

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1212

By: Joint Budget Committee

## For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN  
SERVICES - ADMINISTRATION FOR THE FISCAL YEAR ENDING  
JUNE 30, 2014; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN  
SERVICES - ADMINISTRATION APPROPRIATION  
FOR THE 2013-2014 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - DIRECTOR'S OFFICE - OFFICE OF CHIEF  
COUNSEL. There is hereby established for the Department of Human Services -  
Director's Office - Office of Chief Counsel for the 2013-2014 fiscal year,  
the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum	Maximum Annual
			No. of Employees	Salary Rate Fiscal Year 2013-2014
(1)	U011U	DHS DIRECTOR	1	\$159,443
(2)	L023N	DHS DEPUTY DIRECTOR	2	GRADE N915
(3)	G004N	DHS CHIEF ATTORNEY	1	GRADE N908
(4)	N128N	DHS ASST DIR QUALITY ASSURANCE	1	GRADE N904
(5)	A007C	AUDIT MANAGER	2	GRADE C129
(6)	G004C	MANAGING ATTORNEY	3	GRADE C129



(7)	G025C	ATTORNEY SUPERVISOR	4	GRADE C127
(8)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	3	GRADE C127
(9)	G047C	ATTORNEY SPECIALIST	53	GRADE C126
(10)	G042C	DHS ADMINISTRATIVE LAW JUDGE	6	GRADE C126
(11)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
(12)	A044C	AUDIT COORDINATOR	2	GRADE C122
(13)	G124C	OMBUDSMAN	1	GRADE C120
(14)	G152C	DHS PROGRAM MANAGER	3	GRADE C119
(15)	A066C	INTERNAL AUDITOR	4	GRADE C119
(16)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(17)	A060C	SENIOR AUDITOR	13	GRADE C119
(18)	G170C	DHS ADMINISTRATIVE REVIEW OFFICER	6	GRADE C118
(19)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(20)	G183C	DHS PROGRAM COORDINATOR	2	GRADE C117
(21)	X101C	INTERNAL AFFAIRS INVESTIGATOR	1	GRADE C117
(22)	G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
(23)	X125C	FRAUD INVESTIGATOR COORDINATOR	3	GRADE C116
(24)	P031C	MEDIA SPECIALIST	1	GRADE C116
(25)	G210C	DHS PROGRAM SPECIALIST	3	GRADE C115
(26)	X156C	FRAUD INVESTIGATOR	6	GRADE C114
(27)	C046C	LEGAL SUPPORT SPECIALIST	36	GRADE C113
(28)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
(29)	C087C	ADMINISTRATIVE SPECIALIST I	<u>2</u>	GRADE C106
		MAX. NO. OF EMPLOYEES	173	

SECTION 2. REGULAR SALARIES - ADMINISTRATIVE SERVICES. There is hereby established for the Department of Human Services - Division of Administrative Services for the 2013-2014 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	N016N	DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE N911
(2)	N040N	DHS CHIEF INFORMATION OFFICER	1	GRADE N909

