

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/28/23

A Bill

HOUSE BILL 1118

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, 2024; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - SECRETARY'S OFFICE
APPROPRIATION FOR THE 2023-2024 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 2023-2024 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
(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, 2024, the following:

ITEM	FISCAL YEAR
NO.	2023-2024
(01) REGULAR SALARIES	\$287,042
(02) PERSONAL SERVICES MATCHING	<u>62,151</u>
TOTAL AMOUNT APPROPRIATED	<u>\$349,193</u>

SECTION 3. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Human Services - Secretary's Office for the 2023-2024 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code Title	No. of	Salary Rate
		Employees	Fiscal Year
			2023-2024
(1)	L023N DHS DEPUTY DIRECTOR	2	GRADE SE03
(1.1)	N255N DHS CHIEF DEPUTY DIRECTOR	2	GRADE SE04
(2)	N011N DFA CHIEF INFORMATION OFFICER	1	GRADE SE02
(3)	N220N DHS CHIEF ATTORNEY	1	GRADE SE02
(4)	N040N DHS CHIEF INFORMATION OFFICER	2	GRADE SE02
(5)	N233N DHS CHIEF OF BUSINESS OPERATIONS	1	GRADE SE02
(6)	N232N DHS DEPUTY CHIEF INFORMATION OFFICER	1	GRADE SE02
(7)	A136C DHS MEDICAID CHIEF FINANCE OFFICER	1	GRADE SE02
(8)	G029N DHS DIRECTOR OF POLICY AND LEGAL	2	GRADE SE01
(9)	L009C NURSE MANAGER	1	GRADE MP03
(10)	D006N STATE SYSTEMS ARCHITECT	3	GRADE IT10
(11)	D025N DHS IT SENIOR ENGINEER	4	GRADE IT09
(12)	D022N IT SENIOR PROJECT MANAGER	3	GRADE IT09
(13)	D007C INFORMATION SYSTEMS MANAGER	8	GRADE IT08
(14)	D030C INFORMATION SYSTEMS COORDINATOR	3	GRADE IT07
(15)	D025C STATE IT SECURITY SPECIALIST	3	GRADE IT06
(16)	D054C COMPUTER SUPPORT COORDINATOR	1	GRADE IT05
(17)	D063C COMPUTER SUPPORT SPECIALIST	12	GRADE IT05

(18)	D061C INFORMATION SYSTEMS COORDINATION SPEC	9	GRADE IT05
(19)	D057C INFORMATION TECHNOLOGY MANAGER	2	GRADE IT05
(20)	D052C SOFTWARE SUPPORT ANALYST	6	GRADE IT05
(21)	D044C SYSTEMS ANALYST	1	GRADE IT05
(22)	D062C DATABASE ANALYST	5	GRADE IT04
(23)	D064C WEBSITE DEVELOPER	1	GRADE IT04
(23.1)	<i>D068C INFORMATION SYSTEMS ANALYST</i>	<i>1</i>	<i>GRADE IT04</i>
(24)	D071C COMPUTER SUPPORT ANALYST	3	GRADE IT03
(25)	D075C SOFTWARE SUPPORT SPECIALIST	4	GRADE IT03
(26)	D079C COMPUTER SUPPORT TECHNICIAN	11	GRADE IT02
(27)	R048C DHS CHIEF HUMAN RESOURCES OFFICER	1	GRADE GS15
(28)	N244N DHS CHIEF OF COMMUNICATION	1	GRADE GS15
(29)	A131C DHS CHIEF PROCUREMENT OFFICER	1	GRADE GS15
(30)	N016N DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE GS15
(31)	N231N DHS DEPUTY CHIEF COUNSEL	1	GRADE GS15
(32)	G286C DMS DEPUTY DIRECTOR	1	GRADE GS15
(33)	N086N DHS DDS DIR EVAL PLAN & MGMT SYSTEMS	1	GRADE GS14
(34)	N142N DHS/DAAS DEPUTY DIRECTOR	1	GRADE GS14
(35)	N122N DHS/DCC ASSISTANT DIR FINANCE & ADMN	1	GRADE GS14
(36)	N101N DHS/DCO ASST DEP DIR PGM & ADMN SPT	1	GRADE GS14
(37)	N099N DHS/DMS ADD - LONG TERM CARE	1	GRADE GS14
(38)	N100N DHS/DMS ADD - MEDICAL SERVICES	4	GRADE GS14
(39)	N124N DHS/DYS ASSISTANT DIVISION DIRECTOR	2	GRADE GS14
(39.1)	<i>N102N DHS/DCO ASSISTANT DIRECTOR</i>	<i>1</i>	<i>GRADE GS14</i>
(40)	A010C AGENCY CONTROLLER II	1	GRADE GS13
(41)	G290C ASST DEPUTY DIR OF LEGISLATIVE AFRS	1	GRADE GS13
(42)	N111N DHS ASST DEP DIR FOR MGR ACCOUNTING	1	GRADE GS13
(43)	N128N DHS ASST DIR QUALITY ASSURANCE	2	GRADE GS13
(44)	D026N DHS ELIGIBILITY SYSTEM PROGRAM MGR	3	GRADE GS13
(45)	G054N DHS GENERAL COUNSEL	1	GRADE GS13
(46)	N108N DHS/DCO ASST DEP DIR	1	GRADE GS13
(47)	N107N DHS/OFA ASSISTANT DIR - ACCTNG OPS	3	GRADE GS13
(48)	N109N DHS/OFA ASSISTANT DIRECTOR	1	GRADE GS13
(49)	G019C GENERAL COUNSEL	1	GRADE GS13
(50)	G004C MANAGING ATTORNEY	2	GRADE GS13
(51)	A021C AGENCY CONTROLLER I	1	GRADE GS12

