

State of Arkansas  
91st General Assembly  
Fiscal Session, 2018

# A Bill

HOUSE BILL 1083

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 - DIRECTOR'S OFFICE FOR THE FISCAL YEAR  
ENDING JUNE 30, 2019; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN  
SERVICES - DIRECTOR'S OFFICE  
APPROPRIATION FOR THE 2018-2019 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 Department of Human Services - Director's Office for the 2018-2019 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual
				Salary Rate Fiscal Year
				2018-2019
(1)	U133U	DHS EXECUTIVE DIRECTOR	1	GRADE SE05
(2)	L023N	DHS DEPUTY DIRECTOR	2	GRADE SE03
(3)	N011N	DFA CHIEF INFORMATION OFFICER	1	GRADE SE02
(4)	A018N	DHS CHIEF FINANCIAL OFFICER	1	GRADE SE02
(5)	N040N	DHS CHIEF INFORMATION OFFICER	2	GRADE SE02
(6)	A136C	DHS MEDICAID CHIEF FINANCE OFFICER	1	GRADE SE02



(7)	G004N DHS CHIEF ATTORNEY	1	GRADE SE01
(8)	M093C DHS DIRECTOR OF LEGISLATIVE AFFAIRS	1	GRADE SE01
(9)	G029N DHS DIRECTOR OF POLICY AND LEGAL	1	GRADE SE01
(10)	L009C NURSE MANAGER	1	GRADE MP03
(11)	L022N OCCUPATIONAL THERAPIST	1	GRADE MP02
(12)	L038C REGISTERED NURSE	1	GRADE MP01
(13)	D006N STATE SYSTEMS ARCHITECT	4	GRADE IT10
(14)	D025N DHS IT SENIOR ENGINEER	4	GRADE IT09
(15)	D022N IT SENIOR PROJECT MANAGER	3	GRADE IT09
(16)	D007C INFORMATION SYSTEMS MANAGER	5	GRADE IT08
(17)	D010N INSURANCE CHIEF TECHNOLOGY OFFICER	1	GRADE IT08
(18)	D030C INFORMATION SYSTEMS COORDINATOR	2	GRADE IT07
(19)	D025C STATE IT SECURITY SPECIALIST	3	GRADE IT06
(20)	D063C COMPUTER SUPPORT SPECIALIST	13	GRADE IT05
(21)	D061C INFORMATION SYSTEMS COORDINATION SPEC	5	GRADE IT05
(22)	D052C SOFTWARE SUPPORT ANALYST	6	GRADE IT05
(23)	D044C SYSTEMS ANALYST	1	GRADE IT05
(24)	D062C DATABASE ANALYST	2	GRADE IT04
(25)	D064C WEBSITE DEVELOPER	1	GRADE IT04
(26)	D071C COMPUTER SUPPORT ANALYST	3	GRADE IT03
(27)	D075C SOFTWARE SUPPORT SPECIALIST	4	GRADE IT03
(28)	D079C COMPUTER SUPPORT TECHNICIAN	4	GRADE IT02
(29)	G282C DHS CHIEF LEGISLATIVE AFFAIRS DIR	1	GRADE GS15
(30)	G283C DHS CHIEF SECURITY & COMPLIANCE OFCR	1	GRADE GS15
(31)	A020N DHS DEP CHIEF FIN OFFICER-HUMAN SVCS	1	GRADE GS15
(32)	N016N DHS DEP DIR ADMINISTRATIVE SVCS	2	GRADE GS15
(33)	P077C DHS COMM & COMMUNITY ENGAGEMENT OFCR	1	GRADE GS14
(34)	N086N DHS DDS DIR EVAL PLAN & MGMT SYSTEMS	1	GRADE GS14
(35)	N122N DHS/DCC ASSISTANT DIR FINANCE & ADMIN	1	GRADE GS14
(36)	N121N DHS/DCFBS DEPUTY DIRECTOR	1	GRADE GS14
(37)	N100N DHS/DMS ADD - MEDICAL SERVICES	5	GRADE GS14
(38)	N101N DHS/DCO ADD - PROG & ADMIN SUPPORT	2	GRADE GS14
(39)	N080N DHS/DMS ASSISTANT DIRECTOR - FISCAL	2	GRADE GS14
(40)	N124N DHS/DYS ASSISTANT DIVISION DIRECTOR	1	GRADE GS14
(41)	A010C AGENCY CONTROLLER II	5	GRADE GS13
(42)	G290C ASST DEPUTY DIR OF LEGISLATIVE AFFAIRS	1	GRADE GS13