(3)	N112N	DHS ASST DEP DIR FIN SUPPORT SYSTEM	1	GRADE N905
(4)	N111N	DHS ASST DEP DIR FOR MGR ACCOUNTING	1	GRADE N905
(5)	N107N	DHS/OFA ASSISTANT DIR - ACCOUNTING	1	GRADE N905
(6)	N109N	DHS/OFA ASSISTANT DIRECTOR	1	GRADE N905
(7)	R002N	DHS DIRECTOR OF HUMAN RESOURCES	1	GRADE N904
(8)	P004N	DHS DIRECTOR OF PUBLIC RELATIONS	1	GRADE N901
(9)	N167N	DHS POLICY & RESEARCH DIRECTOR	1	GRADE N901
(10)	G027N	DHS RESEARCH ANALYSIS MANAGER	1	GRADE N901
(11)	G004C	MANAGING ATTORNEY	1	GRADE C129
(12)	A010C	AGENCY CONTROLLER II	6	GRADE C128
(13)	D007C	INFORMATION SYSTEMS MANAGER	3	GRADE C128
(14)	A027C	ACCOUNTING OPERATIONS MANAGER	1	GRADE C125
(15)	R008C	DHS EMPLOYEE RELATIONS MANAGER	1	GRADE C125
(16)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(17)	A031C	ASSISTANT CONTROLLER	6	GRADE C124
(18)	R013C	AGENCY HUMAN RESOURCES MANAGER	2	GRADE C123
(19)	G099C	DHS PROGRAM ADMINISTRATOR	2	GRADE C122
(20)	A052C	ACCOUNTING COORDINATOR	4	GRADE C121
(21)	A047C	FINANCIAL ANALYST II	1	GRADE C121
(22)	G109C	GRANTS MANAGER	2	GRADE C121
(23)	R014C	PERSONNEL MANAGER	1	GRADE C121
(24)	V004C	PROCUREMENT MANAGER	1	GRADE C121
(25)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE C121
(26)	A056C	DHS FINANCIAL SECTION MANAGER	8	GRADE C120
(27)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE C120
(28)	E023C	TRAINING PROJECT MANAGER	1	GRADE C120
(29)	R021C	BUDGET ANALYST	2	GRADE C119
(30)	D063C	COMPUTER SUPPORT SPECIALIST	10	GRADE C119
(31)	G152C	DHS PROGRAM MANAGER	3	GRADE C119
(32)	G147C	GRANTS COORDINATOR	2	GRADE C119
(33)	D061C	INFORMATION SYSTEMS COORDINATION SPEC	5	GRADE C119
(34)	A065C	PAYROLL SERVICES COORDINATOR	2	GRADE C119
(35)	V007C	PROCUREMENT COORDINATOR	3	GRADE C119
(36)	A063C	RESEARCH & STATISTICS SUPERVISOR	1	GRADE C119
(37)	R024C	ASSISTANT PERSONNEL MANAGER	8	GRADE C118
(38)	A075C	FINANCIAL ANALYST I	1	GRADE C118

(39)	A074C	FISCAL SUPPORT SUPERVISOR	10	GRADE C118
(40)	D064C	WEBSITE DEVELOPER	1	GRADE C118
(41)	R027C	BUDGET SPECIALIST	7	GRADE C117
(42)	R026C	CIVIL RIGHTS/EMPLOYEE RELATIONS CORD	5	GRADE C117
(43)	D071C	COMPUTER SUPPORT ANALYST	1	GRADE C117
(44)	G183C	DHS PROGRAM COORDINATOR	2	GRADE C117
(45)	P021C	EDITOR	1	GRADE C117
(46)	G180C	GRANTS ANALYST	33	GRADE C117
(47)	R025C	HUMAN RESOURCES ANALYST	4	GRADE C117
(48)	G178C	POLICY DEVELOPMENT COORDINATOR	2	GRADE C117
(49)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
(50)	E040C	STAFF DEVELOPMENT COORDINATOR	4	GRADE C117
(51)	A089C	ACCOUNTANT I	15	GRADE C116
(52)	R029C	HUMAN RESOURCES RECRUITER	5	GRADE C116
(53)	P031C	MEDIA SPECIALIST	1	GRADE C116
(54)	C037C	ADMINISTRATIVE ANALYST	6	GRADE C115
(55)	D079C	COMPUTER SUPPORT TECHNICIAN	3	GRADE C115
(56)	G210C	DHS PROGRAM SPECIALIST	5	GRADE C115
(57)	A091C	FISCAL SUPPORT ANALYST	13	GRADE C115
(58)	D077C	HELP DESK SPECIALIST	1	GRADE C115
(59)	A090C	PAYROLL SERVICES SPECIALIST	1	GRADE C115
(60)	S032C	PRINT SHOP SUPERVISOR	1	GRADE C115
(61)	V015C	PURCHASING SPECIALIST	4	GRADE C115
(62)	C040C	LEASING SPECIALIST	1	GRADE C114
(63)	A093C	STATISTICIAN	3	GRADE C114
(64)	D081C	TELECOMMUNICATIONS SPECIALIST	1	GRADE C114
(65)	V018C	WAREHOUSE MANAGER	1	GRADE C114
(66)	C050C	ADMINISTRATIVE SUPPORT SUPERVISOR	2	GRADE C113
(67)	R036C	HUMAN RESOURCES SPECIALIST	6	GRADE C113
(68)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
(69)	C043C	RECORDS MANAGEMENT ANALYST	6	GRADE C113
(70)	C056C	ADMINISTRATIVE SPECIALIST III	15	GRADE C112
(71)	A098C	FISCAL SUPPORT SPECIALIST	31	GRADE C112
(72)	S054C	PRINTER	4	GRADE C111
(73)	R038C	HUMAN RESOURCES ASSISTANT	9	GRADE C110
(74)	V025C	WAREHOUSE SPECIALIST	3	GRADE C110

