

Stricken language will be deleted and underlined language will be added.
Act 833 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: 5/30/17
A Bill

SENATE BILL 129

By: Joint Budget Committee

For An Act To Be Entitled

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

Subtitle

AN ACT FOR THE STATE INSURANCE DEPARTMENT
APPROPRIATION FOR THE 2017-2018 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the State Insurance Department for the 2017-2018 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2017-2018
(1)	U042U	INSURANCE CHIEF DEPUTY COMMISSIONER	1	\$174,260
(2)	U047U	STATE INSURANCE COMMISSIONER	1	\$132,129
(3)	N201N	DEP COMM OF CRIMINAL INVESTIGATIONS	1	GRADE N914
(4)	N014N	INSURANCE DEP COMM FINANCIAL REGS	1	GRADE N914
(5)	N190N	INSURANCE GENERAL COUNSEL	1	GRADE N912
(6)	D028N	REGULATORY HEALTH LINK TECH OFFICER	1	GRADE N912
(7)	G018N	DIRECTOR RISK MANAGEMENT	1	GRADE N910



(8)	N140N	INS ASST DEP COMMISSIONER FINANCE	1	GRADE N910
(9)	N023N	INSURANCE DEPUTY COMMISSIONER	2	GRADE N910
(10)	N025N	INSURANCE DEPUTY COMM INFO SVCS	1	GRADE N910
(11)	X002N	PROPERTY & CASUALTY MANAGER	1	GRADE N910
(12)	N073N	INSURANCE CHF FIN/MKT CONDUCT EXMR	1	GRADE N908
(13)	G043N	RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE N908
(14)	A004N	CERTIFIED FINANCIAL EXAMINER MGR	3	GRADE N906
(15)	D010N	INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE N904
(16)	A004C	CERTIFIED FINANCIAL EXAMINER	12	GRADE C130
(17)	X002C	INSURANCE PUBLIC EMP CLAIMS DIV DIR	1	GRADE C130
(18)	G004C	MANAGING ATTORNEY	3	GRADE C129
(19)	G241C	HEALTH INFO TECH OPER & TECH OFF	1	GRADE C128
(20)	D007C	INFORMATION SYSTEMS MANAGER	2	GRADE C128
(21)	P074C	AID PUBLIC INFORMATION OFFICER	1	GRADE C127
(22)	G047C	ATTORNEY SPECIALIST	8	GRADE C126
(23)	X009C	INSURANCE DEPT DIR OF SECURITY OPS	1	GRADE C126
(24)	D034C	DATABASE ADMINISTRATOR	1	GRADE C124
(25)	X018C	INSURANCE CONSUMER PROTECTION MGR	1	GRADE C124
(26)	X017C	INSURANCE LICENSING MANAGER	1	GRADE C124
(27)	G259C	INSURANCE PROGRAM MANAGER	1	GRADE C124
(28)	G064C	SR HLTH INSURANCE INFO PRG MGR	1	GRADE C124
(29)	D022C	SYSTEMS SPECIALIST	4	GRADE C124
(30)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
(31)	X192C	ASST DIRECTOR FRAUD INVESTIGATION	1	GRADE C122
(32)	A044C	AUDIT COORDINATOR	1	GRADE C122
(33)	A042C	INSURANCE SENIOR EXAMINER	7	GRADE C122
(34)	X034C	PREPAID FUNERAL MANAGER	1	GRADE C122
(35)	D044C	SYSTEMS ANALYST	1	GRADE C122
(36)	R014C	PERSONNEL MANAGER	1	GRADE C121
(37)	D052C	SOFTWARE SUPPORT ANALYST	4	GRADE C121
(38)	G107C	WCC PROGRAM MANAGER	1	GRADE C121
(39)	G106C	WCC CLAIMS SPECIALIST	5	GRADE C121
(40)	G125C	INSURANCE SPECIAL PROJECTS COORD	1	GRADE C120
(41)	G120C	RISK CONSULTANT	7	GRADE C120
(42)	X072C	CRIMINAL INS FRAUD INVESTIGATOR	7	GRADE C119
(43)	A067C	INSURANCE EXAMINER	2	GRADE C119

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

SECTION 2. EXTRA HELP. There is hereby authorized, for the State Insurance Department for the 2017-2018 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: nineteen (19) 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 State Insurance Department, to be payable from the State Insurance

Department Trust Fund, for personal services, operating expenses, special maintenance and professional services of the State Insurance Department - Operations for the fiscal year ending June 30, 2018, the following:

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

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

ITEM NO.	FISCAL YEAR 2017-2018
(01) REGULAR SALARIES	\$731,211
(02) PERSONAL SERVICES MATCHING	237,496
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	122,827
(B) CONF. & TRAVEL	12,000
(C) PROF. FEES	11,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>