(52)	G025C ATTORNEY SUPERVISOR	7	GRADE GS12
(53)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	2	GRADE GS12
(54)	G042C DHS ADMINISTRATIVE LAW JUDGE	6	GRADE GS12
(55)	G101C DHS AREA MANAGER	1	GRADE GS12
(56)	P004N DHS DIRECTOR OF PUBLIC RELATIONS	3	GRADE GS12
(57)	A016C DHS DMS BUSINESS OPERATIONS MANAGER	4	GRADE GS12
(58)	G274C DHS VOLUNTEER SERVICES DEPUTY DIR	1	GRADE GS12
(59)	A014C FISCAL DIVISION MANAGER	4	GRADE GS12
(60)	R006C HUMAN RESOURCES ADMINISTRATOR	1	GRADE GS12
(61)	A031C ASSISTANT CONTROLLER	7	GRADE GS11
(62)	G047C ATTORNEY SPECIALIST	58	GRADE GS11
(63)	G022C DHS DIRECTOR OF EMERGENCY OPERATIONS	1	GRADE GS11
(64)	A024C DHS DIVISION CHIEF FISCAL OFFICER	1	GRADE GS11
(65)	G027N DHS RESEARCH ANALYSIS MANAGER	1	GRADE GS11
(66)	G008C RISK MANAGEMENT ASSISTANT DIRECTOR	1	GRADE GS11
(67)	G076C ADMINISTRATIVE SERVICES MANAGER	5	GRADE GS10
(68)	G073C ATTORNEY	1	GRADE GS10
(69)	A044C AUDIT COORDINATOR	6	GRADE GS10
(70)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	3	GRADE GS10
(71)	A052C ACCOUNTING COORDINATOR	4	GRADE GS09
(72)	A050C AGENCY FISCAL MANAGER	2	GRADE GS09
(73)	G099C DHS PROGRAM ADMINISTRATOR	7	GRADE GS09
(74)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
(75)	G109C GRANTS MANAGER	3	GRADE GS09
(76)	P004C PUBLIC INFORMATION MANAGER	1	GRADE GS09
(77)	A082C ACCOUNTANT II	2	GRADE GS08
(78)	R021C BUDGET ANALYST	3	GRADE GS08
(79)	A056C DHS FINANCIAL SECTION MANAGER	6	GRADE GS08
(80)	G152C DHS PROGRAM MANAGER	19	GRADE GS08
(81)	G129C DHS/DCO PROGRAM MANAGER	3	GRADE GS08
(82)	E031C EDUCATION PROGRAM COORDINATOR	1	GRADE GS08
(83)	A047C FINANCIAL ANALYST II	3	GRADE GS08
(84)	A066C INTERNAL AUDITOR	2	GRADE GS08
(85)	R014C PERSONNEL MANAGER	7	GRADE GS08
(86)	V007C PROCUREMENT COORDINATOR	5	GRADE GS08
(87)	V004C PROCUREMENT MANAGER	5	GRADE GS08

