

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 129

5 By: Senator Teague
6 By: Representative Jean
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE STATE INSURANCE
11 DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2018;
12 AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE STATE INSURANCE DEPARTMENT
16 APPROPRIATION FOR THE 2017-2018 FISCAL
17 YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
24 for the State Insurance Department for the 2017-2018 fiscal year, the
25 following maximum number of regular employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2017-2018
31	(1) U042U	INSURANCE CHIEF DEPUTY COMMISSIONER	1	\$174,260
32	(2) U047U	STATE INSURANCE COMMISSIONER	1	\$132,129
33	(3) N201N	DEP COMM OF CRIMINAL INVESTIGATIONS	1	GRADE N914
34	(4) N014N	INSURANCE DEP COMM FINANCIAL REGS	1	GRADE N914
35	(5) N190N	INSURANCE GENERAL COUNSEL	1	GRADE N912
36	(6) D028N	REGULATORY HEALTH LINK TECH OFFICER	1	GRADE N912



1	(7)	G018N	DIRECTOR RISK MANAGEMENT	1	GRADE N910
2	(8)	N140N	INS ASST DEP COMMISSIONER FINANCE	1	GRADE N910
3	(9)	N023N	INSURANCE DEPUTY COMMISSIONER	2	GRADE N910
4	(10)	N025N	INSURANCE DEPUTY COMM INFO SVCS	1	GRADE N910
5	(11)	X002N	PROPERTY & CASUALTY MANAGER	1	GRADE N910
6	(12)	N073N	INSURANCE CHF FIN/MKT CONDUCT EXMR	1	GRADE N908
7	(13)	G043N	RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE N908
8	(14)	A004N	CERTIFIED FINANCIAL EXAMINER MGR	3	GRADE N906
9	(15)	D010N	INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE N904
10	(16)	A004C	CERTIFIED FINANCIAL EXAMINER	12	GRADE C130
11	(17)	X002C	INSURANCE PUBLIC EMP CLAIMS DIV DIR	1	GRADE C130
12	(18)	G004C	MANAGING ATTORNEY	3	GRADE C129
13	(19)	G241C	HEALTH INFO TECH OPER & TECH OFF	1	GRADE C128
14	(20)	D007C	INFORMATION SYSTEMS MANAGER	2	GRADE C128
15	(21)	P074C	AID PUBLIC INFORMATION OFFICER	1	GRADE C127
16	(22)	G047C	ATTORNEY SPECIALIST	8	GRADE C126
17	(23)	X009C	INSURANCE DEPT DIR OF SECURITY OPS	1	GRADE C126
18	(24)	D034C	DATABASE ADMINISTRATOR	1	GRADE C124
19	(25)	X018C	INSURANCE CONSUMER PROTECTION MGR	1	GRADE C124
20	(26)	X017C	INSURANCE LICENSING MANAGER	1	GRADE C124
21	(27)	G259C	INSURANCE PROGRAM MANAGER	1	GRADE C124
22	(28)	G064C	SR HLTH INSURANCE INFO PRG MGR	1	GRADE C124
23	(29)	D022C	SYSTEMS SPECIALIST	4	GRADE C124
24	(30)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
25	(31)	X192C	ASST DIRECTOR FRAUD INVESTIGATION	1	GRADE C122
26	(32)	A044C	AUDIT COORDINATOR	1	GRADE C122
27	(33)	A042C	INSURANCE SENIOR EXAMINER	7	GRADE C122
28	(34)	X034C	PREPAID FUNERAL MANAGER	1	GRADE C122
29	(35)	D044C	SYSTEMS ANALYST	1	GRADE C122
30	(36)	R014C	PERSONNEL MANAGER	1	GRADE C121
31	(37)	D052C	SOFTWARE SUPPORT ANALYST	4	GRADE C121
32	(38)	G107C	WCC PROGRAM MANAGER	1	GRADE C121
33	(39)	G106C	WCC CLAIMS SPECIALIST	5	GRADE C121
34	(40)	G125C	INSURANCE SPECIAL PROJECTS COORD	1	GRADE C120
35	(41)	G120C	RISK CONSULTANT	7	GRADE C120
36	(42)	X072C	CRIMINAL INS FRAUD INVESTIGATOR	7	GRADE C119

