

Stricken language will be deleted and underlined language will be added.
Act 457 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/22/21 H3/15/21

A Bill

HOUSE BILL 1086

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 - SECRETARY'S OFFICE FOR THE FISCAL YEAR
ENDING JUNE 30, 2022; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - SECRETARY'S OFFICE
APPROPRIATION FOR THE 2021-2022 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES - SECRETARY OF HUMAN SERVICES. There is hereby established for the Department of Human Services - Secretary's Office for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2021-2022
(1)	SC008	SECRETARY OF HUMAN SERVICES	<u>1</u>	GRADE SE05
		MAX. NO. OF EMPLOYEES	1	

SECTION 2. APPROPRIATION - SECRETARY OF HUMAN SERVICES. There is hereby appropriated, to the Department of Human Services, to be payable from



the paying account as determined by the Chief Fiscal Officer of the State, for personal services of the Department of Human Services - Secretary's Office for the fiscal year ending June 30, 2022, the following:

ITEM NO.	FISCAL YEAR
(01) REGULAR SALARIES	\$287,042
(02) PERSONAL SERVICES MATCHING	<u>61,282</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$348,324</u></u>

SECTION 3. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Human Services - Secretary's Office for the 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year
(1)	U133U	DHS EXECUTIVE DIRECTOR	1	GRADE SE05
(2)	L023N	DHS DEPUTY DIRECTOR	3	GRADE SE03
(3)	N011N	DFA CHIEF INFORMATION OFFICER	1	GRADE SE02
(4)	N220N	DHS CHIEF ATTORNEY	1	GRADE SE02
(5)	N040N	DHS CHIEF INFORMATION OFFICER	1	GRADE SE02
(6)	N233N	DHS CHIEF OF BUSINESS OPERATIONS	1	GRADE SE02
(7)	N232N	DHS DEPUTY CHIEF INFORMATION OFFICER	1	GRADE SE02
(8)	A136C	DHS MEDICAID CHIEF FINANCE OFFICER	1	GRADE SE02
(9)	N243N	DHS DEPUTY FINANCE CHIEF	1	GRADE SE01
(10)	M093C	DHS DIRECTOR OF LEGISLATIVE AFFAIRS	1	GRADE SE01
(11)	L009C	NURSE MANAGER	1	GRADE MP03
(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	8	GRADE IT08
(17)	D030C	INFORMATION SYSTEMS COORDINATOR	3	GRADE IT07
(18)	D025C	STATE IT SECURITY SPECIALIST	3	GRADE IT06

