

1 State of Arkansas
2 92nd General Assembly
3 Fiscal Session, 2020
4

As Engrossed: H4/15/20

A Bill

HOUSE BILL 1068

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 2021; 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 2020-2021
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 - COUNTY OPERATIONS - MEDICAID TOBACCO
24 SETTLEMENT PROGRAM. There is hereby established for the Department of Human
25 Services - Division of County Operations - Medicaid Tobacco Settlement
26 Program for the 2020-2021 fiscal year, the following maximum number of
27 regular employees.
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Item	Class	No.	Title	Maximum	Maximum Annual
				No. of	Salary Rate
				Fiscal Year	
				Employees	2020-2021
33	(1)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	5	GRADE GS07
34	(2)	M066C	PROGRAM ELIGIBILITY SPECIALIST	30	GRADE GS06
35	(3)	C062C	LOCAL OFFICE ADMINISTRATIVE ASST	<u>5</u>	GRADE GS03
36	MAX. NO. OF EMPLOYEES			40	



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SECTION 2. REGULAR SALARIES - MEDICAL SERVICES - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby established for the Department of Human Services - Division of Medical Services - Medicaid Tobacco Settlement Program for the 2020-2021 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code	No. of	Salary Rate
			Fiscal Year
			2020-2021
(1)	G152C	DHS PROGRAM MANAGER	<u>1</u> GRADE GS08
		MAX. NO. OF EMPLOYEES	1

SECTION 3. REGULAR SALARIES - PROVIDER SERVICES AND QUALITY ASSURANCE - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby established for the Department of Human Services - Division of Provider Services and Quality Assurance - Medicaid Tobacco Settlement Program for the 2020-2021 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code	No. of	Salary Rate
			Fiscal Year
			2020-2021
(1)	G129C	DHS/DCO PROGRAM MANAGER	1 GRADE GS08
(2)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	2 GRADE GS07
(3)	M066C	PROGRAM ELIGIBILITY SPECIALIST	14 GRADE GS06
(4)	C062C	LOCAL OFFICE ADMINISTRATIVE ASST	<u>3</u> GRADE GS03
		MAX. NO. OF EMPLOYEES	20

SECTION 4. APPROPRIATION - COUNTY OPERATIONS - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the Department of Human Services, to be payable from the Medicaid Expansion Program Account, for personal services and operating expenses of the Department of Human Services - Division of County Operations - Medicaid Tobacco Settlement Program for the fiscal year ending June 30, 2021, the following:

ITEM	FISCAL YEAR
NO.	2020-2021
(01) REGULAR SALARIES	\$1,465,980
(02) PERSONAL SERVICES MATCHING	545,526
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	197,197
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) DATA PROCESSING SERVICES	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,258,703</u></u>

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SECTION 5. APPROPRIATION - MEDICAL SERVICES - MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the Department of Human Services, to be payable from the Medicaid Expansion Program Account, for personal services and operating expenses of the Department of Human Services - Division of Medical Services - Medicaid Tobacco Settlement Program for the fiscal year ending June 30, 2021, the following:

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ITEM	FISCAL YEAR
NO.	2020-2021
(01) REGULAR SALARIES	\$47,069
(02) PERSONAL SERVICES MATCHING	16,082
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,369
(B) CONF. & TRAVEL	2,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$77,520</u></u>

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SECTION 6. APPROPRIATION - MEDICAL SERVICES - MEDICAID TOBACCO SETTLEMENT PROGRAM GRANTS. There is hereby appropriated, to the Department of Human Services, to be payable from the Medicaid Expansion Program Account,

1 for grant payments by the Department of Human Services - Division of Medical
 2 Services - Medicaid Tobacco Settlement Program Grants for the fiscal year
 3 ending June 30, 2021, the following:

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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2020-2021</u>
7 (01) HOSPITAL AND MEDICAL SERVICES	\$200,426,470
8 (02) PRESCRIPTION DRUGS	<u>9,543,457</u>
9 TOTAL AMOUNT APPROPRIATED	<u><u>\$209,969,927</u></u>

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11 SECTION 7. APPROPRIATION - PROVIDER SERVICES AND QUALITY ASSURANCE -
 12 MEDICAID TOBACCO SETTLEMENT PROGRAM. There is hereby appropriated, to the
 13 Department of Human Services, to be payable from the Medicaid Expansion
 14 Program Account, for personal services and operating expenses of the
 15 Department of Human Services - Division of Provider Services and Quality
 16 Assurance - Medicaid Tobacco Settlement Program for the fiscal year ending
 17 June 30, 2021, the following:

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19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2020-2021</u>
21 (01) REGULAR SALARIES	\$744,576
22 (02) PERSONAL SERVICES MATCHING	275,479
23 (03) MAINT. & GEN. OPERATION	
24 (A) OPER. EXPENSE	98,598
25 (B) CONF. & TRAVEL	0
26 (C) PROF. FEES	0
27 (D) CAP. OUTLAY	0
28 (E) DATA PROC.	<u>0</u>
29 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,118,653</u></u>

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31 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAID
 33 TOBACCO SETTLEMENT PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program
 34 as established by Initiated Act 1 of 2000 and enacted in the Tobacco
 35 Settlement Proceeds Act shall be a separate and distinct component of the
 36 Arkansas Medicaid Program, administered by the Department of Human Services

1 and established as set out in § 19-12-116(b)(1). Separate Paying Accounts
2 shall be established for the Medicaid Expansion Program as designated by the
3 Chief Fiscal Officer of the State, to be used exclusively for the purpose of
4 drawing down federal funds associated with the federal share of expenditures
5 and for the state share of expenditures transferred from the Medicaid
6 Expansion Program Account or for any other appropriate state match funds.

7 The provisions of this section shall be in effect only from July 1, ~~2019~~
8 2020 through June 30, ~~2020~~ 2021.

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10 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACCOUNTS.
12 Such appropriations and fund accounts as may be necessary to administer the
13 provisions of this act shall be established on the books of the Chief Fiscal
14 Officer of the State, State Treasurer, and the Auditor of the State.

15 The provisions of this section shall be in effect only from July 1, ~~2019~~
16 2020 through June 30, ~~2020~~ 2021.

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18 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 POSITIONS. (a) Nothing in this act shall be construed as a commitment of the
21 State of Arkansas or any of its agencies or institutions to continue funding
22 any position paid from the proceeds of the Tobacco Settlement in the event
23 that Tobacco Settlement funds are not sufficient to finance the position.

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

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

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

33 The provisions of this section shall be in effect only from July 1, ~~2019~~
34 2020 through June 30, ~~2020~~ 2021.

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36 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 RESTRICTIONS. The appropriations provided in this act shall not be
3 transferred under the provisions of Arkansas Code 19-4-522, but only as
4 provided by this act.

5 The provisions of this section shall be in effect only from July 1, ~~2019~~
6 2020 through June 30, ~~2020~~ 2021.

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

31 Upon determination by the Director of the Department of Human Services
32 that a Reallocation of Resources is necessary for the effective operation of
33 the Medicaid Tobacco Settlement Program Grants, the director, with the
34 approval of the Governor, shall have the authority to request from the Chief
35 Fiscal Officer of the State a transfer of Appropriation. This transfer
36 authority applies only to the Medicaid Tobacco Settlement Program Grants

1 appropriation section of this Act between the Hospital and Medical Services
2 line item and the Prescription Drugs line item. The limitation restrictions
3 applicable to the Department Reallocation of Resources authority applies to
4 this section.

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

18 The provisions of this section shall be in effect only from July 1, ~~2019~~
19 2020 through June 30, ~~2020~~ 2021.

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21 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act
24 shall be limited to the appropriation for such agency and funds made
25 available by law for the support of such appropriations; and the restrictions
26 of the State Purchasing Law, the General Accounting and Budgetary Procedures
27 Law, the Regular Salary Procedures and Restrictions Act, or their successors,
28 and other fiscal control laws of this State, where applicable, and
29 regulations promulgated by the Department of Finance and Administration, as
30 authorized by law, shall be strictly complied with in disbursement of said
31 funds.

32 The provisions of this section shall be in effect only from July 1, ~~2019~~
33 2020 through June 30, ~~2020~~ 2021.

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35 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds
2 disbursed under the authority of the appropriations contained in this act
3 shall be in compliance with the stated reasons for which this act was
4 adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests,
5 Executive Recommendations and Legislative Recommendations contained in the
6 budget manuals prepared by the Department of Finance and Administration,
7 letters, or summarized oral testimony in the official minutes of the Arkansas
8 Legislative Council or Joint Budget Committee which relate to its passage and
9 adoption.

10 The provisions of this section shall be in effect only from July 1, 2019
11 2020 through June 30, ~~2020~~ 2021.

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13 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly, that the Constitution of the State of Arkansas prohibits
15 the appropriation of funds for more than a one (1) year period; that the
16 effectiveness of this Act on July 1, 2020 is essential to the operation of
17 the agency for which the appropriations in this Act are provided, and that in
18 the event of an extension of the legislative session, the delay in the
19 effective date of this Act beyond July 1, 2020 could work irreparable harm
20 upon the proper administration and provision of essential governmental
21 programs. Therefore, an emergency is hereby declared to exist and this Act
22 being necessary for the immediate preservation of the public peace, health
23 and safety shall be in full force and effect from and after July 1, 2020.

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25 */s/ Joint Budget Committee*
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