C	REGISTERED NURSE	74	GRADE C120
23	(19)	E023C	TRAINING PROJECT MANAGER	1	GRADE C120
24	(20)	D063C	COMPUTER SUPPORT SPECIALIST	3	GRADE C119
25	(21)	D062C	DATABASE ANALYST	1	GRADE C119
26	(22)	G152C	DHS PROGRAM MANAGER	11	GRADE C119
27	(23)	G147C	GRANTS COORDINATOR	2	GRADE C119
28	(24)	X067C	HEALTH FACILITIES SURVEYOR	21	GRADE C119
29	(25)	X062C	QUALITY ASSURANCE COORDINATOR	2	GRADE C119
30	(26)	A060C	SENIOR AUDITOR	11	GRADE C119
31	(27)	R024C	ASST PERSONNEL MANAGER	1	GRADE C118
32	(28)	A081C	AUDITOR	2	GRADE C117
33	(29)	R027C	BUDGET SPECIALIST	2	GRADE C117
34	(30)	G183C	DHS PROGRAM COORDINATOR	8	GRADE C117
35	(31)	L055C	DIETICIAN	3	GRADE C117
36	(32)	D068C	INFORMATION SYSTEMS ANALYST	3	GRADE C117

1	(33)	M039C	MEDICAID SERVICES SUPERVISOR	3	GRADE C117
2	(34)	C013C	MEDICAL SERVICES REPRESENTATIVE	4	GRADE C117
3	(35)	G178C	POLICY DEVELOPMENT COORDINATOR	5	GRADE C117
4	(36)	A089C	ACCOUNTANT I	1	GRADE C116
5	(37)	X124C	HEALTH FACILITY REVIEWER	1	GRADE C116
6	(38)	A084C	PROGRAM/FIELD AUDIT SPECIALIST	3	GRADE C116
7	(39)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115
8	(40)	G210C	DHS PROGRAM SPECIALIST	1	GRADE C115
9	(41)	A091C	FISCAL SUPPORT ANALYST	3	GRADE C115
10	(42)	C050C	ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE C113
11	(43)	L070C	HEALTH CARE ANALYST	19	GRADE C113
12	(44)	C056C	ADMINISTRATIVE SPECIALIST III	25	GRADE C112
13	(45)	A098C	FISCAL SUPPORT SPECIALIST	2	GRADE C112
14	(46)	C073C	ADMINISTRATIVE SPECIALIST II	18	GRADE C109
15	(47)	C087C	ADMINISTRATIVE SPECIALIST I	<u>15</u>	GRADE C106
16			MAX. NO. OF EMPLOYEES	326	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Division of Medical Services for the 2009-2010 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: seven (7) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Medical Services - Operations for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REGULAR SALARIES	\$ 15,397,111

1	(02) EXTRA HELP	126,892
2	(03) PERSONAL SERVICES MATCHING	4,647,573
3	(04) OVERTIME	5,000
4	(05) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	3,446,243
6	(B) CONF. & TRAVEL	246,340
7	(C) PROF. FEES	355,132
8	(D) CAP. OUTLAY	195,000
9	(E) DATA PROC.	0
10	(06) DATA PROCESSING SERVICES	299,600
11	(07) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>458,025</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 25,176,916</u>

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14 SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to the
15 Department of Human Services - Division of Medical Services, to be payable
16 from the paying account as determined by the Chief Fiscal Officer of the
17 State, for grant payments of the Department of Human Services - Division of
18 Medical Services - Grants for the fiscal year ending June 30, 2010, the
19 following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</u>
23	(01) PRIVATE NURSING HOME CARE	\$ 592,888,856
24	(02) INFANT INFIRMARY	27,450,775
25	(03) PUBLIC NURSING HOME CARE	221,068,656
26	(04) PRESCRIPTION DRUGS	444,995,868
27	(05) HOSPITAL AND MEDICAL SERVICES	3,321,028,598
28	(06) CHILD AND FAMILY LIFE INSTITUTE	2,100,000
29	(07) ARKIDS B PROGRAM	156,402,779
30	(08) PRIVATE NURSING HOME CARE - ARRA OF 2009	134,694,759
31	(09) INFANT INFIRMARY - ARRA OF 2009	4,901,102
32	(10) PUBLIC NURSING HOME CARE - ARRA OF 2009	40,875,288
33	(11) PRESCRIPTION DRUGS - ARRA OF 2009	94,544,574
34	(12) HOSPITAL AND MEDICAL SERVICES - ARRA OF 2009	646,455,077
35	(13) ARKIDS B PROGRAM - ARRA OF 2009	<u>27,377,439</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$5,714,783,771</u>