(75)	C073C	ADMINISTRATIVE SPECIALIST II	11	GRADE C109
(76)	C070C	DUPLICATION ASSISTANT	1	GRADE C109
(77)	V027C	INVENTORY CONTROL TECHNICIAN	1	GRADE C108
(78)	C083C	MAIL SERVICES COORDINATOR	1	GRADE C107
(79)	C087C	ADMINISTRATIVE SPECIALIST I	7	GRADE C106
(80)	V028C	WAREHOUSE WORKER	1	GRADE C106
(81)	C088C	MAIL SERVICES ASSISTANT	<u>5</u>	GRADE C105
		MAX. NO. OF EMPLOYEES	332	

## SECTION 3. REGULAR SALARIES - COMMUNITY SERVICE AND NONPROFIT SUPPORT.

There is hereby established for the Department of Human Services - Division of Community Service and Nonprofit Support for the 2013-2014 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	N171N	DHS DEP DIR OFFICE OF VOLUNTEER SVCS	1	GRADE N902
(2)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(3)	G080C	NATIONAL & COMMUNITY SVCS EXEC DIR	1	GRADE C123
(4)	G152C	DHS PROGRAM MANAGER	1	GRADE C119
(5)	G147C	GRANTS COORDINATOR	1	GRADE C119
(6)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	1	GRADE C117
(7)	E040C	STAFF DEVELOPMENT COORDINATOR	1	GRADE C117
(8)	G176C	VOLUNTEER PROGRAM MANAGER	1	GRADE C117
(9)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
(10)	G202C	VOLUNTEER PROGRAM COORDINATOR	8	GRADE C115
(11)	G236C	DHS/DOV AREA COORDINATOR	1	GRADE C114
(12)	G214C	GRANTS SPECIALIST	1	GRADE C114
(13)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(14)	V022C	PURCHASING TECHNICIAN	1	GRADE C112
(15)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
		MAX. NO. OF EMPLOYEES	24	

## SECTION 4. EXTRA HELP - DIRECTOR'S OFFICE - OFFICE OF CHIEF COUNSEL.

There is hereby authorized, for the Department of Human Services - Director's Office - Office of Chief Counsel for the 2013-2014 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: ten (10) 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 5. EXTRA HELP - ADMINISTRATIVE SERVICES. There is hereby authorized, for the Department of Human Services - Division of Administrative Services for the 2013-2014 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: twenty (20) 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 6. APPROPRIATION - DIRECTOR'S OFFICE - OFFICE OF CHIEF COUNSEL - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Director's Office - Office of Chief Counsel, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Director's Office - Office of Chief Counsel for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) REGULAR SALARIES	\$8,402,117
(02) EXTRA HELP	177,770
(03) PERSONAL SERVICES MATCHING	2,814,784
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,215,110
(B) CONF. & TRAVEL	8,472
(C) PROF. FEES	11,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0

(05) DATA PROCESSING SERVICES	<u>12,300</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$12,641,553</u></u>

