

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H4/5/23

A Bill

HOUSE BILL 1117

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR THE MEDICAID
9 TOBACCO SETTLEMENT PROGRAM FOR THE DEPARTMENT OF
10 HUMAN SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,
11 2024; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN
15 SERVICES - MEDICAID TOBACCO SETTLEMENT
16 PROGRAM APPROPRIATION FOR THE 2023-2024
17 FISCAL 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 - MEDICAL SERVICES - MEDICAID TOBACCO
24 SETTLEMENT PROGRAM. There is hereby established for the Department of Human
25 Services - Division of Medical Services - Medicaid Tobacco Settlement Program
26 for the 2023-2024 fiscal year, the following maximum number of regular
27 employees.
28

Item	Class	No.	Title	Maximum	Maximum Annual
				Employees	Salary Rate
				Fiscal Year	
				2023-2024	
(1)	G152C		DHS PROGRAM MANAGER	<u>1</u>	GRADE GS08
			MAX. NO. OF EMPLOYEES	1	

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36 SECTION 2. REGULAR SALARIES - PROVIDER SERVICES AND QUALITY ASSURANCE -



1 MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby established for the
 2 Department of Human Services - Division of Provider Services and Quality
 3 Assurance - Medicaid Tobacco Settlement Program for the 2023-2024 fiscal
 4 year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code Title	No. of	Salary Rate
		Employees	Fiscal Year
			2023-2024
10	(1) L038C REGISTERED NURSE	1	GRADE MP01
11	(2) G129C DHS/DCO PROGRAM MANAGER	1	GRADE GS08
12	(3) M037C PROGRAM ELIGIBILITY SUPERVISOR	2	GRADE GS07
13	(4) M066C PROGRAM ELIGIBILITY SPECIALIST	14	GRADE GS06
14	(5) C062C LOCAL OFFICE ADMINISTRATIVE ASSISTANT	<u>1</u>	GRADE GS03
15	MAX. NO. OF EMPLOYEES	19	

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 17 SECTION 3. APPROPRIATION - MEDICAL SERVICES - MEDICAID TOBACCO
 18 SETTLEMENT PROGRAM. There is hereby appropriated, to the Department of Human
 19 Services, to be payable from the Medicaid Expansion Program Account, for
 20 personal services and operating expenses of the Department of Human Services
 21 - Division of Medical Services - Medicaid Tobacco Settlement Program for the
 22 fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
NO.	2023-2024
26 (01) REGULAR SALARIES	\$54,725
27 (02) PERSONAL SERVICES MATCHING	20,009
28 (03) MAINT. & GEN. OPERATION	
29 (A) OPER. EXPENSE	9,484
30 (B) CONF. & TRAVEL	2,000
31 (C) PROF. FEES	0
32 (D) CAP. OUTLAY	0
33 (E) DATA PROC.	<u>0</u>
34 TOTAL AMOUNT APPROPRIATED	<u><u>\$86,218</u></u>

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 36 SECTION 4. APPROPRIATION - MEDICAL SERVICES - MEDICAID TOBACCO

1 SETTLEMENT PROGRAM GRANTS. There is hereby appropriated, to the Department
 2 of Human Services, to be payable from the Medicaid Expansion Program Account,
 3 for grant payments of the Department of Human Services - Division of Medical
 4 Services - Medicaid Tobacco Settlement Program Grants for the fiscal year
 5 ending June 30, 2024, the following:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2023-2024</u>
9	(01) HOSPITAL AND MEDICAL SERVICES	\$160,426,470
10	(02) PRESCRIPTION DRUGS	<u>9,543,457</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$169,969,927</u>

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 13 SECTION 5. APPROPRIATION - PROVIDER SERVICES AND QUALITY ASSURANCE -
 14 MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the
 15 Department of Human Services, to be payable from the Medicaid Expansion
 16 Program Account, for personal services and operating expenses of the
 17 Department of Human Services - Division of Provider Services and Quality
 18 Assurance - Medicaid Tobacco Settlement Program for the fiscal year ending
 19 June 30, 2024, the following:

20	21 ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2023-2024</u>
23	(01) REGULAR SALARIES	\$841,440
24	(02) PERSONAL SERVICES MATCHING	332,775
25	(03) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	98,598
27	(B) CONF. & TRAVEL	0
28	(C) PROF. FEES	0
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	<u>0</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$1,272,813</u>

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 33 SECTION 6. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 19-12-
 34 112, concerning the creation of the Medicaid Expansion Program Account and
 35 resulting from Initiated Act 1 of 2000, is amended to add an additional
 36 subsection to codify special language in appropriation acts to read as

1 follows:

2 (e)(1) The Chief Fiscal Officer of the State shall establish separate
3 paying accounts for the Medicaid Expansion Program to be used exclusively to
4 draw down federal funds associated with the federal share of expenditures and
5 for the state share of expenditures transferred from the Medicaid Expansion
6 Program Account or for any other appropriate state matching funds.

7 (2) The Medicaid Expansion Program, established by Initiated Act 1
8 of 2000 and enacted in the Tobacco Settlement Proceeds Act, § 19-12-101 et
9 seq., is a separate and distinct component of the Arkansas Medicaid Program,
10 administered by the Department of Human Services and established under § 19-
11 12-116(b)(1).

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

18 The provisions of this section shall be in effect only from July 1, ~~2022~~
19 2023 through June 30, ~~2023~~ 2024.

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21 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
24 State of Arkansas or any of its agencies or institutions to continue funding
25 any position paid from the proceeds of the Tobacco Settlement in the event
26 that Tobacco Settlement funds are not sufficient to finance the position.

