

Stricken language will be deleted and underlined language will be added.
Act 722 of the Regular Session

State of Arkansas *As Engrossed: S2/11/19 S3/6/19 S3/25/19*
92nd General Assembly **A Bill**
Regular Session, 2019

SENATE BILL 117

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, 2020;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE STATE INSURANCE DEPARTMENT
APPROPRIATION FOR THE 2019-2020 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 2019-2020 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	U047U	STATE INSURANCE COMMISSIONER	1	GRADE SE03
(2)	U042U	INSURANCE CHIEF DEPUTY COMMISSIONER	1	GRADE SE02
(3)	N025N	INSURANCE DEP. COMM. INFO SYSTEMS	1	GRADE SE01
(4)	D028N	REGULATORY HEALTH LINK TECH OFFICER	1	GRADE IT10
(5)	D007C	INFORMATION SYSTEMS MANAGER	2	GRADE IT08
(6)	D010N	INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE IT08
(7)	D034C	DATABASE ADMINISTRATOR	1	GRADE IT07



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

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

SECTION 2. EXTRA HELP. There is hereby authorized, for the State Insurance Department for the 2019-2020 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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$7,496,872
(02) EXTRA HELP	140,000
(03) PERSONAL SERVICES MATCHING	2,447,369
(04) OVERTIME	27,500
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	2,200,674
(B) CONF. & TRAVEL	188,000
(C) PROF. FEES	161,600
(D) CAP. OUTLAY	102,000
(E) DATA PROC.	0
(06) SPECIAL MAINTENANCE	50,000
(07) PROFESSIONAL SERVICES	956,000
(08) AHIM EXPENSES	<u>500,000</u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u><u>\$14,270,015</u></u>

SECTION 4. APPROPRIATION - STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS, CEMETERIES, AND BURIAL SERVICES - OPERATIONS. 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 personal services and operating expenses of the State Insurance Department - State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services - Operations for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
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(01)	REGULAR SALARIES	\$245,895
(02)	PERSONAL SERVICES MATCHING	87,805
(03)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	167,242
	(B) CONF. & TRAVEL	5,464
	(C) PROF. FEES	2,950
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	0
(04)	LOANS	<u>55,000</u>
	TOTAL AMOUNT APPROPRIATED	<u><u>\$564,356</u></u>

SECTION 5. 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 of the State Insurance Department - Fraud Investigation Unit for the fiscal year ending June 30, 2020, the following:

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

SECTION 6. 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 personal services and operating expenses of the State Insurance Department - Insurance Fraud Investigation Division for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01)	REGULAR SALARIES \$190,049
(02)	PERSONAL SERVICES MATCHING 59,611
(03)	MAINT. & GEN. OPERATION
	(A) OPER. EXPENSE 218,635

(B) CONF. & TRAVEL	35,000
(C) PROF. FEES	4,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$507,295</u></u>

SECTION 7. 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, 2020, the following:

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

SECTION 8. 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, 2020, the following:

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

SECTION 9. 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, 2020, the following:

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

SECTION 10. 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, 2020, the following:

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

SECTION 11. 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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$261,168
(02) PERSONAL SERVICES MATCHING	96,419
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	138,420
(B) CONF. & TRAVEL	8,000

(C) PROF. FEES	300,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$804,007</u></u>

SECTION 12. 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, 2020, the following:

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

SECTION 13. 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, 2020, the following:

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

SECTION 14. 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, 2020, the following:

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

SECTION 15. 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, 2020, the following:

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

SECTION 16. 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, 2020, the following:

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

SECTION 17. 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, 2020, the following:

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

SECTION 18. 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, 2020, the following:

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

SECTION 19. 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, and professional services of the State Insurance Department - Governmental Bonding Board for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(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	2,800,000

(04) PROFESSIONAL SERVICES	<u>50,000</u>
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TOTAL AMOUNT APPROPRIATED	<u>\$3,005,000</u>
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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 NO.	FISCAL YEAR 2019-2020
(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 NO.	FISCAL YEAR 2019-2020
(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 NO.	FISCAL YEAR 2019-2020
(01) MAINT. & GEN. OPERATION (A) OPER. EXPENSE	<u>\$125,000</u>

(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$125,000</u></u>

SECTION 23. APPROPRIATION - ARKANSAS HEALTHCARE TRANSPARENCY INITIATIVE DATABASE. There is hereby appropriated, to the State Insurance Department, to be payable from the Arkansas Healthcare Transparency Initiative Fund, for the Arkansas Healthcare Transparency Initiative Database, maintenance and operations, data collection and management, and data request fulfillment of the State Insurance Department for the fiscal year ending June 30, 2020, the following:

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

SECTION 24. 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS.

(a) As used in this section, "Arkansas Works" means Arkansas Works established under the 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 conduct outreach and education activities that meet the standards of 45 C.F.R. § 155.200(c), as existing on January 1, 2019, to educate consumers about the Arkansas Health Insurance Marketplace and insurance affordability programs to encourage participation, including without limitation the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

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

(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

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

(E) Advertisements on websites or other electronic media.

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

(A) Engaging in direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Engaging in 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 potential recipient might qualify.

(ii) Educational materials and information distributed under subdivision (c)(3)(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 a website for the exclusive purpose of enrolling individuals in the program.

(d) The 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 program.

(e)(1) Biannually, the department shall report to the Legislative Council regarding the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

(2) The report shall include without limitation:

(A) The number of navigators, guides, certified application counselors, and certified licensed producers;

(B) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage; and

(C) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage and who obtained coverage through the program.

(f) This section expires on June 30, 2020.

SECTION 26. Section 26 of Uncodified Act 248 of 2018 is amended to read

as follows:

~~“SECTION 1. SPECIAL LANGUAGE.— NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.— ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS.— (a) As used in this section, "Arkansas Works" means Arkansas Works established under the 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 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 (e)(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 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 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, 2019.~~

SECTION 27. 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 expire on June 30, ~~2019~~ 2020.

SECTION 28. 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 29. 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 30. 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, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 25 and 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 Regular Session, the delay in the effective date of this Act beyond July 1, 2019, with the exception that Section 25 and 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, 2019; with the exception that Section 25 and Section 26 in this Act shall be in full force and effect from and after the date of its passage and approval.

/s/ Joint Budget Committee

APPROVED: 4/5/19