1	(43)	A067C	INSURANCE EXAMINER	2	GRADE C119
2	(44)	X066C	INSURANCE PREMIUM TAX EXAMINER	4	GRADE C119
3	(45)	A060C	SENIOR AUDITOR	2	GRADE C119
4	(46)	X083C	INS LIFE & HEALTH COMP OFFICER	5	GRADE C118
5	(47)	X080C	PROP & CASUALTY COMPLIANCE OFFICER	4	GRADE C118
6	(48)	X076C	TITLE INSURANCE COMPLIANCE OFFICER	1	GRADE C118
7	(49)	A080C	FINANCE AUTHORITY SPECIALIST	1	GRADE C117
8	(50)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
9	(51)	C016C	INSURANCE ADMINISTRATIVE COORD	2	GRADE C117
10	(52)	P020C	PRODUCTION ARTIST	1	GRADE C117
11	(53)	X123C	INSURANCE INVESTIGATOR	9	GRADE C116
12	(54)	C037C	ADMINISTRATIVE ANALYST	7	GRADE C115
13	(55)	R033C	BENEFITS ANALYST	1	GRADE C115
14	(56)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
15	(57)	G202C	VOLUNTEER PROGRAM COORDINATOR	3	GRADE C115
16	(58)	G201C	WCC CLAIMS ANALYST	3	GRADE C115
17	(59)	M066C	PROGRAM ELIGIBILITY SPECIALIST	2	GRADE C114
18	(60)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
19	(61)	C046C	LEGAL SUPPORT SPECIALIST	3	GRADE C113
20	(62)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112
21	(63)	A098C	FISCAL SUPPORT SPECIALIST	3	GRADE C112
22	(64)	X180C	INSURANCE LICENSING TECHNICIAN	8	GRADE C110
23	(65)	C073C	ADMINISTRATIVE SPECIALIST II	11	GRADE C109
24	(66)	C084C	MAIL SERVICES SPECIALIST	2	GRADE C107
25	(67)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
26			MAX. NO. OF EMPLOYEES	184	

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28 SECTION 2. EXTRA HELP. There is hereby authorized, for the State
 29 Insurance Department for the 2017-2018 fiscal year, the following maximum
 30 number of part-time or temporary employees, to be known as "Extra Help",
 31 payable from funds appropriated herein for such purposes: nineteen (19)
 32 temporary or part-time employees, when needed, at rates of pay not to exceed
 33 those provided in the Uniform Classification and Compensation Act, or its
 34 successor, or this act for the appropriate classification.

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36 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,

1 to the State Insurance Department, to be payable from the State Insurance
 2 Department Trust Fund, for personal services, operating expenses, special
 3 maintenance and professional services of the State Insurance Department -
 4 Operations for the fiscal year ending June 30, 2018, the following:

5

6 ITEM	FISCAL YEAR
7 NO.	2017-2018
8 (01) REGULAR SALARIES	\$6,832,430
9 (02) EXTRA HELP	140,000
10 (03) PERSONAL SERVICES MATCHING	2,229,499
11 (04) OVERTIME	35,000
12 (05) MAINT. & GEN. OPERATION	
13 (A) OPER. EXPENSE	2,747,182
14 (B) CONF. & TRAVEL	138,000
15 (C) PROF. FEES	142,000
16 (D) CAP. OUTLAY	155,000
17 (E) DATA PROC.	0
18 (06) SPECIAL MAINTENANCE	50,000
19 (07) PROFESSIONAL SERVICES	<u>956,000</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$13,425,111</u>

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22 SECTION 4. APPROPRIATION - FRAUD INVESTIGATION UNIT. There is hereby
 23 appropriated, to the State Insurance Department, to be payable from the State
 24 Insurance Department Trust Fund, for personal services and operating expenses
 25 of the State Insurance Department - Fraud Investigation Unit for the fiscal
 26 year ending June 30, 2018, the following:

27

28 ITEM	FISCAL YEAR
29 NO.	2017-2018
30 (01) REGULAR SALARIES	\$731,211
31 (02) PERSONAL SERVICES MATCHING	237,496
32 (03) MAINT. & GEN. OPERATION	
33 (A) OPER. EXPENSE	122,827
34 (B) CONF. & TRAVEL	12,000
35 (C) PROF. FEES	11,000
36 (D) CAP. OUTLAY	0

1	(E) DATA PROC.	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,114,534</u></u>

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4 SECTION 5. APPROPRIATION - INSURANCE FRAUD INVESTIGATION DIVISION.