27 (b) State funds will not be used to replace Tobacco Settlement funds when
28 such funds expire, unless appropriated by the General Assembly and authorized
29 by the Governor.

30 (c) A disclosure of the language contained in (a) and (b) of this Section
31 shall be made available to all new hire and current positions paid from the
32 proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

33 (d) Whenever applicable the information contained in (a) and (b) of this
34 Section shall be included in the employee handbook and/or Professional
35 Services Contract paid from the proceeds of the Tobacco Settlement.

36 The provisions of this section shall be in effect only from July 1, ~~2022~~

1 2023 through June 30, ~~2023~~ 2024.

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3 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
5 RESTRICTIONS. The appropriations provided in this act shall not be
6 transferred under the provisions of Arkansas Code 19-4-522, but only as
7 provided by this act.

8 The provisions of this section shall be in effect only from July 1, ~~2022~~
9 2023 through June 30, ~~2023~~ 2024.

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11 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFERS
13 OF APPROPRIATIONS. In the event the amount of any of the budget
14 classifications of maintenance and general operation in this act are found by
15 the administrative head of the agency to be inadequate, then the agency head
16 may request, upon forms provided for such purpose by the Chief Fiscal Officer
17 of the State, a modification of the amounts of the budget classification. In
18 that event, he shall set out on the forms the particular classifications for
19 which he is requesting an increase or decrease, the amounts thereof, and his
20 reasons therefor. In no event shall the total amount of the budget exceed
21 either the amount of the appropriation or the amount of the funds available,
22 nor shall any transfer be made from the capital outlay or data processing
23 subclassifications unless specific authority for such transfers is provided
24 by law, except for transfers from capital outlay to data processing when
25 determined by the Division of Information Systems that data processing
26 services for a state agency can be performed on a more cost-efficient basis
27 by the Division of Information Systems than through the purchase of data
28 processing equipment by that state agency. In considering the proposed
29 modification as prepared and submitted by each state agency, the Chief Fiscal
30 Officer of the State shall make such studies as he deems necessary. The Chief
31 Fiscal Officer of the State shall, after obtaining the approval of the
32 Legislative Council or Joint Budget Committee, approve the requested transfer
33 if in his opinion it is in the best interest of the state.

34 Upon determination by the Secretary of the Department of Human Services
35 that a Reallocation of Resources is necessary for the effective operation of
36 the Medicaid Tobacco Settlement Program Grants, the Secretary, with the

1 approval of the Governor, shall have the authority to request from the Chief
2 Fiscal Officer of the State a transfer of Appropriation. This transfer
3 authority applies only to the Medicaid Tobacco Settlement Program Grants
4 appropriation section of this Act between the Hospital and Medical Services
5 line item and the Prescription Drugs line item. The limitation restrictions
6 applicable to the Department Reallocation of Resources authority applies to
7 this section.

8 The General Assembly has determined that the agency in this act could be
9 operated more efficiently if some flexibility is given to that agency and
10 that flexibility is being accomplished by providing authority to transfer
11 between certain items of appropriation made by this act. Since the General
12 Assembly has granted the agency broad powers under the transfer of
13 appropriations, it is both necessary and appropriate that the General
14 Assembly maintain oversight of the utilization of the transfers by requiring
15 prior approval of the Legislative Council or Joint Budget Committee in the
16 utilization of the transfer authority. Therefore, the requirement of approval
17 by the Legislative Council or Joint Budget Committee is not a severable part
18 of this section. If the requirement of approval by the Legislative Council or
19 Joint Budget Committee is ruled unconstitutional by a court of competent
20 jurisdiction, this entire section is void.

21 The provisions of this section shall be in effect only from July 1, ~~2022~~
22 2023 through June 30, ~~2023~~ 2024.

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24 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
27 shall be limited to the appropriation for such agency and funds made
28 available by law for the support of such appropriations; and the restrictions
29 of the State Purchasing Law, the General Accounting and Budgetary Procedures
30 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
31 and other fiscal control laws of this State, where applicable, and
32 regulations promulgated by the Department of Finance and Administration, as
33 authorized by law, shall be strictly complied with in disbursement of said
34 funds.

35 The provisions of this section shall be in effect only from July 1, ~~2022~~
36 2023 through June 30, ~~2023~~ 2024.

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2 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
4 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
5 disbursed under the authority of the appropriations contained in this act
6 shall be in compliance with the stated reasons for which this act was
7 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
8 Executive Recommendations and Legislative Recommendations contained in the
9 budget manuals prepared by the Department of Finance and Administration,
10 letters, or summarized oral testimony in the official minutes of the Arkansas
11 Legislative Council or Joint Budget Committee which relate to its passage and
12 adoption.

13 The provisions of this section shall be in effect only from July 1, ~~2022~~
14 2023 through June 30, ~~2023~~ 2024.

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16 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly, that the Constitution of the State of Arkansas prohibits
18 the appropriation of funds for more than a one (1) year period; that the
19 effectiveness of this Act on July 1, 2023 is essential to the operation of
20 the agency for which the appropriations in this Act are provided, and that in
21 the event of an extension of the legislative session, the delay in the
22 effective date of this Act beyond July 1, 2023 could work irreparable harm
23 upon the proper administration and provision of essential governmental
24 programs. Therefore, an emergency is hereby declared to exist and this Act
25 being necessary for the immediate preservation of the public peace, health
26 and safety shall be in full force and effect from and after July 1, 2023.

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28 */s/Joint Budget Committee*
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