(43)	N111N	DHS ASST DEP DIR FOR MGR ACCOUNTING	1	GRADE GS13
(44)	N128N	DHS ASST DIR QUALITY ASSURANCE	1	GRADE GS13
(45)	M003C	DHS BEHAV HLTH CHILDRENS SYS CARE DIR	1	GRADE GS13
(46)	V002N	DHS DEP CHIEF PROCUREMENT OFFICER	1	GRADE GS13
(47)	N171N	DHS DEP DIR OFFICE OF VOLUNTEER SERV	1	GRADE GS13
(48)	D026N	DHS ELIGIBILITY SYSTEM PROGRAM MGR	1	GRADE GS13
(49)	G054N	DHS GENERAL COUNSEL	1	GRADE GS13
(50)	N107N	DHS/OFA ASST DIR - ACCOUNTING OPS	1	GRADE GS13
(51)	N109N	DHS/OFA ASSISTANT DIRECTOR	1	GRADE GS13
(52)	G004C	MANAGING ATTORNEY	4	GRADE GS13
(53)	G025C	ATTORNEY SUPERVISOR	5	GRADE GS12
(54)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	3	GRADE GS12
(55)	G042C	DHS ADMINISTRATIVE LAW JUDGE	6	GRADE GS12
(56)	G101C	DHS AREA MANAGER	2	GRADE GS12
(57)	N143N	DHS DDS DIVISION MANAGER	1	GRADE GS12
(58)	R002N	DHS DIRECTOR OF HUMAN CAPITAL	1	GRADE GS12
(59)	P004N	DHS DIRECTOR OF PUBLIC RELATIONS	1	GRADE GS12
(60)	A016C	DHS DMS BUSINESS OPERATIONS MANAGER	4	GRADE GS12
(61)	N167N	DHS POLICY & RESEARCH DIRECTOR	2	GRADE GS12
(62)	R006C	HUMAN RESOURCES ADMINISTRATOR	2	GRADE GS12
(63)	A027C	ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
(64)	A031C	ASSISTANT CONTROLLER	7	GRADE GS11
(65)	G047C	ATTORNEY SPECIALIST	53	GRADE GS11
(66)	A024C	DHS DIVISION CHIEF FISCAL OFFICER	2	GRADE GS11
(67)	G027N	DHS RESEARCH ANALYSIS MANAGER	1	GRADE GS11
(68)	G008C	RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE GS11
(69)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
(70)	A044C	AUDIT COORDINATOR	5	GRADE GS10
(71)	L010C	DHS DMS MEDICAL ASSISTANCE MANAGER	5	GRADE GS10
(72)	R049C	DHS EMPLOYEE RELATIONS COORD	1	GRADE GS10
(73)	A052C	ACCOUNTING COORDINATOR	5	GRADE GS09
(74)	A050C	AGENCY FISCAL MANAGER	1	GRADE GS09
(75)	G099C	DHS PROGRAM ADMINISTRATOR	5	GRADE GS09
(76)	G109C	GRANTS MANAGER	3	GRADE GS09
(77)	M009C	LICENSED CERTIFIED SOCIAL WORKER	1	GRADE GS09
(78)	G080C	NATIONAL & COMMUNITY SERV EXEC DIR	1	GRADE GS09

(79)	P004C PUBLIC INFORMATION MANAGER	1	GRADE GS09
(80)	A082C ACCOUNTANT II	1	GRADE GS08
(81)	R021C BUDGET ANALYST	4	GRADE GS08
(82)	G264C DHS FAIRNESS OFFICER	1	GRADE GS08
(83)	A056C DHS FINANCIAL SECTION MANAGER	8	GRADE GS08
(84)	G152C DHS PROGRAM MANAGER	15	GRADE GS08
(85)	G129C DHS/DCO PROGRAM MANAGER	2	GRADE GS08
(86)	A047C FINANCIAL ANALYST II	2	GRADE GS08
(87)	A066C INTERNAL AUDITOR	3	GRADE GS08
(88)	R014C PERSONNEL MANAGER	5	GRADE GS08
(89)	V007C PROCUREMENT COORDINATOR	6	GRADE GS08
(90)	V004C PROCUREMENT MANAGER	4	GRADE GS08
(91)	A041C PROGRAM FISCAL MANAGER	3	GRADE GS08
(92)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
(93)	A060C SENIOR AUDITOR	22	GRADE GS08
(94)	E023C TRAINING PROJECT MANAGER	1	GRADE GS08
(95)	A089C ACCOUNTANT I	11	GRADE GS07
(96)	R024C ASSISTANT PERSONNEL MANAGER	9	GRADE GS07
(97)	A081C AUDITOR	1	GRADE GS07
(98)	V008C BUYER SUPERVISOR	1	GRADE GS07
(99)	G131C DHS BEHAV HLTH MED BUS PRACTICES ADMIN	1	GRADE GS07
(100)	G183C DHS PROGRAM COORDINATOR	11	GRADE GS07
(101)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
(102)	M040C FAMILY SERVICES PROGRAM COORDINATOR	1	GRADE GS07
(103)	A076C FINANCE PROGRAM ANALYST	2	GRADE GS07
(104)	A075C FINANCIAL ANALYST I	2	GRADE GS07
(105)	B052C FORENSIC SPECIALIST	1	GRADE GS07
(106)	X125C FRAUD INVESTIGATOR COORDINATOR	2	GRADE GS07
(107)	G147C GRANTS COORDINATOR	4	GRADE GS07
(108)	A065C PAYROLL SERVICES COORDINATOR	2	GRADE GS07
(109)	P013C PUBLIC INFORMATION COORDINATOR	2	GRADE GS07
(110)	A072C RESEARCH & STATISTICS MANAGER	1	GRADE GS07
(111)	A063C RESEARCH & STATISTICS SUPERVISOR	1	GRADE GS07
(112)	G265C SENIOR TECHNICAL WRITER	1	GRADE GS07
(113)	E040C STAFF DEVELOPMENT COORDINATOR	6	GRADE GS07
(114)	G176C VOLUNTEER PROGRAM MANAGER	1	GRADE GS07