5 There is hereby appropriated, to the State Insurance Department, to be
6 payable from the Insurance Fraud Investigation Division Trust Fund, for
7 operating expenses of the State Insurance Department - Insurance Fraud
8 Investigation Division for the fiscal year ending June 30, 2018, the
9 following:

10	ITEM	FISCAL YEAR
11		
12	<u>NO.</u>	<u>2017-2018</u>
13	(01) MAINT. & GEN. OPERATION	
14	(A) OPER. EXPENSE	\$191,635
15	(B) CONF. & TRAVEL	35,000
16	(C) PROF. FEES	11,000
17	(D) CAP. OUTLAY	0
18	(E) DATA PROC.	<u>0</u>
19	TOTAL AMOUNT APPROPRIATED	<u><u>\$237,635</u></u>

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21 SECTION 6. APPROPRIATION - PREPAID FUNERAL BENEFITS DIVISION. There is
22 hereby appropriated, to the State Insurance Department, to be payable from
23 the State Insurance Department Prepaid Trust Fund, for personal services and
24 operating expenses of the State Insurance Department - Prepaid Funeral
25 Benefits Division for the fiscal year ending June 30, 2018, the following:

26	ITEM	FISCAL YEAR
27		
28	<u>NO.</u>	<u>2017-2018</u>
29	(01) REGULAR SALARIES	\$219,174
30	(02) PERSONAL SERVICES MATCHING	75,237
31	(03) MAINT. & GEN. OPERATION	
32	(A) OPER. EXPENSE	71,390
33	(B) CONF. & TRAVEL	4,000
34	(C) PROF. FEES	27,000
35	(D) CAP. OUTLAY	0
36	(E) DATA PROC.	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$396,801

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3 SECTION 7. APPROPRIATION - PREPAID FUNERAL CONTRACTS RECOVERY PROGRAM.

4 There is hereby appropriated, to the State Insurance Department, to be
5 payable from the Prepaid Funeral Contracts Recovery Program Fund, for the
6 expenses and payment of claims by the State Insurance Department - Prepaid
7 Funeral Contracts Recovery Program for the fiscal year ending June 30, 2018,
8 the following:

9

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2017-2018</u>

12	(01) EXPENSES AND CLAIMS FOR PREPAID	
13	FUNERAL CONTRACTS RECOVERY	
14	PROGRAM	<u>\$500,000</u>

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16 SECTION 8. APPROPRIATION - REFUNDS OF OVERPAYMENTS. There is hereby
17 appropriated, to the State Insurance Department, to be payable from the
18 Miscellaneous Revolving Fund, for payments of miscellaneous tax and fee
19 refunds by the State Insurance Department - Refunds of Overpayments for the
20 fiscal year ending June 30, 2018, the following:

21

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2017-2018</u>

24	(01) REFUNDS/REIMBURSEMENTS	<u>\$11,000,000</u>
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26 SECTION 9. APPROPRIATION - CONTINUING EDUCATION PROGRAM. There is
27 hereby appropriated, to the State Insurance Department, to be payable from
28 the Insurance Continuing Education Trust Fund, for personal services of the
29 State Insurance Department - Continuing Education Program for the fiscal year
30 ending June 30, 2018, the following:

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32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2017-2018</u>

34	(01) REGULAR SALARIES	\$25,268
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35	(02) PERSONAL SERVICES MATCHING	<u>10,808</u>
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36	TOTAL AMOUNT APPROPRIATED	<u>\$36,076</u>
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SECTION 10. APPROPRIATION - HEALTH INFORMATION COUNSELING. There is hereby appropriated, to the State Insurance Department, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the State Insurance Department - Health Information Counseling for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) REGULAR SALARIES	\$236,677
(02) PERSONAL SERVICES MATCHING	89,314
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	284,063
(B) CONF. & TRAVEL	0
(C) PROF. FEES	356,409
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$966,463</u></u>

SECTION 11. APPROPRIATION - CONSUMER INFORMATION SYSTEM - CASH. There is hereby appropriated, to the State Insurance Department, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the State Insurance Department - Consumer Information System - Cash for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$79,005
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$79,005</u></u>

SECTION 12. APPROPRIATION - TRAVEL AND SUBSISTENCE - CASH. There is hereby appropriated, to the State Insurance Department, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for travel and subsistence expenses of the State Insurance Department - Travel and Subsistence - Cash for the fiscal year ending June 30, 2018, the following:

ITEM NO.	FISCAL YEAR
	2017-2018
(01) TRAVEL & SUBSISTENCE EXPENSES	<u>\$100,000</u>

SECTION 13. APPROPRIATION - PUBLIC EMPLOYEE CLAIMS SECTION. There is hereby appropriated, to the State Insurance Department, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of the State Insurance Department - Public Employee Claims Section for the fiscal year ending June 30, 2018, the following:

ITEM NO.	FISCAL YEAR
	2017-2018
(01) REGULAR SALARIES	\$996,944
(02) PERSONAL SERVICES MATCHING	348,563
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	635,931
(B) CONF. & TRAVEL	13,000
(C) PROF. FEES	1,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$1,995,438</u>

SECTION 14. APPROPRIATION - STATE EMPLOYEE CLAIMS. There is hereby appropriated, to the State Insurance Department, to be payable from the Workers' Compensation Revolving Fund, for payment of state employee claims by the State Insurance Department - State Employee Claims for the fiscal year ending June 30, 2018, the following:

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2017-2018</u>
3	(01) STATE EMPLOYEE CLAIMS	<u>\$16,500,000</u>

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5 SECTION 15. APPROPRIATION - PUBLIC SCHOOL EMPLOYEE CLAIMS. There is
6 hereby appropriated, to the State Insurance Department, to be payable from
7 the Miscellaneous Revolving Fund, for payment of public school employee
8 claims by the State Insurance Department - Public School Employee Claims for
9 the fiscal year ending June 30, 2018, the following:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2017-2018</u>
13	(01) PUBLIC SCHOOL EMPLOYEE CLAIMS	<u>\$450,000</u>

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15 SECTION 16. APPROPRIATION - COUNTY EMPLOYEE CLAIMS. There is hereby
16 appropriated, to the State Insurance Department, to be payable from the
17 Miscellaneous Revolving Fund, for payment of county employee claims by the
18 State Insurance Department - County Employee Claims for the fiscal year
19 ending June 30, 2018, the following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2017-2018</u>
23	(01) COUNTY EMPLOYEE CLAIMS	<u>\$200,000</u>

24

25 SECTION 17. APPROPRIATION - CITY EMPLOYEE CLAIMS. There is hereby
26 appropriated, to the State Insurance Department, to be payable from the
27 Miscellaneous Revolving Fund, for payment of city employee claims by the
28 State Insurance Department - City Employee Claims for the fiscal year ending
29 June 30, 2018, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2017-2018</u>
33	(01) CITY EMPLOYEE CLAIMS	<u>\$600,000</u>

34

35 SECTION 18. APPROPRIATION - GOVERNMENTAL BONDING BOARD. There is
36 hereby appropriated, to the State Insurance Department, to be payable from

1 the Fidelity Bond Trust Fund, for operating expenses, refunds,
 2 reimbursements, claims, investments, professional services, and reinsurance
 3 of the State Insurance Department - Governmental Bonding Board for the fiscal
 4 year ending June 30, 2018, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2017-2018</u>
8 (01) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	\$5,000
10 (B) CONF. & TRAVEL	0
11 (C) PROF. FEES	0
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	0
14 (02) REFUNDS/REIMBURSEMENTS	150,000
15 (03) CLAIMS	3,000,000
16 (04) INVESTMENTS	760,637
17 (05) PROFESSIONAL SERVICES	50,000
18 (06) REINSURANCE	<u>139,218</u>
19 TOTAL AMOUNT APPROPRIATED	<u><u>\$4,104,855</u></u>

21 SECTION 19. APPROPRIATION - ARKANSAS MULTI-AGENCY INSURANCE TRUST FUND.
 22 There is hereby appropriated, to the State Insurance Department, to be
 23 payable from the Arkansas Multi-Agency Insurance Trust Fund, for expenses and
 24 payment of claims by the State Insurance Department - Arkansas Multi-Agency
 25 Insurance Trust Fund for the fiscal year ending June 30, 2018, the following:

27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2017-2018</u>
29 (01) FOR EXPENSES AND CLAIMS FROM AMAIT	
30 FUND	<u><u>\$20,000,000</u></u>

32 SECTION 20. APPROPRIATION - PUBLIC SCHOOL INSURANCE PROGRAM. There is
 33 hereby appropriated, to the State Insurance Department, to be payable from
 34 the Public School Insurance Trust Fund, for expenses and payment of claims by
 35 of the State Insurance Department - Public School Insurance Program for the
 36 fiscal year ending June 30, 2018, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) EXPENSES AND CLAIMS	<u>\$20,000,000</u>