(19)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE	IT05
(20)	D063C	COMPUTER SUPPORT SPECIALIST	12	GRADE	IT05
(21)	D061C	INFORMATION SYSTEMS COORDINATION SPEC	9	GRADE	IT05
(22)	D057C	INFORMATION TECHNOLOGY MANAGER	2	GRADE	IT05
(23)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE	IT05
(24)	D044C	SYSTEMS ANALYST	1	GRADE	IT05
(25)	D062C	DATABASE ANALYST	5	GRADE	IT04
(26)	D064C	WEBSITE DEVELOPER	1	GRADE	IT04
(27)	D071C	COMPUTER SUPPORT ANALYST	3	GRADE	IT03
(28)	D075C	SOFTWARE SUPPORT SPECIALIST	4	GRADE	IT03
(29)	D079C	COMPUTER SUPPORT TECHNICIAN	10	GRADE	IT02
(30)	R048C	DHS CHIEF HUMAN RESOURCES OFFICER	1	GRADE	GS15
(31)	N244N	DHS CHIEF OF COMMUNICATION	1	GRADE	GS15
(32)	A131C	DHS CHIEF PROCUREMENT OFFICER	1	GRADE	GS15
(33)	G283C	DHS CHIEF SECURITY & COMPLIANCE OFCR	1	GRADE	GS15
(34)	N016N	DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE	GS15
(35)	N231N	DHS DEPUTY CHIEF COUNSEL	2	GRADE	GS15
(36)	P077C	DHS COMM & COMMUNITY ENGAGEMENT OFCR	1	GRADE	GS14
(37)	N086N	DHS DDS DIR EVAL PLAN & MGMT SYSTEMS	1	GRADE	GS14
(38)	N122N	DHS/DCC ASSISTANT DIR FINANCE & ADMN	1	GRADE	GS14
(39)	N101N	DHS/DCO ASST DEP DIR PGM & ADMN SPT	1	GRADE	GS14
(40)	N099N	DHS/DMS ADD - LONG TERM CARE	1	GRADE	GS14
(41)	N100N	DHS/DMS ADD - MEDICAL SERVICES	5	GRADE	GS14
(42)	N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	2	GRADE	GS14
(43)	A010C	AGENCY CONTROLLER II	1	GRADE	GS13
(44)	G290C	ASST DEPUTY DIR OF LEGISLATIVE AFRS	1	GRADE	GS13
(45)	N111N	DHS ASST DEP DIR FOR MGR ACCOUNTING	1	GRADE	GS13
(46)	N110N	DHS ASST DIR CONTRACT MONITORING UNIT	1	GRADE	GS13
(47)	N128N	DHS ASST DIR QUALITY ASSURANCE	2	GRADE	GS13
(48)	D026N	DHS ELIGIBILITY SYSTEM PROGRAM MGR	3	GRADE	GS13
(49)	N108N	DHS/DCO ASST DEP DIR	1	GRADE	GS13
(50)	N107N	DHS/OFA ASSISTANT DIR - ACCTNG OPS	3	GRADE	GS13
(51)	N109N	DHS/OFA ASSISTANT DIRECTOR	1	GRADE	GS13
(52)	G004C	MANAGING ATTORNEY	1	GRADE	GS13
(53)	A021C	AGENCY CONTROLLER I	1	GRADE	GS12
(54)	G025C	ATTORNEY SUPERVISOR	7	GRADE	GS12

(55)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	3	GRADE GS12
(56)	G042C DHS ADMINISTRATIVE LAW JUDGE	6	GRADE GS12
(57)	G101C DHS AREA MANAGER	2	GRADE GS12
(58)	N143N DHS DDS DIVISION MANAGER	1	GRADE GS12
(59)	P004N DHS DIRECTOR OF PUBLIC RELATIONS	2	GRADE GS12
(60)	A016C DHS DMS BUSINESS OPERATIONS MANAGER	4	GRADE GS12
(61)	N167N DHS POLICY & RESEARCH DIRECTOR	1	GRADE GS12
(62)	G274C DHS VOLUNTEER SERVICES DEPUTY DIR	1	GRADE GS12
(63)	A014C FISCAL DIVISION MANAGER	2	GRADE GS12
(64)	R006C HUMAN RESOURCES ADMINISTRATOR	1	GRADE GS12
(65)	A031C ASSISTANT CONTROLLER	7	GRADE GS11
(66)	G047C ATTORNEY SPECIALIST	58	GRADE GS11
(67)	G022C DHS DIRECTOR OF EMERGENCY OPERATIONS	1	GRADE GS11
(68)	G027N DHS RESEARCH ANALYSIS MANAGER	1	GRADE GS11
(69)	G008C RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE GS11
(70)	G076C ADMINISTRATIVE SERVICES MANAGER	4	GRADE GS10
(71)	G073C ATTORNEY	2	GRADE GS10
(72)	A044C AUDIT COORDINATOR	5	GRADE GS10
(73)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	3	GRADE GS10
(74)	R049C DHS EMPLOYEE RELATIONS COORD	1	GRADE GS10
(75)	A052C ACCOUNTING COORDINATOR	4	GRADE GS09
(76)	A050C AGENCY FISCAL MANAGER	1	GRADE GS09
(77)	G099C DHS PROGRAM ADMINISTRATOR	7	GRADE GS09
(78)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
(79)	G109C GRANTS MANAGER	3	GRADE GS09
(80)	P004C PUBLIC INFORMATION MANAGER	1	GRADE GS09
(81)	A082C ACCOUNTANT II	2	GRADE GS08
(82)	R021C BUDGET ANALYST	3	GRADE GS08
(83)	A056C DHS FINANCIAL SECTION MANAGER	5	GRADE GS08
(84)	G152C DHS PROGRAM MANAGER	21	GRADE GS08
(85)	G129C DHS/DCO PROGRAM MANAGER	5	GRADE GS08
(86)	E031C EDUCATION PROGRAM COORDINATOR	1	GRADE GS08
(87)	A047C FINANCIAL ANALYST II	3	GRADE GS08
(88)	A066C INTERNAL AUDITOR	3	GRADE GS08
(89)	R014C PERSONNEL MANAGER	5	GRADE GS08
(90)	V007C PROCUREMENT COORDINATOR	5	GRADE GS08

