

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/11/19

# A Bill

SENATE BILL 117

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
9 AND OPERATING EXPENSES FOR THE STATE INSURANCE  
10 DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2020;  
11 AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE STATE INSURANCE DEPARTMENT  
15 APPROPRIATION FOR THE 2019-2020 FISCAL  
16 YEAR.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
23 for the State Insurance Department for the 2019-2020 fiscal year, the  
24 following maximum number of regular employees.  
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
30	(1) U047U	STATE INSURANCE COMMISSIONER	1	GRADE SE03
31	(2) U042U	INSURANCE CHIEF DEPUTY COMMISSIONER	1	GRADE SE02
32	(3) N025N	INSURANCE DEP. COMM. INFO SYSTEMS	1	GRADE SE01
33	(4) D028N	REGULATORY HEALTH LINK TECH OFFICER	1	GRADE IT10
34	(5) D007C	INFORMATION SYSTEMS MANAGER	2	GRADE IT08
35	(6) D010N	INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE IT08
36	(7) D034C	DATABASE ADMINISTRATOR	1	GRADE IT07



1	(8)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
2	(9)	D022C SYSTEMS SPECIALIST	4	GRADE IT06
3	(10)	D052C SOFTWARE SUPPORT ANALYST	4	GRADE IT05
4	(11)	D044C SYSTEMS ANALYST	1	GRADE IT05
5	(12)	N201N DEPUTY COMM. OF CRIMINAL INVESTIGATIONS	1	GRADE GS15
6	(13)	N014N INSURANCE DEP. COMM. FINANCIAL REGS	1	GRADE GS15
7	(14)	G018N DIRECTOR RISK MANAGEMENT	1	GRADE GS14
8	(15)	N140N INS ASST. DEP. COMMISSIONER FINANCE	1	GRADE GS14
9	(16)	A128C INSURANCE CLAIMS DIR. PUBLIC EMPLOYEE	1	GRADE GS14
10	(17)	N023N INSURANCE DEPUTY COMMISSIONER	2	GRADE GS14
11	(18)	N190N INSURANCE GENERAL COUNSEL	1	GRADE GS14
12	(19)	X002N PROPERTY & CASUALTY MANAGER	1	GRADE GS14
13	(20)	A004N CERTIFIED FINANCIAL EXAMINER MANAGER	3	GRADE GS13
14	(21)	N073N INSURANCE CHIEF FIN/MKT CONDUCT EXMR	1	GRADE GS13
15	(22)	G004C MANAGING ATTORNEY	3	GRADE GS13
16	(23)	G043N RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE GS13
17	(24)	A004C CERTIFIED FINANCIAL EXAMINER	12	GRADE GS12
18	(25)	R013C AGENCY HUMAN RESOURCES MANAGER	1	GRADE GS11
19	(26)	G047C ATTORNEY SPECIALIST	7	GRADE GS11
20	(27)	P074C AID PUBLIC INFORMATION OFFICER	1	GRADE GS10
21	(28)	A044C AUDIT COORDINATOR	1	GRADE GS10
22	(29)	X009C INSURANCE DEPT. DIR. OF SECURITY OPS	1	GRADE GS10
23	(30)	G259C INSURANCE PROGRAM MANAGER	1	GRADE GS10
24	(31)	G241C HEALTH INFO TECH OPER & TECH OFFICER	1	GRADE GS09
25	(32)	A042C INSURANCE SENIOR EXAMINER	7	GRADE GS09
26	(33)	X032C SENIOR SECURITIES EXAMINER	1	GRADE GS09
27	(34)	X192C ASST. DIRECTOR FRAUD INVESTIGATION	1	GRADE GS08
28	(35)	X020C BURIAL ASSOCIATION BD EXEC SEC	1	GRADE GS08
29	(36)	X072C CRIMINAL INSURANCE FRAUD INVESTIGATOR	7	GRADE GS08
30	(37)	X018C INSURANCE CONSUMER PROTECTION MANAGER	1	GRADE GS08
31	(38)	X017C INSURANCE LICENSING MANAGER	1	GRADE GS08
32	(39)	R014C PERSONNEL MANAGER	1	GRADE GS08
33	(40)	X034C PREPAID FUNERAL MANAGER	1	GRADE GS08
34	(41)	A060C SENIOR AUDITOR	2	GRADE GS08
35	(42)	G064C SR HLTH INSURANCE INFO. PROG. MANAGER	1	GRADE GS08
36	(43)	G107C WCC PROGRAM MANAGER	1	GRADE GS08