SECTION 21. APPROPRIATION - CRIMINAL BACKGROUND CHECKS - CASH. There is hereby appropriated, to the State Insurance Department, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the State Insurance Department - Criminal Background Checks - Cash for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$125,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$125,000</u>

SECTION 22. APPROPRIATION - RATE REVIEW - FEDERAL. There is hereby appropriated, to the State Insurance Department, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the State Insurance Department - Rate Review - Federal for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) REGULAR SALARIES	\$216,632
(02) PERSONAL SERVICES MATCHING	64,577
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,013,525
(B) CONF. & TRAVEL	191,416

1	(C) PROF. FEES	4,380,080
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,866,230</u></u>

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6 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 8 PROVISION. In the event the State Insurance Department is unable to maintain
 9 a full roster of examination personnel, and upon approval of the Chief Fiscal
 10 Officer of the State, the resulting unused appropriations in Regular
 11 Salaries, Extra Help, and Personal Services Matching may be transferred to
 12 the Professional Services special line item for the purpose of contracting
 13 with qualified individuals or firms for examination assistance.

14 The provisions of this section shall be in effect only from July 1, ~~2016~~
 15 2017 through June 30, ~~2017~~ 2018.

16

17 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 19 ~~HEALTHCARE INDEPENDENCE PROGRAM~~ ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE
 20 MARKETPLACE RESTRICTIONS. (a) As used in this section, "~~Health Care~~
 21 ~~Independence Program~~ Arkansas Works" means ~~the Health Care Independence~~
 22 ~~Program~~ Arkansas Works established under the ~~Health Care Independence Act of~~
 23 ~~2013, Arkansas Code § 20-77-2401 et seq.~~ Arkansas Works Act of 2016, Arkansas
 24 Code § 23-61-1001 et seq.

25 (b)(1) Determining the maximum number of employees, the maximum amount
 26 of appropriation, for what purposes an appropriation is authorized, and
 27 general revenue funding for a state agency each fiscal year is the
 28 prerogative of the General Assembly.

29 (2) The purposes of subdivision (b)(1) of this section are
 30 typically accomplished by:

- 31 (A) Identifying the purpose in the appropriation act;
- 32 (B) Delineating such maximums in the appropriation act for
 33 a state agency; and
- 34 (C) Delineating the general revenue allocations authorized
 35 for each fund and fund account by amendment to the Revenue Stabilization Law,
 36 Arkansas Code § 19-5-101 et seq.

1 (3) It is both necessary and appropriate that the General
 2 Assembly restrict the use of appropriations authorized in this act.

3 (c)(1) Except as provided in this subsection, the State Insurance
 4 Department shall not allocate, budget, expend, or utilize any appropriation
 5 authorized by the General Assembly for the purpose of advertisement,
 6 promotion, or other activities designed to promote or encourage enrollment in
 7 the Arkansas Health Insurance Marketplace or ~~the Health Care Independence~~
 8 ~~Program~~ Arkansas Works, including without limitation:

- 9 (A) Unsolicited communications mailed to potential
 10 recipients;
- 11 (B) Television, radio, or online commercials;
- 12 (C) Billboard or mobile billboard advertising;
- 13 (D) Advertisements printed in newspapers, magazines, or
 14 other print media; and
- 15 (E) Internet websites and electronic media.

16 (2) This subsection does not prohibit the department from:

- 17 (A) Direct communications with:
 - 18 (i) Licensed insurance agents; and
 - 19 (ii) Persons licensed by the department;
- 20 (B) Solicited communications with potential recipients;
- 21 (C)(i) Responding to an inquiry regarding the coverage for
 22 which a potential recipient might be eligible, including without limitation
 23 providing educational materials or information regarding any coverage for
 24 which the individual might qualify.
 - 25 (ii) Educational materials and information
 26 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
 27 factual information and shall not contain subjective statements regarding the
 28 coverage for which the potential recipient might be eligible; and
- 29 (D) Using an Internet website for the exclusive purpose of
 30 enrolling individuals in the Arkansas Health Insurance Marketplace or ~~the~~
 31 ~~Health Care Independence Program~~ Arkansas Works.

32 (d) The State Insurance Department shall not apply for or accept any
 33 funds, including without limitation federal funds, for the purpose of
 34 advertisement, promotion, or other activities designed to promote or
 35 encourage enrollment in the Arkansas Health Insurance Marketplace or ~~the~~
 36 ~~Health Care Independence Program~~ Arkansas Works.