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SECTION 5. APPROPRIATION - NURSING HOME CLOSURE COSTS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Long-Term Care Trust Fund, for the payment of relocation costs of residents in long-term care facilities, maintenance and operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) EXPENSES	\$ <u>50,000</u>

SECTION 6. APPROPRIATION - LONG-TERM CARE FACILITY RECEIVERSHIP. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Long Term Care Facility Receivership Fund Account, for the payment of expenses of long-term care facility receivers as authorized by law of the Department of Human Services - Division of Medical Services - Long-Term Care Facility Receivership for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) EXPENSES	\$ <u>100,000</u>

SECTION 7. APPROPRIATION - NURSING HOME QUALITY GRANTS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the Long-Term Care Trust Fund, for Nursing Home Quality Grants of the Department of Human Services - Division of Medical Services - Nursing Home Quality Grants for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) NURSING HOME QUALITY GRANTS AND AID	\$ <u>1,500,000</u>

1 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Arkansas
3 Code § 19-5-306 (10) (A), concerning the Department of Human Services Grants
4 Fund Account, is amended to read as follows:

5
6 DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT. The Department of Human
7 Services Grants Fund Account shall be used for the following grant programs
8 to consist of general revenues and any other nonfederal funds, as may be
9 appropriated by the General Assembly:

- 10 (i) Children's Medical Services;
11 (ii) Food Stamp Employment and Training Program;
12 (iii) Aid to the Aged, Blind, and Disabled;
13 (iv) Transitional Employment Assistance Program;
14 (v) Private nursing home care;
15 (vi) Infant Infirmary - nursing home care;
16 (vii) Public Nursing Home Care;
17 (viii) Prescription Drugs;
18 (ix) Hospital and Medical Services;
19 (x) Child and Family Life Institute;
20 (xi) Community Services Block Grant;
21 (xii) ARKIDSFIRST;
22 (xiii) Child Health Management Services; and
23 (xiv) Child Care Grant; ~~and~~
24 ~~(xv) Prescription Drug Elderly.~~

25
26 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
28 SERVICES - CHILD AND FAMILY LIFE INSTITUTE. The Child Health and Family Life
29 Institute shall be administered under the direction of Arkansas Children's
30 Hospital. Arkansas Children's Hospital shall enter into a cooperative
31 agreement and/or contract with the University of Arkansas for Medical
32 Sciences - Department of Pediatrics for services required in delivering the
33 programs of the Child Health and Family Life Institute. Utilizing a
34 multidisciplinary collaboration of professionals, the Child Health and Family
35 Life Institute shall provide a statewide effort to explore, develop and
36 evaluate new and better ways to address medically, socially and economically

1 interrelated health and developmental needs of children with special health
2 care needs and their families. The Child Health and Family Life Institute's
3 priorities shall include, but are not limited to, wellness and prevention,
4 screen and diagnosis, treatment and intervention, training and education and
5 research and evaluation.

6 Arkansas Children's Hospital and the University of Arkansas for Medical
7 Sciences - Department of Pediatrics shall make annual reports to the Arkansas
8 Legislative Council on all matters of funding, existing programs and services
9 offered through the Child Health and Family Life Institute.

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2009 through June 30, ~~2009~~ 2010.