(88)	A041C PROGRAM FISCAL MANAGER	3	GRADE GS08
(89)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
(90)	A060C SENIOR AUDITOR	20	GRADE GS08
(91)	E023C TRAINING PROJECT MANAGER	2	GRADE GS08
(92)	A089C ACCOUNTANT I	10	GRADE GS07
(93)	R024C ASSISTANT PERSONNEL MANAGER	10	GRADE GS07
(94)	A081C AUDITOR	1	GRADE GS07
(95)	V008C BUYER SUPERVISOR	1	GRADE GS07
(96)	P065C DEVELOPMENT SPECIALIST	1	GRADE GS07
(97)	G183C DHS PROGRAM COORDINATOR	7	GRADE GS07
(98)	M042C DHS STAFF SUPERVISOR	1	GRADE GS07
(99)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
(100)	M040C FAMILY SERVICES PROGRAM COORDINATOR	1	GRADE GS07
(101)	A076C FINANCE PROGRAM ANALYST	2	GRADE GS07
(102)	A075C FINANCIAL ANALYST I	2	GRADE GS07
(103)	X125C FRAUD INVESTIGATOR COORDINATOR	2	GRADE GS07
(104)	G147C GRANTS COORDINATOR	3	GRADE GS07
(105)	S017C MAINTENANCE COORDINATOR	1	GRADE GS07
(106)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
(107)	P020C PRODUCTION ARTIST	1	GRADE GS07
(108)	P013C PUBLIC INFORMATION COORDINATOR	3	GRADE GS07
(109)	A063C RESEARCH & STATISTICS SUPERVISOR	1	GRADE GS07
(110)	G265C SENIOR TECHNICAL WRITER	1	GRADE GS07
(111)	E040C STAFF DEVELOPMENT COORDINATOR	4	GRADE GS07
(112)	C037C ADMINISTRATIVE ANALYST	11	GRADE GS06
(113)	M045C ADULT PROTECTIVE SERVICES WORKER	3	GRADE GS06
(114)	R027C BUDGET SPECIALIST	15	GRADE GS06
(115)	R026C CIVIL RIGHTS/EMPLOYEE RELATIONS COORD	2	GRADE GS06
(116)	G170C DHS ADMINISTRATIVE REVIEW OFFICER	6	GRADE GS06
(117)	G210C DHS PROGRAM SPECIALIST	12	GRADE GS06
(118)	P021C EDITOR	1	GRADE GS06
(119)	A074C FISCAL SUPPORT SUPERVISOR	12	GRADE GS06
(120)	X156C FRAUD INVESTIGATOR	6	GRADE GS06
(121)	G180C GRANTS ANALYST	14	GRADE GS06
(122)	G214C GRANTS SPECIALIST	1	GRADE GS06
(123)	P049C GRAPHIC ARTIST	1	GRADE GS06