1	(44)	G106C WCC CLAIMS SPECIALIST	5	GRADE GS08
2	(45)	A081C AUDITOR	1	GRADE GS07
3	(46)	A067C INSURANCE EXAMINER	2	GRADE GS07
4	(47)	X083C INSURANCE LIFE & HEALTH COMP OFFICER	5	GRADE GS07
5	(48)	X066C INSURANCE PREMIUM TAX EXAMINER	4	GRADE GS07
6	(49)	G125C INSURANCE SPECIAL PROJECTS COORDINATOR	1	GRADE GS07
7	(50)	X080C PROPERTY & CASUALTY COMPLIANCE OFFICER	4	GRADE GS07
8	(51)	G120C RISK CONSULTANT	7	GRADE GS07
9	(52)	X076C TITLE INSURANCE COMPLIANCE OFFICER	1	GRADE GS07
10	(53)	C037C ADMINISTRATIVE ANALYST	7	GRADE GS06
11	(54)	X088C EMBALMERS & FUNERAL DIR. INVESTIGATOR	2	GRADE GS06
12	(55)	A080C FINANCE AUTHORITY SPECIALIST	1	GRADE GS06
13	(56)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
14	(57)	M066C PROGRAM ELIGIBILITY SPECIALIST	2	GRADE GS06
15	(58)	G202C VOLUNTEER PROGRAM COORDINATOR	3	GRADE GS06
16	(59)	R033C BENEFITS ANALYST	1	GRADE GS05
17	(60)	A091C FISCAL SUPPORT ANALYST	1	GRADE GS05
18	(61)	C016C INSURANCE ADMINISTRATIVE COORDINATOR	3	GRADE GS05
19	(62)	X123C INSURANCE INVESTIGATOR	9	GRADE GS05
20	(63)	G201C WCC CLAIMS ANALYST	3	GRADE GS05
21	(64)	C056C ADMINISTRATIVE SPECIALIST III	13	GRADE GS04
22	(65)	A098C FISCAL SUPPORT SPECIALIST	4	GRADE GS04
23	(66)	R036C HUMAN RESOURCES SPECIALIST	1	GRADE GS04
24	(67)	C046C LEGAL SUPPORT SPECIALIST	3	GRADE GS04
25	(68)	C073C ADMINISTRATIVE SPECIALIST II	10	GRADE GS03
26	(69)	X180C INSURANCE LICENSING TECHNICIAN	7	GRADE GS03
27	(70)	C087C ADMINISTRATIVE SPECIALIST I	1	GRADE GS02
28	(71)	C084C MAIL SERVICES SPECIALIST	<u>2</u>	GRADE GS02
29		MAX. NO. OF EMPLOYEES	189	

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31 SECTION 2. EXTRA HELP. There is hereby authorized, for the State  
 32 Insurance Department for the 2019-2020 fiscal year, the following maximum  
 33 number of part-time or temporary employees, to be known as "Extra Help",  
 34 payable from funds appropriated herein for such purposes: nineteen (19)  
 35 temporary or part-time employees, when needed, at rates of pay not to exceed  
 36 those provided in the Uniform Classification and Compensation Act, or its

1 successor, or this act for the appropriate classification.