(115)	C037C ADMINISTRATIVE ANALYST	10	GRADE GS06
(116)	M045C ADULT PROTECTIVE SERVICES WORKER	1	GRADE GS06
(117)	R027C BUDGET SPECIALIST	14	GRADE GS06
(118)	R026C CIVIL RIGHTS/EMPLOYEE RELATIONS COORD	5	GRADE GS06
(119)	G170C DHS ADMINISTRATIVE REVIEW OFFICER	6	GRADE GS06
(120)	G210C DHS PROGRAM SPECIALIST	9	GRADE GS06
(121)	A074C FISCAL SUPPORT SUPERVISOR	9	GRADE GS06
(122)	X156C FRAUD INVESTIGATOR	7	GRADE GS06
(123)	G180C GRANTS ANALYST	30	GRADE GS06
(124)	G214C GRANTS SPECIALIST	2	GRADE GS06
(125)	R025C HUMAN RESOURCES ANALYST	7	GRADE GS06
(126)	R029C HUMAN RESOURCES RECRUITER	5	GRADE GS06
(127)	X101C INTERNAL AFFAIRS INVESTIGATOR	3	GRADE GS06
(128)	G179C LEGAL SERVICES SPECIALIST	4	GRADE GS06
(129)	P031C MEDIA SPECIALIST	2	GRADE GS06
(130)	G124C OMBUDSMAN	1	GRADE GS06
(131)	G178C POLICY DEVELOPMENT COORDINATOR	2	GRADE GS06
(132)	L051C REHABILITATION COUNSELOR	1	GRADE GS06
(133)	B076C RESEARCH PROJECT ANALYST	3	GRADE GS06
(134)	G202C VOLUNTEER PROGRAM COORDINATOR	7	GRADE GS06
(135)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	2	GRADE GS05
(136)	A088C ASSETS COORDINATOR	3	GRADE GS05
(137)	C022C BUSINESS OPERATIONS SPECIALIST	2	GRADE GS05
(138)	V013C CENTRAL WAREHOUSE OPERATIONS MGR	1	GRADE GS05
(139)	A091C FISCAL SUPPORT ANALYST	17	GRADE GS05
(140)	L070C HEALTH CARE ANALYST	3	GRADE GS05
(141)	D077C HELP DESK SPECIALIST	1	GRADE GS05
(142)	R032C HUMAN RESOURCES PROGRAM REPRESENTATIVE	1	GRADE GS05
(143)	C040C LEASING SPECIALIST	1	GRADE GS05
(144)	A090C PAYROLL SERVICES SPECIALIST	1	GRADE GS05
(145)	S032C PRINT SHOP SUPERVISOR	1	GRADE GS05
(146)	V015C PURCHASING SPECIALIST	9	GRADE GS05
(147)	L066C REHABILITATION INSTRUCTOR	1	GRADE GS05
(148)	D081C TELECOMMUNICATIONS SPECIALIST	1	GRADE GS05
(149)	V018C WAREHOUSE MANAGER	1	GRADE GS05
(150)	C056C ADMINISTRATIVE SPECIALIST III	28	GRADE GS04