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13 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
15 SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior
16 to making any changes to the current pharmaceutical dispensing fee, the State
17 shall conduct an independent survey utilizing generally accepted accounting
18 principles, to determine the cost of dispensing a prescription by pharmacists
19 in Arkansas. Only factors relative to the cost of dispensing shall be
20 surveyed. These factors shall not include actual acquisition costs or average
21 profit or any combination of actual acquisition costs or average profit. The
22 survey results shall be the basis for establishing the dispensing fee paid to
23 participating pharmacies in the Medicaid prescription drug program in
24 accordance with Federal requirements. The dispensing fee shall be no lower
25 than the cost of dispensing as determined by the survey. Nothing in this
26 section shall be construed to prohibit the State from increasing the
27 dispensing fee at any time.

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 2009 through June 30, ~~2009~~ 2010.

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31 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
33 SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.

34 (a) Rates established by the Division of Medical Services for the services or
35 programs covered by this Act shall be calculated by the methodologies
36 approved by the Centers for Medicare and Medicaid Services (CMS). The

1 Division of Medical Services shall have the authority to reduce or increase
2 rates based on the approved methodology. Further, the Division of Medical
3 Services shall have the authority to increase or decrease rates for good
4 cause including, but not limited to: (1) Identification of provider(s) who
5 can render needed services of equal quality at rates less than traditionally
6 charged and who meet the applicable federal and state laws, rules and
7 regulations pertaining to the provision of a particular service;
8 (2) Identification that a provider or group of providers has consistently
9 charged rates to the Arkansas Medicaid Program greater than to other
10 purchasers of medical services of similar size;
11 (3) The Division determines that there has been significant changes in the
12 technology or process by which services are provided by a provider or group
13 of providers which has affected the costs of providing services, or;
14 (4) A severe economic downturn in the Arkansas economy which has affected the
15 overall state budget of the Division of Medical Services.

16 The Division of Medical Services shall make available to requesting
17 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates
18 established with cost of living increases based on the CMS Market Basket
19 Index or other indices will be adjusted annually except when the state budget
20 does not provide sufficient appropriation and funding to affect the change or
21 portion thereof.

22 (b) Any rate methodology changes proposed by the Division of Medical Services
23 both of a general and specific nature, shall be subject to prior review by
24 the Legislative Council or Joint Budget Committee.

25 The provisions of this section shall be in effect only from July 1, ~~2007~~
26 2009 through June 30, ~~2009~~ 2010.

27
28 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
30 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department
31 of ~~Health and~~ Human Services - Division of Medical Services to retain in the
32 Department of Human Services Grant Fund account an amount not to exceed
33 \$2,100,000 each fiscal year from funds made available by this Act for the
34 Child and Family Life Institute, Section 4, item number 06 to be used to
35 match federal funds used for supplemental Medicaid payments to Arkansas
36 Children's Hospital. These retained funds shall not be recovered to transfer

1 to the General Revenue Allotment Reserve Fund.

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3 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
5 PLAN. The State Plan must include the provision of EPSDT services as those
6 services are defined in §1396d(r). See §§ 1396a(a)(10)(A), 1396d(a)(4)(B);
7 see also 1396a(a)(43). Section 1396d(r) lists in detail the screening
8 services, vision services, dental services, and hearing services that the
9 State Plan must expressly include, but with regard to treatment services, it
10 states that EPSDT means "[s]uch other necessary health care, diagnostic
11 services, treatment, and other measures described in subsection (a) of this
12 section to correct or ameliorate defects and physical and mental illnesses
13 and conditions discovered by the screening services, whether or not such
14 services are covered under the State plan." 42 U.S.C. § 1396d(r)(5) (emphasis
15 added). Reading §1396a, § 1396d(a), and § 1396d(r) together, we believe that
16 the State Plan need not specifically list every treatment service conceivably
17 available under the EPSDT mandate.

18 The State Plan, however, must pay part or all of the cost of treatments to
19 ameliorate conditions discovered by the screening process when those
20 treatments meet the definitions set forth in § 1396a. See §1396d(r)(5); see
21 also §§1396a(a)(10), 1396a (a)(43), and 1396d(a)(4)(B). The Arkansas State
22 Plan states that the "State will provide other health care described in [42
23 U.S.C. 1396d(a)] that is found to be medically necessary to correct or
24 ameliorate defects and physical and mental illnesses and conditions
25 discovered by the screening services, even when such health care is not
26 otherwise covered under the State Plan." See State Plan Under Title XIX of
27 the Social Security Act Medical Assistance Program, State Of Arkansas at
28 §4.b. This provision Meets the EPSDT mandate of the Medicaid Act.