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3 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
4 to the State Insurance Department, to be payable from the State Insurance  
5 Department Trust Fund, for personal services, operating expenses, special  
6 maintenance and professional services of the State Insurance Department -  
7 Operations for the fiscal year ending June 30, 2020, the following:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2019-2020</u>
11 (01) REGULAR SALARIES	\$7,496,872
12 (02) EXTRA HELP	140,000
13 (03) PERSONAL SERVICES MATCHING	2,447,369
14 (04) OVERTIME	27,500
15 (05) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	2,200,674
17 (B) CONF. & TRAVEL	188,000
18 (C) PROF. FEES	161,600
19 (D) CAP. OUTLAY	102,000
20 (E) DATA PROC.	0
21 (06) SPECIAL MAINTENANCE	50,000
22 (07) PROFESSIONAL SERVICES	<u>956,000</u>
23 TOTAL AMOUNT APPROPRIATED	<u>\$13,770,015</u>

24

25 SECTION 4. APPROPRIATION - STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,  
26 CEMETERIES, AND BURIAL SERVICES - OPERATIONS. There is hereby appropriated,  
27 to the State Insurance Department, to be payable from the cash fund deposited  
28 in the State Treasury as determined by the Chief Fiscal Officer of the State,  
29 for personal services and operating expenses of the State Insurance  
30 Department - State Board of Embalmers, Funeral Directors, Cemeteries, and  
31 Burial Services - Operations for the fiscal year ending June 30, 2020, the  
32 following:

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34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2019-2020</u>
36 (01) REGULAR SALARIES	\$245,895

1	(02) PERSONAL SERVICES MATCHING	87,805
2	(03) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	167,242
4	(B) CONF. & TRAVEL	5,464
5	(C) PROF. FEES	2,950
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	0
8	(04) LOANS	<u>55,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$564,356</u></u>

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11 SECTION 5. APPROPRIATION - FRAUD INVESTIGATION UNIT. There is hereby  
 12 appropriated, to the State Insurance Department, to be payable from the State  
 13 Insurance Department Trust Fund, for personal services of the State Insurance  
 14 Department - Fraud Investigation Unit for the fiscal year ending June 30,  
 15 2020, the following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2019-2020</u>
19	(01) REGULAR SALARIES	\$626,324
20	(02) PERSONAL SERVICES MATCHING	<u>202,062</u>
21	TOTAL AMOUNT APPROPRIATED	<u><u>\$828,386</u></u>

22

23 SECTION 6. APPROPRIATION - INSURANCE FRAUD INVESTIGATION DIVISION.

24 There is hereby appropriated, to the State Insurance Department, to be  
 25 payable from the Insurance Fraud Investigation Division Trust Fund, for  
 26 personal services and operating expenses of the State Insurance Department -  
 27 Insurance Fraud Investigation Division for the fiscal year ending June 30,  
 28 2020, the following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2019-2020</u>
32	(01) REGULAR SALARIES	\$190,049
33	(02) PERSONAL SERVICES MATCHING	59,611
34	(03) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	218,635
36	(B) CONF. & TRAVEL	35,000

1	(C) PROF. FEES	4,000
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$507,295</u></u>

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6 SECTION 7. APPROPRIATION - PREPAID FUNERAL BENEFITS DIVISION. There is  
7 hereby appropriated, to the State Insurance Department, to be payable from  
8 the State Insurance Department Prepaid Trust Fund, for personal services and  
9 operating expenses of the State Insurance Department - Prepaid Funeral  
10 Benefits Division for the fiscal year ending June 30, 2020, the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2019-2020</u>
14	(01) REGULAR SALARIES	\$250,158
15	(02) PERSONAL SERVICES MATCHING	83,761
16	(03) MAINT. & GEN. OPERATION	
17	(A) OPER. EXPENSE	36,700
18	(B) CONF. & TRAVEL	4,000
19	(C) PROF. FEES	0
20	(D) CAP. OUTLAY	0
21	(E) DATA PROC.	<u>0</u>
22	TOTAL AMOUNT APPROPRIATED	<u><u>\$374,619</u></u>

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24 SECTION 8. APPROPRIATION - PREPAID FUNERAL CONTRACTS RECOVERY PROGRAM.  
25 There is hereby appropriated, to the State Insurance Department, to be  
26 payable from the Prepaid Funeral Contracts Recovery Program Fund, for the  
27 expenses and payment of claims by the State Insurance Department - Prepaid  
28 Funeral Contracts Recovery Program for the fiscal year ending June 30, 2020,  
29 the following:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2019-2020</u>
33	(01) EXPENSES AND CLAIMS FOR PREPAID FUNERAL	
34	CONTRACTS RECOVERY PROGRAM	<u><u>\$500,000</u></u>