(124)	L053C HEALTH PROGRAM SPECIALIST I	1	GRADE GS06
(125)	R025C HUMAN RESOURCES ANALYST	12	GRADE GS06
(126)	R029C HUMAN RESOURCES RECRUITER	5	GRADE GS06
(127)	X101C INTERNAL AFFAIRS INVESTIGATOR	2	GRADE GS06
(128)	G179C LEGAL SERVICES SPECIALIST	7	GRADE GS06
(129)	P031C MEDIA SPECIALIST	2	GRADE GS06
(130)	G178C POLICY DEVELOPMENT COORDINATOR	1	GRADE GS06
(131)	X136C QUALITY ASSURANCE REVIEWER	1	GRADE GS06
(132)	B076C RESEARCH PROJECT ANALYST	4	GRADE GS06
(133)	G202C VOLUNTEER PROGRAM COORDINATOR	1	GRADE GS06
(134)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE GS05
(135)	A088C ASSETS COORDINATOR	2	GRADE GS05
(136)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
(137)	A091C FISCAL SUPPORT ANALYST	17	GRADE GS05
(138)	L070C HEALTH CARE ANALYST	3	GRADE GS05
(139)	D077C HELP DESK SPECIALIST	3	GRADE GS05
(140)	R032C HUMAN RESOURCES PROGRAM REP	5	GRADE GS05
(141)	C040C LEASING SPECIALIST	1	GRADE GS05
(142)	A090C PAYROLL SERVICES SPECIALIST	5	GRADE GS05
(143)	V015C PURCHASING SPECIALIST	7	GRADE GS05
(144)	V018C WAREHOUSE MANAGER	1	GRADE GS05
(145)	A101C ACCOUNTING TECHNICIAN	1	GRADE GS04
(146)	C056C ADMINISTRATIVE SPECIALIST III	15	GRADE GS04
(147)	A098C FISCAL SUPPORT SPECIALIST	23	GRADE GS04
(148)	R036C HUMAN RESOURCES SPECIALIST	1	GRADE GS04
(149)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
(150)	C046C LEGAL SUPPORT SPECIALIST	35	GRADE GS04
(151)	C044C MEDICAL BILLING SPECIALIST	2	GRADE GS04
(152)	A097C PAYROLL TECHNICIAN	2	GRADE GS04
(153)	V022C PURCHASING TECHNICIAN	1	GRADE GS04
(154)	C043C RECORDS MANAGEMENT ANALYST	3	GRADE GS04
(155)	V021C SURPLUS PROPERTY AGENT	1	GRADE GS04
(156)	V025C WAREHOUSE SPECIALIST	1	GRADE GS04
(157)	C073C ADMINISTRATIVE SPECIALIST II	8	GRADE GS03
(158)	V027C INVENTORY CONTROL TECHNICIAN	2	GRADE GS03
(159)	C062C LOCAL OFFICE ADMINISTRATIVE ASST	1	GRADE GS03

(160)	S054C PRINTER	1	GRADE GS03
(161)	C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE GS02
	MAX. NO. OF EMPLOYEES	662	

SECTION 4. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Secretary's Office for the 2023-2024 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, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$37,048,480
(02) EXTRA HELP	298,556
(03) PERSONAL SERVICES MATCHING	13,455,690
(04) OVERTIME	8,383
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	5,571,873
(B) CONF. & TRAVEL	59,433
(C) PROF. FEES	9,261,800
(D) CAP. OUTLAY	400,000
(E) DATA PROC.	0
(06) DATA PROCESSING SERVICES	<u>2,016,710</u>
TOTAL AMOUNT APPROPRIATED	<u>\$68,120,925</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, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(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, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$800,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	21,500
(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, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(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. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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 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 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, ~~2022~~

2023 through June 30, ~~2023~~ 2024.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

TRANSFER AUTHORITY. The Secretary of the Department of Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The 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 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 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 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 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 6, Chapter 82, is amended to add an additional subchapter to codify special language in appropriation acts to read as follows:

Subchapter 22 - Nursing/Direct Care Education Stipend Program

6-82-2201. Eligible nursing students.

A nursing student who is attending an accredited nursing institution to become one (1) of the following is eligible for the Nursing/Direct Care Education Stipend Program:

- (1) An Advanced Practice Nurse;
- (2) A registered or licensed practical nurse;
- (3) A certified nursing assistant; or
- (4) A behavioral health aide.

6-82-2202. Department of Human Services stipend.

(a) An eligible student under § 6-82-2201(2)-(4) may be awarded a stipend of five thousand dollars (\$5,000) per year.

(b)(1) If an eligible student under § 6-82-2201(2)-(4) accepts a stipend under this section and signs a stipend contract, the eligible student shall be under an employment commitment to the respective division of the Department of Human Services and is required to work for the respective division in a full-time employee status effective immediately upon graduation.

(2) The student employment commitment under subdivision (b)(1) of this section is equal to the number of years that the stipend was awarded and accepted.

(c) Each division of the department that is participating in the Nursing/Direct Care Education Stipend Program shall determine on an annual basis the number of student stipends available.

(d) The department may pay the stipend allowed under this section from

the state and federal funds appropriated for the respective division of the department.

6-82-2203. Department of Health stipend.

(a) An eligible student under § 6-82-2201(1) may be awarded a stipend of seven thousand five hundred dollars (\$7,500) per year.

