

Stricken language will be deleted and underlined language will be added.
Act 282 of the Fiscal Session

1 State of Arkansas *As Engrossed: H3/3/14 H3/6/14*

2 89th General Assembly

A Bill

3 Fiscal Session, 2014

HOUSE BILL 1129

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
10 SERVICES - ADMINISTRATION FOR THE FISCAL YEAR ENDING
11 JUNE 30, 2015; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - ADMINISTRATION APPROPRIATION
FOR THE 2014-2015 FISCAL YEAR.

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

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SECTION 1. REGULAR SALARIES - DIRECTOR'S OFFICE - OFFICE OF CHIEF
23 COUNSEL. There is hereby established for the Department of Human Services -
24 Director's Office for the 2014-2015 fiscal year, the following maximum number
25 of regular employees.

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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2014-2015
(1)	U011U	DHS DIRECTOR	1	\$159,443
(2)	L008N	PHYSICIAN SPECIALIST	1	GRADE N917
(3)	L023N	DHS DEPUTY DIRECTOR	2	GRADE N915
(4)	G004N	DHS CHIEF ATTORNEY	1	GRADE N908
(5)	N128N	DHS ASST DIR QUALITY ASSURANCE	1	GRADE N904
(6)	A007C	AUDIT MANAGER	2	GRADE C129



1	(7)	G004C	MANAGING ATTORNEY	3	GRADE C129
2	(8)	G025C	ATTORNEY SUPERVISOR	4	GRADE C127
3	(9)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	3	GRADE C127
4	(10)	L003C	PSYCHOLOGIST	1	GRADE C127
5	(11)	G047C	ATTORNEY SPECIALIST	52	GRADE C126
6	(12)	G042C	DHS ADMINISTRATIVE LAW JUDGE	6	GRADE C126
7	(13)	R008C	DHS EMPLOYEE RELATIONS MANAGER	1	GRADE C125
8	(14)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
9	(15)	A044C	AUDIT COORDINATOR	2	GRADE C122
10	(16)	R014C	PERSONNEL MANAGER	1	GRADE C121
11	(17)	G124C	OMBUDSMAN	1	GRADE C120
12	(18)	G152C	DHS PROGRAM MANAGER	3	GRADE C119
13	(19)	A066C	INTERNAL AUDITOR	4	GRADE C119
14	(20)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
15	(21)	A060C	SENIOR AUDITOR	13	GRADE C119
16	(22)	G170C	DHS ADMINISTRATIVE REVIEW OFFICER	6	GRADE C118
17	(23)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
18	(24)	R024C	ASSISTANT PERSONNEL MANAGER	1	GRADE C118
19	(25)	G183C	DHS PROGRAM COORDINATOR	2	GRADE C117
20	(26)	X101C	INTERNAL AFFAIRS INVESTIGATOR	1	GRADE C117
21	(27)	G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
22	(28)	R026C	CIVIL RIGHTS/EMPLOYEE RELATIONS CORD	5	GRADE C117
23	(29)	G178C	POLICY DEVELOPMENT COORDINATOR	1	GRADE C117
24	(30)	X125C	FRAUD INVESTIGATOR COORDINATOR	3	GRADE C116
25	(31)	P031C	MEDIA SPECIALIST	1	GRADE C116
26	(32)	A089C	ACCOUNTANT I	1	GRADE C116
27	(33)	G210C	DHS PROGRAM SPECIALIST	6	GRADE C115
28	(34)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
29	(35)	X156C	FRAUD INVESTIGATOR	6	GRADE C114
30	(36)	C046C	LEGAL SUPPORT SPECIALIST	36	GRADE C113
31	(37)	C056C	ADMINISTRATIVE SPECIALIST III	10	GRADE C112
32	(38)	R038C	HUMAN RESOURCES ASSISTANT	1	GRADE C110
33	(39)	C087C	ADMINISTRATIVE SPECIALIST I	<u>2</u>	GRADE C106
34			MAX. NO. OF EMPLOYEES	190	