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36 SECTION 9. APPROPRIATION - REFUNDS OF OVERPAYMENTS. There is hereby

1 appropriated, to the State Insurance Department, to be payable from the  
 2 Miscellaneous Revolving Fund, for payments of miscellaneous tax and fee  
 3 refunds by the State Insurance Department - Refunds of Overpayments for the  
 4 fiscal year ending June 30, 2020, the following:

5	6	ITEM	FISCAL YEAR
7	8	<u>NO.</u>	<u>2019-2020</u>
8	(01)	REFUNDS/REIMBURSEMENTS	<u>\$11,000,000</u>

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10 SECTION 10. APPROPRIATION - CONTINUING EDUCATION PROGRAM. There is  
 11 hereby appropriated, to the State Insurance Department, to be payable from  
 12 the Insurance Continuing Education Trust Fund, for personal services of the  
 13 State Insurance Department - Continuing Education Program for the fiscal year  
 14 ending June 30, 2020, the following:

15	16	ITEM	FISCAL YEAR
17	18	<u>NO.</u>	<u>2019-2020</u>
18	(01)	REGULAR SALARIES	\$25,268
19	(02)	PERSONAL SERVICES MATCHING	<u>5,916</u>
20		TOTAL AMOUNT APPROPRIATED	<u>\$31,184</u>

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22 SECTION 11. APPROPRIATION - HEALTH INFORMATION COUNSELING. There is  
 23 hereby appropriated, to the State Insurance Department, to be payable from  
 24 the federal funds as designated by the Chief Fiscal Officer of the State, for  
 25 personal services and operating expenses of the State Insurance Department -  
 26 Health Information Counseling for the fiscal year ending June 30, 2020, the  
 27 following:

28	29	ITEM	FISCAL YEAR
30	31	<u>NO.</u>	<u>2019-2020</u>
31	(01)	REGULAR SALARIES	\$261,168
32	(02)	PERSONAL SERVICES MATCHING	96,419
33	(03)	MAINT. & GEN. OPERATION	
34		(A) OPER. EXPENSE	138,420
35		(B) CONF. & TRAVEL	8,000
36		(C) PROF. FEES	300,000

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u><u>\$804,007</u></u>

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5 SECTION 12. APPROPRIATION - CONSUMER INFORMATION SYSTEM - CASH. There

6 is hereby appropriated, to the State Insurance Department, to be payable from

7 the cash fund deposited in the State Treasury as determined by the Chief

8 Fiscal Officer of the State, for operating expenses of the State Insurance

9 Department - Consumer Information System - Cash for the fiscal year ending

10 June 30, 2020, the following:

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2019-2020</u>
14	(01) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	\$48,005
16	(B) CONF. & TRAVEL	0
17	(C) PROF. FEES	0
18	(D) CAP. OUTLAY	0
19	(E) DATA PROC.	<u>0</u>
20	TOTAL AMOUNT APPROPRIATED	<u><u>\$48,005</u></u>

21

22 SECTION 13. APPROPRIATION - TRAVEL AND SUBSISTENCE - CASH. There is

23 hereby appropriated, to the State Insurance Department, to be payable from

24 the cash fund deposited in the State Treasury as determined by the Chief

25 Fiscal Officer of the State, for travel and subsistence expenses of the State

26 Insurance Department - Travel and Subsistence - Cash for the fiscal year

27 ending June 30, 2020, the following:

28		
29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2019-2020</u>
31	(01) TRAVEL & SUBSISTENCE EXPENSES	<u><u>\$100,000</u></u>

32

33 SECTION 14. APPROPRIATION - PUBLIC EMPLOYEE CLAIMS SECTION. There is

34 hereby appropriated, to the State Insurance Department, to be payable from

35 the Miscellaneous Agencies Fund Account, for personal services and operating

36 expenses of the State Insurance Department - Public Employee Claims Section



1 for the fiscal year ending June 30, 2020, the following:

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3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2019-2020</u>
5	(01) REGULAR SALARIES	\$1,039,642
6	(02) PERSONAL SERVICES MATCHING	359,301
7	(03) MAINT. & GEN. OPERATION	
8	(A) OPER. EXPENSE	498,631
9	(B) CONF. & TRAVEL	24,300
10	(C) PROF. FEES	0
11	(D) CAP. OUTLAY	0
12	(E) DATA PROC.	<u>0</u>
13	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,921,874</u></u>

14

15 SECTION 15. APPROPRIATION - STATE EMPLOYEE CLAIMS. There is hereby  
 16 appropriated, to the State Insurance Department, to be payable from the  
 17 Workers' Compensation Revolving Fund, for payment of state employee claims by  
 18 the State Insurance Department - State Employee Claims for the fiscal year  
 19 ending June 30, 2020, the following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2019-2020</u>
23	(01) STATE EMPLOYEE CLAIMS	<u><u>\$16,500,000</u></u>

24

25 SECTION 16. APPROPRIATION - PUBLIC SCHOOL EMPLOYEE CLAIMS. There is  
 26 hereby appropriated, to the State Insurance Department, to be payable from  
 27 the Miscellaneous Revolving Fund, for payment of public school employee  
 28 claims by the State Insurance Department - Public School Employee Claims for  
 29 the fiscal year ending June 30, 2020, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2019-2020</u>
33	(01) PUBLIC SCHOOL EMPLOYEE CLAIMS	<u><u>\$400,000</u></u>

34

35 SECTION 17. APPROPRIATION - COUNTY EMPLOYEE CLAIMS. There is hereby  
 36 appropriated, to the State Insurance Department, to be payable from the

1 Miscellaneous Revolving Fund, for payment of county employee claims by the  
 2 State Insurance Department - County Employee Claims for the fiscal year  
 3 ending June 30, 2020, the following:

4	ITEM	FISCAL YEAR
5	NO.	2019-2020
6	(01) COUNTY EMPLOYEE CLAIMS	<u>\$200,000</u>

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 9 SECTION 18. APPROPRIATION - CITY EMPLOYEE CLAIMS. There is hereby  
 10 appropriated, to the State Insurance Department, to be payable from the  
 11 Miscellaneous Revolving Fund, for payment of city employee claims by the  
 12 State Insurance Department - City Employee Claims for the fiscal year ending  
 13 June 30, 2020, the following:

14	ITEM	FISCAL YEAR
15	NO.	2019-2020
16	(01) CITY EMPLOYEE CLAIMS	<u>\$400,000</u>

18  
 19 SECTION 19. APPROPRIATION - GOVERNMENTAL BONDING BOARD. There is  
 20 hereby appropriated, to the State Insurance Department, to be payable from  
 21 the Fidelity Bond Trust Fund, for operating expenses, refunds,  
 22 reimbursements, claims, and professional services of the State Insurance  
 23 Department - Governmental Bonding Board for the fiscal year ending June 30,  
 24 2020, the following:

25	ITEM	FISCAL YEAR
26	NO.	2019-2020
27	(01) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	\$5,000
29	(B) CONF. & TRAVEL	0
30	(C) PROF. FEES	0
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	0
33	(02) REFUNDS/REIMBURSEMENTS	150,000
34	(03) CLAIMS	2,800,000
35	(04) PROFESSIONAL SERVICES	<u>50,000</u>

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TOTAL AMOUNT APPROPRIATED \$3,005,000

SECTION 20. APPROPRIATION - ARKANSAS MULTI-AGENCY INSURANCE TRUST FUND.