(b)(1) If an eligible student under § 6-82-2201(1) accepts a stipend under this section and signs a stipend contract, the eligible student shall be under an employment commitment to the Department of Health and is required to work for the department in a full-time employee status effective immediately upon graduation.

(2) The student employment commitment under subdivision (b)(1) of this section is equal to the number of years that the stipend was awarded and accepted.

(c) The department shall determine on an annual basis the number of student stipends available based on the availability of funds and the need for direct care services.

(d) The department may pay the stipend allowed under this section from the funds appropriated for the department.

6-82-2204. Default of employment commitment.

In the event of an employee or eligible student defaulting on the employment commitment under § 6-82-2202 or § 6-82-2203, the employee or eligible student shall be in breach of contract and repayment of the stipend shall be required as specified in the stipend contract with the appropriate division or department.

SECTION 13. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 21, Chapter 5, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

21-5-111. Department of Human Services – Nursing/direct care recruitment and retention bonuses.

(a) The Department of Human Services may issue nursing/direct care recruitment and retention bonuses in addition to the maximum annual amounts provided for regular salaries in the operative appropriation act for the department for:

- (1) Registered nurses;
- (2) Licensed practical nurses;
- (3) Certified nursing assistants; and
- (4) Behavioral health aides.

(b) New hire nurses shall be licensed by the Arkansas State Board of Nursing.

(c) The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed:

- (1) Four thousand dollars (\$4,000) per registered nurse;
- (2) Two thousand dollars (\$2,000) per licensed practical nurse;

and

- (3) One thousand dollars (\$1,000) per:
 - (A) Certified nursing assistant; and
 - (B) Behavioral health aide.

(d) The lump-sum bonus payments allowed under this section and the employment commitment to the state shall be made in partial payments as follows:

(1) For registered nurse classifications:

(A) One thousand dollars (\$1,000) after completing six (6) months of probationary employment;

(B) One thousand five hundred dollars (\$1,500) after completing the first year of employment; and

(C) One thousand five hundred dollars (\$1,500) after completing the second year of employment;

(2) For licensed practical nurse classifications:

(A) Five hundred dollars (\$500) after completing six (6) months of probationary employment;

(B) Five hundred dollars (\$500) after completing the first year of employment; and

(C) One thousand dollars (\$1,000) after completing the second year of employment; and

(3) For certified nursing assistant and behavioral health aide classifications:

(A) Five hundred dollars (\$500) after completing six (6) months of probationary employment; and

(B) Five hundred dollars (\$500) after completing the first

year of employment.

(e) A qualified person hired and offered bonus payments under this section forfeits the balance of the bonus payments if he or she voluntarily resigns or is terminated for cause from employment with the department before completing the required employment commitment time periods under subsection (d) of this section.

(f) The department may pay the nursing/direct care recruitment and retention bonuses allowed under this section from the state and federal funds appropriated for the respective division of the department.

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

(a) The Department of Human Services will develop and implement a plan for measuring and improving employee engagement among employees of the State's Human Development Centers for the purpose of:

(1) Receiving and acting on employee feedback on areas including without limitation:

- (A) Employee engagement;
- (B) Supervision;
- (C) Strategy;
- (D) Workplace community and climate;
- (E) Information systems;
- (F) Pay;
- (G) Benefits;
- (H) Employee development; and
- (I) Job satisfaction;

(2) Assessing and systematically identifying problematic areas;

(3) Identifying areas to be improved;

(4) Developing improvement strategies and recommending changes to problematic areas; and

(5) Assessing management and leadership.

(b) The Department will develop the plan under this section with the intent of modeling and implementing employee engagement efforts in other divisions of the department.

(c) The Department may contract with an outside entity to aid in plan

development, implement the plan, or assist with implementation of the plan under this section.

(d) The Department will adopt internal employment policies as necessary to implement the plan under this section.

(e) The Department will submit a written report of the plan under this section and ongoing implementation efforts to Legislative Council no later than December 1, 2022. The report will identify without limitation the data received, the issues identified, and the lessons learned to date.

SECTION 15. 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 16. 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 17. 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, 2023 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, 2023 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, 2023.

/s/Joint Budget Committee

APPROVED: 4/10/23