SECTION 7. APPROPRIATION - ADMINISTRATIVE SERVICES - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Administrative Services for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) REGULAR SALARIES	\$13,095,874
(02) EXTRA HELP	64,480
(03) PERSONAL SERVICES MATCHING	4,682,474
(04) OVERTIME	10,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	3,500,000
(B) CONF. & TRAVEL	30,000
(C) PROF. FEES	11,000,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(06) DATA PROCESSING SERVICES	<u>1,967,600</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$34,350,428</u></u>

SECTION 8. APPROPRIATION - ADMINISTRATIVE SERVICES - CLIENT SPECIFIC EMERGENCY SERVICES - CASH. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Human Services - Division of Administrative Services, for purchase of services of the Department of Human Services - Division of Administrative Services for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) PURCHASE OF SERVICES	<u><u>\$120,000</u></u>

SECTION 9. APPROPRIATION - ADMINISTRATIVE SERVICES - VARIOUS BUILDING CONSTRUCTION. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the Department of Human Services Renovation Fund, for construction, renovation, maintenance, equipment and repairs for various buildings operated by the Department of Human Services for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) CONSTRUCTION	<u>\$7,648,900</u>

SECTION 10. APPROPRIATION - ADMINISTRATIVE SERVICES - CONSOLIDATED COST. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the DHS Consolidated Cost Revolving Fund, for operating expenses of the Department of Human Services - Division of Administrative Services - Consolidated Cost for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$821,500
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$821,500</u>

SECTION 11. APPROPRIATION - ADMINISTRATIVE SERVICES - SOCIAL SERVICES BLOCK GRANT - FEDERAL. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for purchase of services of the Department of Human Services - Division of Administrative Services for the fiscal year ending June 30, 2014, the

following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) PURCHASE OF SERVICES	<u>\$139,733</u>

SECTION 12. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Community Service and Nonprofit Support, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Community Service and Nonprofit Support for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) REGULAR SALARIES	\$905,596
(02) PERSONAL SERVICES MATCHING	328,596
(03) OVERTIME	1,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	202,389
(B) CONF. & TRAVEL	26,885
(C) PROF. FEES	10,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) DATA PROCESSING SERVICES	<u>8,200</u>
TOTAL AMOUNT APPROPRIATED	<u>\$1,482,666</u>

SECTION 13. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT - CASH. There is hereby appropriated, to the Department of Human Services - Division of Community Service and Nonprofit Support, 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 Department of Human Services - Division of Community Service and Nonprofit Support for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$7,703
(B) CONF. & TRAVEL	2,865
(C) PROF. FEES	1,432
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$12,000</u></u>

SECTION 14. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT - AMERICORPS GRANTS. There is hereby appropriated, to the Department of Human Services - Division of Community Service and Nonprofit Support, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for AmeriCorps Grants of the Department of Human Services - Division of Community Service and Nonprofit Support for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) AMERICORPS GRANTS	<u><u>\$2,410,704</u></u>

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DIRECTOR'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE. Upon approval by the Chief Fiscal Officer of the State, the Chief Counsel for the Department of Human Services may transfer an amount up to but not to exceed \$12,000 and deposit same in a bank account for the purpose of purchasing evidence in the course of investigating the illegal use of food stamps/Electronic Benefit Transfer (EBT) cards. The funds so transferred shall be subject to accounting in a manner substantially similar to that employed by the Arkansas State Police for such transactions; provided however, that information tending to identify participants in such transactions shall be exempt from the Arkansas Freedom of Information Act.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HUMAN SERVICES RENOVATION FUND. Department of Human Services Renovation Fund.

(a) There is established on the books of the Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Department of Human Services Renovation Fund.

(b) This fund shall be used for constructing, acquiring, renovating, maintaining, repairing, and equipping facilities of the Department of Human Services and for paying disallowances by the federal government.