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36 SECTION 2. REGULAR SALARIES - ADMINISTRATIVE SERVICES. There is hereby

1	(29)	G152C	DHS PROGRAM MANAGER	3	GRADE C119
2	(30)	G147C	GRANTS COORDINATOR	2	GRADE C119
3	(31)	D061C	INFORMATION SYSTEMS COORDINATION SPEC	5	GRADE C119
4	(32)	A065C	PAYROLL SERVICES COORDINATOR	2	GRADE C119
5	(33)	V007C	PROCUREMENT COORDINATOR	3	GRADE C119
6	(34)	A063C	RESEARCH & STATISTICS SUPERVISOR	1	GRADE C119
7	(35)	R024C	ASSISTANT PERSONNEL MANAGER	7	GRADE C118
8	(36)	A075C	FINANCIAL ANALYST I	1	GRADE C118
9	(37)	A074C	FISCAL SUPPORT SUPERVISOR	10	GRADE C118
10	(38)	D064C	WEBSITE DEVELOPER	1	GRADE C118
11	(39)	R027C	BUDGET SPECIALIST	7	GRADE C117
12	(40)	D071C	COMPUTER SUPPORT ANALYST	1	GRADE C117
13	(41)	G183C	DHS PROGRAM COORDINATOR	2	GRADE C117
14	(42)	P021C	EDITOR	1	GRADE C117
15	(43)	G180C	GRANTS ANALYST	33	GRADE C117
16	(44)	R025C	HUMAN RESOURCES ANALYST	4	GRADE C117
17	(45)	G178C	POLICY DEVELOPMENT COORDINATOR	1	GRADE C117
18	(46)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
19	(47)	E040C	STAFF DEVELOPMENT COORDINATOR	4	GRADE C117
20	(48)	A089C	ACCOUNTANT I	14	GRADE C116
21	(49)	R029C	HUMAN RESOURCES RECRUITER	5	GRADE C116
22	(50)	P031C	MEDIA SPECIALIST	1	GRADE C116
23	(51)	C037C	ADMINISTRATIVE ANALYST	5	GRADE C115
24	(52)	D079C	COMPUTER SUPPORT TECHNICIAN	3	GRADE C115
25	(53)	G210C	DHS PROGRAM SPECIALIST	2	GRADE C115
26	(54)	A091C	FISCAL SUPPORT ANALYST	13	GRADE C115
27	(55)	D077C	HELP DESK SPECIALIST	1	GRADE C115
28	(56)	A090C	PAYROLL SERVICES SPECIALIST	1	GRADE C115
29	(57)	S032C	PRINT SHOP SUPERVISOR	1	GRADE C115
30	(58)	V015C	PURCHASING SPECIALIST	4	GRADE C115
31	(59)	C040C	LEASING SPECIALIST	1	GRADE C114
32	(60)	A093C	STATISTICIAN	3	GRADE C114
33	(61)	D081C	TELECOMMUNICATIONS SPECIALIST	1	GRADE C114
34	(62)	V018C	WAREHOUSE MANAGER	1	GRADE C114
35	(63)	C050C	ADMINISTRATIVE SUPPORT SUPERVISOR	2	GRADE C113
36	(64)	R036C	HUMAN RESOURCES SPECIALIST	6	GRADE C113