There is hereby appropriated, to the State Insurance Department, to be payable from the Arkansas Multi-Agency Insurance Trust Fund, for expenses and payment of claims by the State Insurance Department - Arkansas Multi-Agency Insurance Trust Fund for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) FOR EXPENSES AND CLAIMS FROM AMAIT FUND	<u>\$20,000,000</u>

SECTION 21. APPROPRIATION - PUBLIC SCHOOL INSURANCE PROGRAM. There is hereby appropriated, to the State Insurance Department, to be payable from the Public School Insurance Trust Fund, for expenses and payment of claims by the State Insurance Department - Public School Insurance Program for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) EXPENSES AND CLAIMS	<u>\$20,000,000</u>

SECTION 22. 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, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$125,000
(B) CONF. & TRAVEL	0

1	(C) PROF. FEES	0
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$125,000</u></u>

5

6 SECTION 23. APPROPRIATION - ARKANSAS HEALTHCARE TRANSPARENCY INITIATIVE

7 DATABASE. There is hereby appropriated, to the State Insurance Department,

8 to be payable from the Arkansas Healthcare Transparency Initiative Fund, for

9 the Arkansas Healthcare Transparency Initiative Database, maintenance and

10 operations, data collection and management, and data request fulfillment of

11 the State Insurance Department for the fiscal year ending June 30, 2020, the

12 following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2019-2020</u>
16	(01) AR HEALTHCARE TRANSPARENCY INITIATIVE	
17	DATABASE EXPENSES	<u><u>\$3,200,000</u></u>

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19 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

21 PROVISION. In the event the State Insurance Department is unable to maintain

22 a full roster of examination personnel, and upon approval of the Chief Fiscal

23 Officer of the State, the resulting unused appropriations in Regular

24 Salaries, Extra Help, and Personal Services Matching may be transferred to

25 the Professional Services special line item for the purpose of contracting

26 with qualified individuals or firms for examination assistance.

27 The provisions of this section shall be in effect only from July 1, ~~2018~~

28 2019 through June 30, ~~2019~~ 2020.

29

30 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS

32 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS.

33 (a) As used in this section, "Arkansas Works" means Arkansas Works

34 established under the Arkansas Works Act of 2016, Arkansas Code § 23-61-1001

35 et seq.

36 (b)(1) Determining the maximum number of employees, the maximum amount

1 of appropriation, for what purposes an appropriation is authorized, and  
2 general revenue funding for a state agency each fiscal year is the  
3 prerogative of the General Assembly.

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

6 (A) Identifying the purpose in the appropriation act;

7 (B) Delineating such maximums in the appropriation act for  
8 a state agency; and

9 (C) Delineating the general revenue allocations authorized  
10 for each fund and fund account by amendment to the Revenue Stabilization Law,  
11 Arkansas Code § 19-5-101 et seq.

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

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

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

27 (A) Unsolicited communications mailed to potential  
28 recipients;

29 (B) Television, radio, or online commercials;

30 (C) Billboard or mobile billboard advertising;

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

33 (E) Advertisements on websites or other electronic media.

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

36 (A) Engaging in direct communications with:

- 1 (i) Licensed insurance agents; and  
2 (ii) Persons licensed by the department;  
3 (B) Engaging in solicited communications with potential  
4 recipients;  
5 (C)(i) Responding to an inquiry regarding the coverage for  
6 which a potential recipient might be eligible, including without limitation  
7 providing educational materials or information regarding any coverage for  
8 which the potential recipient might qualify.  
9 (ii) Educational materials and information  
10 distributed under subdivision (c)(3)(C)(i) of this section shall contain only  
11 factual information and shall not contain subjective statements regarding the  
12 coverage for which the potential recipient might be eligible; and  
13 (D) Using a website for the exclusive purpose of enrolling  
14 individuals in the program.  
15 (d) The department shall not apply for or accept any funds, including  
16 without limitation federal funds, for the purpose of advertisement,  
17 promotion, or other activities designed to promote or encourage enrollment in  
18 the Arkansas Health Insurance Marketplace or the program.  
19 (e)(1) Biannually, the department shall report to the Legislative  
20 Council regarding the use of navigators, guides, certified application  
21 counselors, and certified licensed producers under the Arkansas Health  
22 Insurance Marketplace Navigator, Guide, and Certified Application Counselors  
23 Act, § 23-64-601 et seq.  
24 (2) The report shall include without limitation:  
25 (A) The number of navigators, guides, certified  
26 application counselors, and certified licensed producers;  
27 (B) The number of recipients assisted by the navigators,  
28 guides, certified application counselors, and certified licensed producers to  
29 obtain coverage; and  
30 (C) The number of recipients assisted by the navigators,  
31 guides, certified application counselors, and certified licensed producers to  
32 obtain coverage and who obtained coverage through the program.  
33 (f) This section expires on June 30, 2020.  
34