(91)	V004C	PROCUREMENT MANAGER	5	GRADE GS08
(92)	A041C	PROGRAM FISCAL MANAGER	4	GRADE GS08
(93)	X062C	QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
(94)	A060C	SENIOR AUDITOR	21	GRADE GS08
(95)	E023C	TRAINING PROJECT MANAGER	1	GRADE GS08
(96)	A089C	ACCOUNTANT I	10	GRADE GS07
(97)	R024C	ASSISTANT PERSONNEL MANAGER	8	GRADE GS07
(98)	A081C	AUDITOR	1	GRADE GS07
(99)	V008C	BUYER SUPERVISOR	1	GRADE GS07
(100)	G183C	DHS PROGRAM COORDINATOR	9	GRADE GS07
(101)	M042C	DHS STAFF SUPERVISOR	1	GRADE GS07
(102)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
(103)	M040C	FAMILY SERVICES PROGRAM COORDINATOR	1	GRADE GS07
(104)	A076C	FINANCE PROGRAM ANALYST	2	GRADE GS07
(105)	A075C	FINANCIAL ANALYST I	2	GRADE GS07
(106)	X125C	FRAUD INVESTIGATOR COORDINATOR	2	GRADE GS07
(107)	G147C	GRANTS COORDINATOR	2	GRADE GS07
(108)	S017C	MAINTENANCE COORDINATOR	1	GRADE GS07
(109)	A065C	PAYROLL SERVICES COORDINATOR	2	GRADE GS07
(110)	P013C	PUBLIC INFORMATION COORDINATOR	3	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)	C037C	ADMINISTRATIVE ANALYST	14	GRADE GS06
(115)	M045C	ADULT PROTECTIVE SERVICES WORKER	2	GRADE GS06
(116)	R027C	BUDGET SPECIALIST	14	GRADE GS06
(117)	R026C	CIVIL RIGHTS/EMPLOYEE RELATIONS COORD	5	GRADE GS06
(118)	G170C	DHS ADMINISTRATIVE REVIEW OFFICER	6	GRADE GS06
(119)	G210C	DHS PROGRAM SPECIALIST	14	GRADE GS06
(120)	P021C	EDITOR	2	GRADE GS06
(121)	A074C	FISCAL SUPPORT SUPERVISOR	12	GRADE GS06
(122)	X156C	FRAUD INVESTIGATOR	6	GRADE GS06
(123)	G180C	GRANTS ANALYST	18	GRADE GS06
(124)	G214C	GRANTS SPECIALIST	1	GRADE GS06
(125)	P049C	GRAPHIC ARTIST	1	GRADE GS06
(126)	L053C	HEALTH PROGRAM SPECIALIST I	1	GRADE GS06