1	(65)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
2	(66)	C043C	RECORDS MANAGEMENT ANALYST	6	GRADE C113
3	(67)	C056C	ADMINISTRATIVE SPECIALIST III	13	GRADE C112
4	(68)	A098C	FISCAL SUPPORT SPECIALIST	31	GRADE C112
5	(69)	S054C	PRINTER	4	GRADE C111
6	(70)	R038C	HUMAN RESOURCES ASSISTANT	8	GRADE C110
7	(71)	V025C	WAREHOUSE SPECIALIST	3	GRADE C110
8	(72)	C073C	ADMINISTRATIVE SPECIALIST II	11	GRADE C109
9	(73)	C070C	DUPLICATION ASSISTANT	1	GRADE C109
10	(74)	V027C	INVENTORY CONTROL TECHNICIAN	1	GRADE C108
11	(75)	C083C	MAIL SERVICES COORDINATOR	1	GRADE C107
12	(76)	C087C	ADMINISTRATIVE SPECIALIST I	7	GRADE C106
13	(77)	V028C	WAREHOUSE WORKER	1	GRADE C106
14	(78)	C088C	MAIL SERVICES ASSISTANT	<u>5</u>	GRADE C105
15			MAX. NO. OF EMPLOYEES	315	

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

18 There is hereby established for the Department of Human Services - Division
 19 of Community Service and Nonprofit Support for the 2014-2015 fiscal year, the
 20 following maximum number of regular employees.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2014-2015
(1)	N171N	DHS DEP DIR OFFICE OF VOLUNTEER SVCS	1	GRADE N902
(2)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(3)	G080C	NATIONAL & COMMUNITY SVCS EXEC DIR	1	GRADE C123
(4)	G152C	DHS PROGRAM MANAGER	1	GRADE C119
(5)	G147C	GRANTS COORDINATOR	1	GRADE C119
(6)	M037C	PROGRAM ELIGIBILITY SUPERVISOR	1	GRADE C117
(7)	E040C	STAFF DEVELOPMENT COORDINATOR	1	GRADE C117
(8)	G176C	VOLUNTEER PROGRAM MANAGER	1	GRADE C117
(9)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
(10)	G202C	VOLUNTEER PROGRAM COORDINATOR	8	GRADE C115
(11)	G236C	DHS/DOV AREA COORDINATOR	1	GRADE C114

1	(12)	G214C	GRANTS SPECIALIST	1	GRADE C114
2	(13)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
3	(14)	V022C	PURCHASING TECHNICIAN	1	GRADE C112
4	(15)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
5			MAX. NO. OF EMPLOYEES	24	

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

8 There is hereby authorized, for the Department of Human Services - Director's
 9 Office - Office of Chief Counsel for the 2014-2015 fiscal year, the following
 10 maximum number of part-time or temporary employees, to be known as "Extra
 11 Help", payable from funds appropriated herein for such purposes: ten (10)
 12 temporary or part-time employees, when needed, at rates of pay not to exceed
 13 those provided in the Uniform Classification and Compensation Act, or its
 14 successor, or this act for the appropriate classification.

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16 SECTION 5. EXTRA HELP - ADMINISTRATIVE SERVICES. There is hereby
 17 authorized, for the Department of Human Services - Division of Administrative
 18 Services for the 2014-2015 fiscal year, the following maximum number of part-
 19 time or temporary employees, to be known as "Extra Help", payable from funds
 20 appropriated herein for such purposes: twenty (20) temporary or part-time
 21 employees, when needed, at rates of pay not to exceed those provided in the
 22 Uniform Classification and Compensation Act, or its successor, or this act
 23 for the appropriate classification.

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25 SECTION 6. APPROPRIATION - DIRECTOR'S OFFICE - OFFICE OF CHIEF COUNSEL
 26 - OPERATIONS. There is hereby appropriated, to the Department of Human
 27 Services - Director's Office, to be payable from the paying account as
 28 determined by the Chief Fiscal Officer of the State, for personal services
 29 and operating expenses of the Department of Human Services - Director's
 30 Office - Office of Chief Counsel for the fiscal year ending June 30, 2015,
 31 the following:

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33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2014-2015</u>
35	(01) REGULAR SALARIES	\$9,151,417
36	(02) EXTRA HELP	177,770

1	(03) PERSONAL SERVICES MATCHING	3,073,199
2	(04) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	1,338,701
4	(B) CONF. & TRAVEL	8,472
5	(C) PROF. FEES	11,000
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	0
8	(05) DATA PROCESSING SERVICES	<u>12,300</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$13,772,859</u>

