

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 439

By: Senator B. Ballinger  
By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 23 OF  
THE ARKANSAS CODE CONCERNING PUBLIC UTILITIES AND  
REGULATED INDUSTRIES; AND FOR OTHER PURPOSES.

## Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 23  
OF THE ARKANSAS CODE CONCERNING PUBLIC  
UTILITIES AND REGULATED INDUSTRIES.

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

SECTION 1. Arkansas Code § 23-63-1620(k)(6), concerning insolvency of sponsored captive insurance companies, is amended to read as follows to replace a short-form reference with the term as defined for the subchapter:

(6) In the event of the insolvency of a sponsored captive insurance company in which the commissioner determines that one (1) or more protected cells remain solvent, the commissioner may separate the protected cells from the sponsored captive insurance company and, on application of the sponsor, may allow for the conversion of the protected cells into one (1) or more new or existing sponsored captive insurance companies, or one (1) or more other captive insurance companies, under a plan of operation approved by the commissioner.

SECTION 2. Arkansas Code § 23-63-1705(b)(2)(B), concerning investments in protected cells, is amended to read as follows to replace a short-form reference with the term as defined for the subchapter:



(B) The investments in a protected cell or protected cells shall not be taken into account in applying the investment limitations applicable to the investments of the protected cell company.

SECTION 3. Arkansas Code § 23-79-160 is repealed because it is obsolete.

~~23-79-160. Health insurance information regarding Health Care Independence Program.~~

~~Upon notification to enrollees in the Health Care Independence Program established by the Health Care Independence Act of 2013, § 20-77-2401 et seq. {repealed}, that the Health Care Independence Program ends on December 31, 2016, the Department of Human Services shall simultaneously provide to enrollees in the Health Care Independence Program the following information in accordance with the Arkansas Health Reform Act of 2015, Acts 2015, No. 46:~~

~~(1) Upon program termination, recommend an alternative healthcare coverage model and legislative framework to ensure the continued availability of healthcare services for vulnerable populations covered by the Health Care Independence Program;~~

~~(2) Explore and recommend options to modernize Medicaid programs serving the indigent, aged, and disabled; and~~

~~(3) Identify the populations eligible for and participating in the Health Care Independence Program, including:~~

~~(A) Individuals newly eligible for health coverage under the Health Care Independence Program; and~~

~~(B) Individuals previously eligible for Medicaid before the effective date of the Health Care Independence Program, whether under a Medicaid waiver or some other eligibility criteria.~~

SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

(A) The act of the regular session of the Ninety-Third

General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.