TOTAL AMOUNT APPROPRIATED \$1,114,534

SECTION 5. APPROPRIATION - INSURANCE FRAUD INVESTIGATION DIVISION.
There is hereby appropriated, to the State Insurance Department, to be payable from the Insurance Fraud Investigation Division Trust Fund, for operating expenses of the State Insurance Department - Insurance Fraud Investigation Division for the fiscal year ending June 30, 2018, the following:

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

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

ITEM NO.	FISCAL YEAR 2017-2018
(01) REGULAR SALARIES	\$219,174
(02) PERSONAL SERVICES MATCHING	75,237
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	71,390
(B) CONF. & TRAVEL	4,000
(C) PROF. FEES	27,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$396,801</u>

SECTION 7. APPROPRIATION - PREPAID FUNERAL CONTRACTS RECOVERY PROGRAM. There is hereby appropriated, to the State Insurance Department, to be payable from the Prepaid Funeral Contracts Recovery Program Fund, for the expenses and payment of claims by the State Insurance Department - Prepaid Funeral Contracts Recovery Program for the fiscal year ending June 30, 2018, the following:

ITEM NO.	FISCAL YEAR <u>2017-2018</u>
(01) EXPENSES AND CLAIMS FOR PREPAID FUNERAL CONTRACTS RECOVERY PROGRAM	<u>\$500,000</u>

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

ITEM NO.	FISCAL YEAR <u>2017-2018</u>
(01) REFUNDS/REIMBURSEMENTS	<u>\$11,000,000</u>

SECTION 9. APPROPRIATION - CONTINUING EDUCATION PROGRAM. There is hereby appropriated, to the State Insurance Department, to be payable from the Insurance Continuing Education Trust Fund, for personal services of the State Insurance Department - Continuing Education Program for the fiscal year ending June 30, 2018, the following:

ITEM NO.	FISCAL YEAR <u>2017-2018</u>
(01) REGULAR SALARIES	\$25,268
(02) PERSONAL SERVICES MATCHING	<u>10,808</u>
TOTAL AMOUNT APPROPRIATED	<u>\$36,076</u>

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 NO.	FISCAL YEAR 2017-2018
(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 NO.	FISCAL YEAR 2017-2018
(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:

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

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

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

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

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

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

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

SECTION 18. APPROPRIATION - GOVERNMENTAL BONDING BOARD. There is hereby appropriated, to the State Insurance Department, to be payable from the Fidelity Bond Trust Fund, for operating expenses, refunds,

reimbursements, claims, investments, professional services, and reinsurance of the State Insurance Department - Governmental Bonding Board 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	\$5,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) REFUNDS/REIMBURSEMENTS	150,000
(03) CLAIMS	3,000,000
(04) INVESTMENTS	760,637
(05) PROFESSIONAL SERVICES	50,000
(06) REINSURANCE	<u>139,218</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$4,104,855</u></u>

SECTION 19. 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, 2018, the following:

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

SECTION 20. 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 of the State Insurance Department - Public School Insurance Program for the fiscal year ending June 30, 2018, the following:

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
(C) PROF. FEES	4,380,080

(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$5,866,230</u></u>

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

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

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

~~HEALTHCARE INDEPENDENCE PROGRAM~~ ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "~~Health Care Independence Program~~ Arkansas Works" means ~~the Health Care Independence Program~~ Arkansas Works established under the ~~Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.~~ Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.

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

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

- (A) Identifying the purpose in the appropriation act;
- (B) Delineating such maximums in the appropriation act for a state agency; and

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

(3) It is both necessary and appropriate that the General

Assembly restrict the use of appropriations authorized in this act.

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

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

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

- (A) Direct communications with:
 - (i) Licensed insurance agents; and
 - (ii) Persons licensed by the department;
- (B) Solicited communications with potential recipients;
- (C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.

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

(D) Using an Internet website for the exclusive purpose of enrolling individuals in the Arkansas Health Insurance Marketplace or ~~the Health Care Independence Program~~ Arkansas Works.

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

(e)(1) Except as provided in subdivision (e)(2) of this section, the

State Insurance Department shall not:

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

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

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

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

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

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

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

SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING RESTRICTIONS. The State Insurance Department shall not allocate, budget, expend or commit for expenditure any appropriation authorized by the General Assembly for final implementation of a state-based health insurance exchange

by the Arkansas Health Insurance Marketplace Board as established in Arkansas Code § 23-61-803 et seq. until after the decision of the United States Supreme Court in King v. Burwell, 759 F.3d 358 (4th Cir.), cert. granted, U.S. , 135 S. Ct. 475(2014).

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

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

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

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

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

manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 29. 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, 2017 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2017, with the exception that Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval, 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, 2017; with the exception that Section 26 of this Act shall be in full force and effect from and after the date of its passage and approval.

/s/Teague

APPROVED: 04/03/2017