(c) The fund shall consist of:

(1) Federal reimbursement received by the Department of Human Services and deposited in the various fund accounts of the department; and

(2) General revenues transferred from the Division of Youth Services, the Division of Behavioral Health, and the Division of Developmental Disabilities Services for the purposes of repairing, renovating, equipping, acquiring and constructing Department of Human Services facilities with an annual maximum of five million dollars (\$5,000,000). The projects for which these transfers are authorized must be projects which were unanticipated during the preceding regular session of the Arkansas General Assembly and must be projects which, if not carried out in the interim period between regular sessions of the Arkansas General Assembly would cause greater harm to the facilities, clients or programs of the Department of Human Services than to wait until the next regular session.

(3) Other non-general revenue funds as may be available within the Department of Human Services that can be used for the purposes of this fund.

(d)(1) At the request of the Director of the Department of Human Services, and upon certification of the availability of such funds, the Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect the transfer on the books of record of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services.

(2) The Director of the Department of Human Services shall submit any transfer plan to and must receive approval of the plan from the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council prior to the effective date of the transfer.

(e) Provided, that any non-general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year and all obligated general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year to satisfy such legal and contractual obligations that have been entered into prior to the end of the fiscal year.

(f) Determining the amount of funds appropriated to a state agency is the prerogative of the General Assembly and is usually accomplished by delineating specific line items and by identifying the appropriation and funding attached to that line item. The General Assembly has determined that the Department of Human Services could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing transfer authority in subsection (d) of this section, and since the General Assembly has granted the agency broad powers under the transfer authority concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfer authority by requiring prior approval of the Legislative Council in the utilization of this transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY. The Director of the Department of Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Director of the Department of Human Services is authorized to request fund transfers according to the provisions established by Arkansas Code Ann. 19-5-1020, Department of Human Services Renovation Fund, as amended herein; and

(b) MATCH TRANSFER. The Director of the Department of Human Services, with the approval of the Chief Fiscal Officer of the State, is authorized to effect inter-agency and inter-divisional fund transfers for the purpose of providing the State's matching share for payments made to that Division or

Office or its service providers for services eligible for federal reimbursement under programs administered by the Department of Human Services. The Department of Human Services shall report to the Legislative Council or Joint Budget Committee on a quarterly basis all fund transfers made in accordance with the authority granted by this section; and

(c) YOUTH SERVICES - HOUSING AND SEPARATION APPROPRIATION PROVISIONS. The Division of Youth Services (DYS) is authorized to fulfill its responsibility to house offenders between the ages of 18 and 21 and to separate juvenile offenders by age and seriousness of offense by either employing additional state employees and providing the corresponding operating expenses or entering into professional services contracts. If the Division of Youth Services determines that the Division needs to employ state employees to fulfill the housing and separation requirements, they may transfer up to the total amount appropriated for the DYS - Residential Services Program appropriation to the appropriate DYS appropriation and line items, upon approval of the Chief Fiscal Officer of the State, and prior review by the Legislative Council; and

(d) REALLOCATION OF RESOURCES: (1) The Department of Human Services (DHS) provides hundreds of different services to over 1 million Arkansans. The specific mix of service needs and the funding and staffing required to provide them can vary significantly based on many factors, including natural disasters, changing federal mandates and funding sources, demographic shifts, fluctuating court-ordered services, social trends, and job market variations such as nursing shortages. The impact of these factors through the course of any fiscal year make it very difficult for the Department to accurately predict the exact needs for funding, appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon determination by the Director of the Department of Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the director, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds

within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the budget process for the Division of Children and Family Services compliance with initiatives established under the Angela R. consent decree shall be transferred to any other division. Nothing in this provision is intended to prevent the one-time transfers of savings in any other program to the Arkansas Medicaid Program, with the exception of the provisions previously cited for the Division of Children and Family Services – Angela R. consent decree. The Division of Developmental Disabilities – Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation may not be decreased. The appropriation, funding, and positions provided for the ~~six~~ five Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers' residents. The exemptions provided in this subsection whereby certain DHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Director of the Department of Human Services shall submit any requests for transfers to and must receive approval of the requests for transfers from the Chief Fiscal Officer of the State, the Governor, and the Arkansas Legislative Council prior to the effective date of the transfers. Provided, however, that the Department of Human Services shall be limited to submitting no more than two reallocation of resources transfer requests during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