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

1           ~~“SECTION 1. SPECIAL LANGUAGE.— NOT TO BE INCORPORATED INTO THE ARKANSAS~~  
 2 ~~CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.— ARKANSAS~~  
 3 ~~WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in~~  
 4 ~~this section, "Arkansas Works" means Arkansas Works established under the~~  
 5 ~~Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.~~

6           ~~(b)(1) Determining the maximum number of employees, the maximum amount~~  
 7 ~~of appropriation, for what purposes an appropriation is authorized, and~~  
 8 ~~general revenue funding for a state agency each fiscal year is the~~  
 9 ~~prerogative of the General Assembly.~~

10           ~~(2) The purposes of subdivision (b)(1) of this section are~~  
 11 ~~typically accomplished by:~~

12                   ~~(A) Identifying the purpose in the appropriation act;~~

13                   ~~(B) Delineating such maximums in the appropriation act for~~  
 14 ~~a state agency; and~~

15                   ~~(C) Delineating the general revenue allocations authorized~~  
 16 ~~for each fund and fund account by amendment to the Revenue Stabilization Law,~~  
 17 ~~Arkansas Code § 19-5-101 et seq.~~

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

20           ~~(c)(1) Except as provided in this subsection, the State Insurance~~  
 21 ~~Department shall not allocate, budget, expend, or utilize any appropriation~~  
 22 ~~authorized by the General Assembly for the purpose of advertisement,~~  
 23 ~~promotion, or other activities designed to promote or encourage enrollment in~~  
 24 ~~the Arkansas Health Insurance Marketplace or Arkansas Works, including~~  
 25 ~~without limitation:~~

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

28                   ~~(B) Television, radio, or online commercials;~~

29                   ~~(C) Billboard or mobile billboard advertising;~~

30                   ~~(D) Advertisements printed in newspapers, magazines, or~~  
 31 ~~other print media; and~~

32                   ~~(E) Internet websites and electronic media.~~

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

34                   ~~(A) Direct communications with:~~

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

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

1 ~~(B) Solicited communications with potential recipients;~~  
2 ~~(C)(i) Responding to an inquiry regarding the coverage for~~  
3 ~~which a potential recipient might be eligible, including without limitation~~  
4 ~~providing educational materials or information regarding any coverage for~~  
5 ~~which the individual might qualify.~~

6 ~~(ii) Educational materials and information~~  
7 ~~distributed under subdivision (e)(2)(C)(i) of this section shall contain only~~  
8 ~~factual information and shall not contain subjective statements regarding the~~  
9 ~~coverage for which the potential recipient might be eligible; and~~

10 ~~(D) Using an Internet website for the exclusive purpose of~~  
11 ~~enrolling individuals in the Arkansas Health Insurance Marketplace or~~  
12 ~~Arkansas Works.~~

13 ~~(d) The State Insurance Department shall not apply for or accept any~~  
14 ~~funds, including without limitation federal funds, for the purpose of~~  
15 ~~advertisement, promotion, or other activities designed to promote or~~  
16 ~~encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas~~  
17 ~~Works.~~

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

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

26 ~~(ii) Subdivision (e)(1)(A)(i) of this section does~~  
27 ~~not apply to regulatory and training responsibilities related to navigators,~~  
28 ~~guides, certified application counselors, and certified licensed producers;~~  
29 ~~and~~

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

35 ~~(2) Subdivision (e)(1) of this section does not apply to~~  
36 ~~certified application counselors at health related institutions, including~~