1 (e)(1) Except as provided in subdivision (e)(2) of this section, the
 2 State Insurance Department shall not:

3 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
 4 this section, allocate, budget, expend, or utilize an appropriation
 5 authorized by the General Assembly for the purpose of funding activities of
 6 navigators, guides, certified application counselors, and certified licensed
 7 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
 8 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

9 (ii) Subdivision (e)(1)(A)(i) of this section does
 10 not apply to regulatory and training responsibilities related to navigators,
 11 guides, certified application counselors, and certified licensed producers;
 12 and

13 (B) Apply for or accept any funds, including without
 14 limitation federal funds, for the purpose of funding activities of
 15 navigators, guides, certified application counselors, and certified licensed
 16 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
 17 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

18 (2) Subdivision (e)(1) of this section does not apply to
 19 certified application counselors at health related institutions, including
 20 without limitation the University of Arkansas for Medical Sciences.

21 (f) An appropriation authorized by the General Assembly shall not be
 22 subject to the provisions allowed through reallocation of resources or
 23 transfer of appropriation authority for the purpose of transferring an
 24 appropriation to any other appropriation authorized for the State Insurance
 25 Department to be allocated, budgeted, expended, or utilized in a manner
 26 prohibited by this section.

27 (g) The provisions of this section are severable, and the invalidity
 28 of any subsection or subdivision of this section shall not affect other
 29 provisions of the section that can be given effect without the invalid
 30 provision.

31 (h) This section expires on June 30, ~~2017~~ 2018.

32
 33 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
 35 RESTRICTIONS. The State Insurance Department shall not allocate, budget,
 36 expend or commit for expenditure any appropriation authorized by the General

1 Assembly for final implementation of a state-based health insurance exchange
 2 by the Arkansas Health Insurance Marketplace Board as established in Arkansas
 3 Code § 23-61-803 et seq. until after the decision of the United States
 4 Supreme Court in King v. Burwell, 759 F.3d 358 (4th Cir.), cert. granted,
 5 U.S. , 135 S. Ct. 475(2014).

6 The provisions of this section shall be in effect only from July 1, 2016
 7 2017 through June 30, ~~2017~~ 2018.

8

9 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INSURANCE
 11 BUILDING CONSTRUCTION FUNDING PROVISION. Upon request of the Commissioner,
 12 approval of the Chief Fiscal Officer of the State, and prior review by the
 13 Arkansas Legislative Council or Joint Budget Committee, the State Insurance
 14 Department may retain an amount above that which is set out in A.C.A. 23-61-
 15 710(c) for the purposes of providing funding for the construction and
 16 renovation of Department facilities, not to exceed eight million dollars
 17 (\$8,000,000) in a single biennium. The amount being requested must be
 18 submitted to the Chief Fiscal Officer of the State by April 1st of each
 19 fiscal year.

20 The provisions of this section shall be in effect immediately upon
 21 passage and approval of this act and shall expire on June 30, 2019.

22

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

32

33 SECTION 28. LEGISLATIVE INTENT. It is the intent of the General
 34 Assembly that any funds disbursed under the authority of the appropriations
 35 contained in this act shall be in compliance with the stated reasons for
 36 which this act was adopted, as evidenced by the Agency Requests, Executive

1 Recommendations and Legislative Recommendations contained in the budget
2 manuals prepared by the Department of Finance and Administration, letters, or
3 summarized oral testimony in the official minutes of the Arkansas Legislative
4 Council or Joint Budget Committee which relate to its passage and adoption.
5

6 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the
7 General Assembly, that the Constitution of the State of Arkansas prohibits
8 the appropriation of funds for more than a one (1) year period; that the
9 effectiveness of this Act on July 1, 2017 is essential to the operation of
10 the agency for which the appropriations in this Act are provided; with the
11 exception that Section 26 in this Act shall be in full force and effect from
12 and after the date of its passage and approval, and that in the event of an
13 extension of the legislative session, the delay in the effective date of this
14 Act beyond July 1, 2017, with the exception that Section 26 in this Act shall
15 be in full force and effect from and after the date of its passage and
16 approval, could work irreparable harm upon the proper administration and
17 provision of essential governmental programs. Therefore, an emergency is
18 hereby declared to exist and this Act being necessary for the immediate
19 preservation of the public peace, health and safety shall be in full force
20 and effect from and after July 1, 2017; with the exception that Section 26 of
21 this Act shall be in full force and effect from and after the date of its
22 passage and approval.
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