(127)	R025C HUMAN RESOURCES ANALYST	12	GRADE GS06
(128)	R029C HUMAN RESOURCES RECRUITER	5	GRADE GS06
(129)	X101C INTERNAL AFFAIRS INVESTIGATOR	2	GRADE GS06
(130)	G179C LEGAL SERVICES SPECIALIST	7	GRADE GS06
(131)	P031C MEDIA SPECIALIST	2	GRADE GS06
(132)	G178C POLICY DEVELOPMENT COORDINATOR	1	GRADE GS06
(133)	M066C PROGRAM ELIGIBILITY SPECIALIST	2	GRADE GS06
(134)	B076C RESEARCH PROJECT ANALYST	3	GRADE GS06
(135)	G202C VOLUNTEER PROGRAM COORDINATOR	3	GRADE GS06
(136)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE GS05
(137)	A088C ASSETS COORDINATOR	2	GRADE GS05
(138)	C022C BUSINESS OPERATIONS SPECIALIST	2	GRADE GS05
(139)	V013C CENTRAL WAREHOUSE OPERATIONS MGR	1	GRADE GS05
(140)	A091C FISCAL SUPPORT ANALYST	17	GRADE GS05
(141)	L070C HEALTH CARE ANALYST	2	GRADE GS05
(142)	D077C HELP DESK SPECIALIST	3	GRADE GS05
(143)	R032C HUMAN RESOURCES PROGRAM REP	5	GRADE GS05
(144)	C040C LEASING SPECIALIST	1	GRADE GS05
(145)	A090C PAYROLL SERVICES SPECIALIST	3	GRADE GS05
(146)	V015C PURCHASING SPECIALIST	9	GRADE GS05
(147)	D081C TELECOMMUNICATIONS SPECIALIST	1	GRADE GS05
(148)	V018C WAREHOUSE MANAGER	1	GRADE GS05
(149)	A101C ACCOUNTING TECHNICIAN	1	GRADE GS04
(150)	C056C ADMINISTRATIVE SPECIALIST III	21	GRADE GS04
(151)	A098C FISCAL SUPPORT SPECIALIST	28	GRADE GS04
(152)	R038C HUMAN RESOURCES ASSISTANT	1	GRADE GS04
(153)	R036C HUMAN RESOURCES SPECIALIST	1	GRADE GS04
(154)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
(155)	C046C LEGAL SUPPORT SPECIALIST	37	GRADE GS04
(156)	A097C PAYROLL TECHNICIAN	2	GRADE GS04
(157)	V022C PURCHASING TECHNICIAN	1	GRADE GS04
(158)	C043C RECORDS MANAGEMENT ANALYST	3	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)	V027C INVENTORY CONTROL TECHNICIAN	1	GRADE GS03

(163)	C062C LOCAL OFFICE ADMINISTRATIVE ASST	1	GRADE GS03
(164)	S054C PRINTER	2	GRADE GS03
(165)	C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE GS02
	MAX. NO. OF EMPLOYEES	690	

SECTION 4. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Secretary's Office for the 2021-2022 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-seven (27) 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. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human 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 - Secretary's Office for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$36,419,898
(02) EXTRA HELP	298,556
(03) PERSONAL SERVICES MATCHING	12,450,210
(04) OVERTIME	8,383
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	5,571,873
(B) CONF. & TRAVEL	59,433
(C) PROF. FEES	9,661,800
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(06) DATA PROCESSING SERVICES	<u>2,016,710</u>
TOTAL AMOUNT APPROPRIATED	<u>\$66,486,863</u>

SECTION 6. APPROPRIATION - VARIOUS BUILDING CONSTRUCTION. There is

hereby appropriated, to the Department of Human 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 - Secretary's Office for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) CONSTRUCTION	<u>\$15,914,729</u>

SECTION 7. APPROPRIATION - CONSOLIDATED COST. There is hereby appropriated, to the Department of Human Services, to be payable from the DHS Consolidated Cost Revolving Fund, for operating expenses of the Department of Human Services - Secretary's Office - Consolidated Cost for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</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 8. APPROPRIATION - GRANTS PAYING. There is hereby appropriated, to the Department of Human Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for purchase of services of the Department of Human Services - Secretary's Office for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) PURCHASE OF SERVICES	<u>\$129,084</u>

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~DIRECTOR'S~~ SECRETARY'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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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 Aging, Adult, and 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~~ Secretary 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~~ Secretary 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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~~ Secretary of the Department of Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The ~~Director~~ Secretary 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~~ Secretary 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~~ Secretary 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~~ Secretary, 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~~ Secretary 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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. 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, 2021 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, 2021 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, 2021.

APPROVED: 3/25/21