1 ~~without limitation the University of Arkansas for Medical Sciences.~~

2 ~~(f) An appropriation authorized by the General Assembly shall not be~~  
3 ~~subject to the provisions allowed through reallocation of resources or~~  
4 ~~transfer of appropriation authority for the purpose of transferring an~~  
5 ~~appropriation to any other appropriation authorized for the State Insurance~~  
6 ~~Department to be allocated, budgeted, expended, or utilized in a manner~~  
7 ~~prohibited by this section.~~

8 ~~(g) The provisions of this section are severable, and the invalidity~~  
9 ~~of any subsection or subdivision of this section shall not affect other~~  
10 ~~provisions of the section that can be given effect without the invalid~~  
11 ~~provision.~~

12 ~~(h) This section expires on June 30, 2019.~~

13  
14 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
16 RESTRICTIONS. The State Insurance Department shall not allocate, budget,  
17 expend or commit for expenditure any appropriation authorized by the General  
18 Assembly for final implementation of a state-based health insurance exchange  
19 by the Arkansas Health Insurance Marketplace Board as established in Arkansas  
20 Code § 23-61-803 et seq. until after the decision of the United States  
21 Supreme Court in King v. Burwell, 759 F.3d 358 (4th Cir.), cert. granted,  
22 U.S., 135 S. Ct. 475(2014).

23 The provisions of this section shall be in effect only from July 1, ~~2018~~  
24 2019 through June 30, ~~2019~~ 2020.

25  
26 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INSURANCE  
28 BUILDING CONSTRUCTION FUNDING PROVISION. Upon request of the Commissioner,  
29 approval of the Chief Fiscal Officer of the State, and prior review by the  
30 Arkansas Legislative Council or Joint Budget Committee, the State Insurance  
31 Department may retain an amount above that which is set out in A.C.A. 23-61-  
32 710(c) for the purposes of providing funding for the construction and  
33 renovation of Department facilities, not to exceed eight million dollars  
34 (\$8,000,000) in a single biennium. The amount being requested must be  
35 submitted to the Chief Fiscal Officer of the State by April 1st of each  
36 fiscal year.

1 The provisions of this section shall expire on June 30, ~~2019~~ 2020.

2  
3 SECTION 29. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
4 authorized by this act shall be limited to the appropriation for such agency  
5 and funds made available by law for the support of such appropriations; and  
6 the restrictions of the State Procurement Law, the General Accounting and  
7 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
8 Procedures and Restrictions Act, or their successors, and other fiscal  
9 control laws of this State, where applicable, and regulations promulgated by  
10 the Department of Finance and Administration, as authorized by law, shall be  
11 strictly complied with in disbursement of said funds.  
12

13 SECTION 30. LEGISLATIVE INTENT. It is the intent of the General  
14 Assembly that any funds disbursed under the authority of the appropriations  
15 contained in this act shall be in compliance with the stated reasons for  
16 which this act was adopted, as evidenced by the Agency Requests, Executive  
17 Recommendations and Legislative Recommendations contained in the budget  
18 manuals prepared by the Department of Finance and Administration, letters, or  
19 summarized oral testimony in the official minutes of the Arkansas Legislative  
20 Council or Joint Budget Committee which relate to its passage and adoption.  
21

22 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the  
23 General Assembly, that the Constitution of the State of Arkansas prohibits  
24 the appropriation of funds for more than a one (1) year period; that the  
25 effectiveness of this Act on July 1, 2019 is essential to the operation of  
26 the agency for which the appropriations in this Act are provided; with the  
27 exception that Sections 25 and 26 in this Act shall be in full force and  
28 effect from and after the date of its passage and approval, and that in the  
29 event of an extension of the Regular Session, the delay in the effective date  
30 of this Act beyond July 1, 2019, with the exception that Section 25 and  
31 Section 26 in this Act shall be in full force and effect from and after the  
32 date of its passage and approval, could work irreparable harm upon the proper  
33 administration and provision of essential governmental programs. Therefore,  
34 an emergency is hereby declared to exist and this Act being necessary for the  
35 immediate preservation of the public peace, health and safety shall be in  
36 full force and effect from and after July 1, 2019; with the exception that

1 Section 25 and Section 26 in this Act shall be in full force and effect from  
2 and after the date of its passage and approval.

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*/s/Joint Budget Committee*