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11 SECTION 7. APPROPRIATION - ADMINISTRATIVE SERVICES - OPERATIONS. There
 12 is hereby appropriated, to the Department of Human Services - Division of
 13 Administrative Services, to be payable from the paying account as determined
 14 by the Chief Fiscal Officer of the State, for personal services and operating
 15 expenses of the Department of Human Services - Division of Administrative
 16 Services for the fiscal year ending June 30, 2015, the following:

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18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2014-2015</u>
20	(01) REGULAR SALARIES	\$12,446,388
21	(02) EXTRA HELP	64,480
22	(03) PERSONAL SERVICES MATCHING	4,448,021
23	(04) OVERTIME	10,000
24	(05) MAINT. & GEN. OPERATION	
25	(A) OPER. EXPENSE	3,376,409
26	(B) CONF. & TRAVEL	30,000
27	(C) PROF. FEES	11,000,000
28	(D) CAP. OUTLAY	0
29	(E) DATA PROC.	0
30	(06) DATA PROCESSING SERVICES	<u>1,967,600</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$33,342,898</u>

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33 SECTION 8. APPROPRIATION - ADMINISTRATIVE SERVICES - CLIENT SPECIFIC
 34 EMERGENCY SERVICES - CASH. There is hereby appropriated, to the Department
 35 of Human Services - Division of Administrative Services, to be payable from
 36 cash funds as defined by Arkansas Code 19-4-801 of the Department of Human

1 Services - Division of Administrative Services, for purchase of services of
 2 the Department of Human Services - Division of Administrative Services for
 3 the fiscal year ending June 30, 2015, the following:

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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2014-2015</u>
7 (01) PURCHASE OF SERVICES	<u>\$120,000</u>

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9 SECTION 9. APPROPRIATION - ADMINISTRATIVE SERVICES - VARIOUS BUILDING
 10 CONSTRUCTION. There is hereby appropriated, to the Department of Human
 11 Services - Division of Administrative Services, to be payable from the
 12 Department of Human Services Renovation Fund, for construction, renovation,
 13 maintenance, equipment and repairs for various buildings operated by the
 14 Department of Human Services for the fiscal year ending June 30, 2015, the
 15 following:

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17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2014-2015</u>
19 (01) CONSTRUCTION	<u>\$7,648,900</u>

20

21 SECTION 10. APPROPRIATION - ADMINISTRATIVE SERVICES - CONSOLIDATED
 22 COST. There is hereby appropriated, to the Department of Human Services -
 23 Division of Administrative Services, to be payable from the DHS Consolidated
 24 Cost Revolving Fund, for operating expenses of the Department of Human
 25 Services - Division of Administrative Services - Consolidated Cost for the
 26 fiscal year ending June 30, 2015, the following:

27

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2014-2015</u>
30 (01) MAINT. & GEN. OPERATION	
31 (A) OPER. EXPENSE	\$821,500
32 (B) CONF. & TRAVEL	0
33 (C) PROF. FEES	0
34 (D) CAP. OUTLAY	0
35 (E) DATA PROC.	<u>0</u>
36 TOTAL AMOUNT APPROPRIATED	<u>\$821,500</u>

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SECTION 11. APPROPRIATION - ADMINISTRATIVE SERVICES - SOCIAL SERVICES BLOCK GRANT - FEDERAL. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for purchase of services of the Department of Human Services - Division of Administrative Services for the fiscal year ending June 30, 2015, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2014-2015</u>
(01) PURCHASE OF SERVICES	<u>\$139,733</u>

SECTION 12. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Community Service and Nonprofit Support, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Community Service and Nonprofit Support for the fiscal year ending June 30, 2015, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2014-2015</u>
(01) REGULAR SALARIES	\$905,896
(02) PERSONAL SERVICES MATCHING	328,666
(03) OVERTIME	1,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	202,389
(B) CONF. & TRAVEL	26,885
(C) PROF. FEES	10,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) DATA PROCESSING SERVICES	<u>8,200</u>
TOTAL AMOUNT APPROPRIATED	<u>\$1,483,036</u>