29 We affirm the district court's decision to the extent that it holds that a
30 Medicaid-Eligible individual has a federal right to early intervention day
31 treatment when a physician recommends such treatment. Section 1396d(r)(5)
32 states that EPSDT includes any treatments or measures outlined in §1396d(a).
33 There are twenty-seven sub-parts to §1396d(a), and we find that sub-part
34 (a)(13), in particular, when read with the other sections of the Medicaid Act
35 listed above, mandates that early intervention day treatment be provided when
36 it is prescribed by a physician. See 42 U.S.C. §1396d(a)(13) (defining

1 medical assistance reimbursable by Medicaid as "other diagnostic, screening,
2 preventive, and rehabilitative services, including any medical or remedial
3 services recommended by a physician...for the maximum reduction of physical
4 and mental disability and restoration of an individual to the best possible
5 functional level"). Therefore, after CHMS clinic staff perform a diagnostic
6 evaluation of an eligible child, if the CHMS physician prescribes early
7 intervention day treatment as a service that would lead to the maximum
8 reduction of medical and physical disabilities and restoration of the child
9 to his or her best possible functional level, the Arkansas State Plan must
10 reimburse the treatment. Because CHMS clinics are the only providers of early
11 intervention day treatment, Arkansas must reimburse those clinics.

12

13 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
15 SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

16 (a) It is the Legislative intent that the Department of Human Services in
17 its administration of the Arkansas Medicaid Program set forth Medicaid
18 provider participation requirements for "personal care providers" that will
19 insure sufficient available providers to meet the required needs of all
20 eligible recipients, to include insuring available in home services twenty-
21 four (24) hours a day and seven (7) days a week for personal care.

22 (b) For the purposes of this section, "private care agencies" are defined
23 as those providers licensed by the Department of Labor, certified as
24 ElderChoices Providers and who furnish in home staffing services for
25 respite, chore services, and homemaker services, and are covered by liability
26 insurance of not less than one million dollars (\$1,000,000) covering their
27 employees and independent contractors while they are engaged in providing
28 services, such as personal care, respite, chore services, and homemaker
29 services.

30 (c) The purpose of this section is to allow the private care agencies
31 defined herein to be eligible to provide Medicaid reimbursed personal care
32 services seven (7) days a week, and does not supercede Department of Human
33 Services rules establishing monthly benefit limits and prior authorization
34 requirements.

35 (d) The availability of providers shall not require the Department of Human
36 Services to reimburse for twenty-four (24) hours per day of personal care

1 services.

2 (e) The Arkansas Department of Human Services, Medical Services Division
3 shall take such action as required by the Centers for Medicare and Medicaid
4 Services to amend the Arkansas Medicaid manual to include, private care
5 agencies, as qualified entities to provide Medicaid reimbursed personal care
6 services.

7 (f) The private care agencies shall comply with rules and regulations
8 promulgated by the Arkansas Department of Health which shall establish a
9 separate licensure category for the private care agencies for the provision
10 of Medicaid reimbursable personal care services seven (7) days a week.

11 (g) The Arkansas Department of Health shall supervise the conduct of the
12 personal care agencies defined herein.

13 (h) The purpose of this section is to insure the care provided by the
14 private care agencies, is consistent with the rules and regulations of the
15 Arkansas Department of Health.

16 The provisions of this section shall be in effect only from July 1, 2009
17 through June 30, 2010.

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

28
29 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General Assembly
30 that any funds disbursed under the authority of the appropriations contained
31 in this act shall be in compliance with the stated reasons for which this act
32 was adopted, as evidenced by the Agency Requests, Executive Recommendations
33 and Legislative Recommendations contained in the budget manuals prepared by
34 the Department of Finance and Administration, letters, or summarized oral
35 testimony in the official minutes of the Arkansas Legislative Council or
36 Joint Budget Committee which relate to its passage and adoption.

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SECTION 17. 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, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 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, 2009.

/s/ Joint Budget Committee