- i). Medicaid Program
- ii). Facilities and institutions costs, including operational expenses and construction/renovation/equipping expenses

- iii). Departmental grants and contracts
- iv). Court ordered settlements and payments
- v). Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency
- vi). Restructuring efforts as deemed necessary to comply with new and/or unanticipated federal or state mandates
- vii). Redirecting internal resources, both direct and/or indirect, to meet client needs and services

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(2) If it is determined that the requested reallocation of resources transfers should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services. In addition, the Chief Fiscal Officer of the State, together with the Co-Chairpersons of the Legislative Council or Joint Budget Committee, may approve, on an emergency basis, requests for utilization of this Section without prior approval of the Arkansas Legislative Council, with any such actions reported at the next meeting of the Arkansas Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2012~~

2013 through June 30, ~~2013~~ 2014.

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM. Special provision for a Nursing/Direct Care Education Stipend Program for the Department of Human Services is hereby authorized to pay from State and Federal Funds appropriated in each division Act. This program is for eligible nursing students who are attending accredited nursing institutions to become Registered or Licensed Practical Nurses, as well as Certified Nursing Assistants, Residential Care Assistants, Residential Care Technicians, Residential Care Supervisors and Behavioral Health Aides.

The stipend is \$5,000 per person per year. Any student who is awarded and accepts a stipend is under employment commitment to the respective DHS Division and is required to work for that division, in a full-time employee status effective immediately upon graduation. The student employment commitment is equal to the number of years the stipend was awarded and accepted. In the event of Employee/Student default of the employment commitment, the Employee/Student will be considered in breach of contract and repayment of the stipend will be required as specified in the Stipend Contract.

Each division participating in the Education Stipend Program shall determine on an annual basis, the number of student stipends available.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

NURSING/DIRECT CARE RECRUITMENT/RETENTION BONUSES. Special provision to provide Nursing/Direct Care Recruitment and Retention Bonuses for the Department of Human Services is hereby authorized to pay from State and Federal funds appropriated for each respective division. Nursing/direct care service recruitment/retention bonuses are in addition to the maximum annual amounts provided in the Regular Salaries Section of the respective Division Act for Registered Nurse, Licensed Practical Nurse, Certified Nursing Assistant, Residential Care Assistant, Residential Care Technician,

Residential Care Supervisor and Behavioral Health Aide. New hire nurses must be licensed by the Arkansas State Board of Nursing. The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed \$4,000 per Registered Nurse and \$2,000 per Licensed Practical Nurse and \$1,000 per Certified Nursing Assistant, Residential Care Assistant, Residential Care Technician, Residential Care Supervisor and Behavioral Health Aide.

The lump sum bonus payments and employment commitment to the State will be made in partial payments as follows:

Registered Nurse Classifications

- \$1,000 after completing 6 months probationary employment
- \$1,500 after completing 1st year employment
- \$1,500 after completing 2nd year employment

Licensed Practical Nurse Classifications

- \$ 500 after completing 6 months probationary employment
- \$ 500 after completing 1st year employment
- \$1,000 after completing 2nd year employment

Certified Nursing Assistant/Residential Care Assistant/Residential Care Technician/Residential Care Supervisor/Behavioral Health Aide Classifications

- \$ 500 after completing 6 month probationary employment
- \$ 500 after completing 1st year employment

Any qualified person hired and offered bonus payment described herein will forfeit the balance of the payments if he/she voluntarily resigns or is terminated for cause from employment from the Department of Human Services prior to completing the required employment commitment time periods outlined above.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 20. 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 21. 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 22. 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, 2013 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2013 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, 2013.

**APPROVED: 04/19/2013**