(151)	A098C FISCAL SUPPORT SPECIALIST	27	GRADE GS04
(152)	R038C HUMAN RESOURCES ASSISTANT	3	GRADE GS04
(153)	R036C HUMAN RESOURCES SPECIALIST	6	GRADE GS04
(154)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
(155)	C046C LEGAL SUPPORT SPECIALIST	36	GRADE GS04
(156)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
(157)	V022C PURCHASING TECHNICIAN	1	GRADE GS04
(158)	C043C RECORDS MANAGEMENT ANALYST	6	GRADE GS04
(159)	V021C SURPLUS PROPERTY AGENT	1	GRADE GS04
(160)	V025C WAREHOUSE SPECIALIST	1	GRADE GS04
(161)	C073C ADMINISTRATIVE SPECIALIST II	9	GRADE GS03
(162)	D090C COMPUTER PUBLISHING OPERATOR	1	GRADE GS03
(163)	S056C FOOD PREPARATION SUPERVISOR	1	GRADE GS03
(164)	P039C INSTITUTIONAL PRINTER	1	GRADE GS03
(165)	C062C LOCAL OFFICE ADMINISTRATIVE ASSISTANT	2	GRADE GS03
(166)	S054C PRINTER	3	GRADE GS03
(167)	S045C PRINTING ESTIMATOR/PLANNER	1	GRADE GS03
(168)	C087C ADMINISTRATIVE SPECIALIST I	<u>3</u>	GRADE GS02
	MAX. NO. OF EMPLOYEES	679	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Director's Office for the 2018-2019 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: thirty (30) 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 Department of Human Services - Director's Office, 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 for the fiscal year ending June 30, 2019, the following:

ITEM NO.	FISCAL YEAR
	2018-2019
(01) REGULAR SALARIES	\$31,086,981
(02) EXTRA HELP	448,139
(03) PERSONAL SERVICES MATCHING	10,950,488
(04) OVERTIME	11,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	6,036,308
(B) CONF. & TRAVEL	229,523
(C) PROF. FEES	10,914,691
(D) CAP. OUTLAY	165,000
(E) DATA PROC.	0
(06) FOSTER GRANDPARENT PROGRAM	340,135
(07) DATA PROCESSING SERVICES	<u>1,989,600</u>
TOTAL AMOUNT APPROPRIATED	<u>\$62,171,865</u>

SECTION 4. APPROPRIATION - CLIENT SPECIFIC EMERGENCY SERVICES - CASH. There is hereby appropriated, to the Department of Human Services - Director's Office, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Human Services - Director's Office, for purchase of services of the Department of Human Services - Director's Office for the fiscal year ending June 30, 2019, the following:

ITEM NO.	FISCAL YEAR
	2018-2019
(1) PURCHASE OF SERVICES	<u>\$111,600</u>

SECTION 5. APPROPRIATION - VARIOUS BUILDING CONSTRUCTION. There is hereby appropriated, to the Department of Human Services - Director's Office, 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, 2019, the following:

ITEM NO.	FISCAL YEAR
	2018-2019

(01) CONSTRUCTION \$11,623,203

SECTION 6. APPROPRIATION - CONSOLIDATED COST. There is hereby appropriated, to the Department of Human Services - Director's Office, to be payable from the DHS Consolidated Cost Revolving Fund, for operating expenses of the Department of Human Services - Director's Office - Consolidated Cost for the fiscal year ending June 30, 2019, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2018-2019</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><u>\$821,500</u></u>

SECTION 7. APPROPRIATION - GRANTS PAYING. There is hereby appropriated, to the Department of Human Services - Director's Office, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for purchase of services and AmeriCorps Grants payments of the Department of Human Services - Director's Office for the fiscal year ending June 30, 2019, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2018-2019</u>
(01) AMERICORPS GRANTS	\$2,510,704
(02) PURCHASE OF SERVICES	<u>129,084</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$2,639,788</u></u>

SECTION 8. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT - CASH. There is hereby appropriated, to the Department of Human Services - Director's Office, 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 Community Service and Nonprofit Support of the

Department of Human Services - Director's Office for the fiscal year ending June 30, 2019, the following:

ITEM NO.	FISCAL YEAR 2018-2019
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$7,233
(B) CONF. & TRAVEL	2,865
(C) PROF. FEES	932
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$11,030</u></u>

SECTION 9. 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, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

SECTION 10. 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 Services, 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 or Joint Budget Committee 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 or Joint Budget Committee in the utilization of this transfer authority. Therefore, 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.

The provisions of this section shall be in effect only from July 1, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

SECTION 11. 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) 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 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 or Joint Budget Committee prior to the effective date of the transfers. Provided, however, that the Department of Human Services shall be limited to submitting no more than four 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; and/or
- 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 or Joint Budget Committee, with any such actions reported at the next meeting of the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

SECTION 12. 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 be paid from the State and Federal Funds appropriated in each Division's 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, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

SECTION 13. 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 be paid 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's 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 months 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, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

SECTION 14. 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 15. 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 16. EFFECTIVE DATE. This act is effective on and after July 1, 2018.

**APPROVED: 3/9/18**