SECTION 13. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT -

1 CASH. There is hereby appropriated, to the Department of Human Services -
 2 Division of Community Service and Nonprofit Support, to be payable from the
 3 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 4 Officer of the State, for operating expenses of the Department of Human
 5 Services - Division of Community Service and Nonprofit Support for the fiscal
 6 year ending June 30, 2015, the following:

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8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2014-2015</u>
10 (01) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	\$7,703
12 (B) CONF. & TRAVEL	2,865
13 (C) PROF. FEES	1,432
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	<u>0</u>
16 TOTAL AMOUNT APPROPRIATED	<u><u>\$12,000</u></u>

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18 SECTION 14. APPROPRIATION - COMMUNITY SERVICE AND NONPROFIT SUPPORT -
 19 AMERICORPS GRANTS. There is hereby appropriated, to the Department of Human
 20 Services - Division of Community Service and Nonprofit Support, to be payable
 21 from the paying account as determined by the Chief Fiscal Officer of the
 22 State, for AmeriCorps Grants of the Department of Human Services - Division
 23 of Community Service and Nonprofit Support for the fiscal year ending June
 24 30, 2015, the following:

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26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2014-2015</u>
28 (01) AMERICORPS GRANTS	<u><u>\$2,410,704</u></u>

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30 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 32 DIRECTOR'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE. Upon
 33 approval by the Chief Fiscal Officer of the State, the Chief Counsel for the
 34 Department of Human Services may transfer an amount up to but not to exceed
 35 \$12,000 and deposit same in a bank account for the purpose of purchasing
 36 evidence in the course of investigating the illegal use of food

1 stamps/Electronic Benefit Transfer (EBT) cards. The funds so transferred
2 shall be subject to accounting in a manner substantially similar to that
3 employed by the Arkansas State Police for such transactions; provided
4 however, that information tending to identify participants in such
5 transactions shall be exempt from the Arkansas Freedom of Information Act.

6 The provisions of this section shall be in effect only from July 1, ~~2013~~
7 2014 through June 30, ~~2014~~ 2015.

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

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

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

18 (c) The fund shall consist of:

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

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

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

34 (d)(1) At the request of the Director of the Department of Human Services,
35 and upon certification of the availability of such funds, the Chief Fiscal
36 Officer of the State shall initiate the necessary transfer documents to

1 reflect the transfer on the books of record of the Treasurer of State, the
2 Auditor of State, the Chief Fiscal Officer of the State, and the Department
3 of Human Services.

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

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

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

29 The provisions of this section shall be in effect only from July 1, ~~2013~~
30 2014 through June 30, ~~2014~~ 2015.

31
32 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
34 AUTHORITY. The Director of the Department of Human Services shall have
35 transfer authority provided by the following:

36 (a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Director of the

1 Department of Human Services is authorized to request fund transfers
2 according to the provisions established by Arkansas Code Ann. 19-5-1020,
3 Department of Human Services Renovation Fund, as amended herein; and

4 (b) MATCH TRANSFER. The Director of the Department of Human Services,
5 with the approval of the Chief Fiscal Officer of the State, is authorized to
6 effect inter-agency and inter-divisional fund transfers for the purpose of
7 providing the State's matching share for payments made to that Division or
8 Office or its service providers for services eligible for federal
9 reimbursement under programs administered by the Department of Human
10 Services. The Department of Human Services shall report to the Legislative
11 Council or Joint Budget Committee on a quarterly basis all fund transfers
12 made in accordance with the authority granted by this section; and

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

25 (d) REALLOCATION OF RESOURCES: (1) The Department of Human Services (DHS)
26 provides hundreds of different services to over 1 million Arkansans. The
27 specific mix of service needs and the funding and staffing required to
28 provide them can vary significantly based on many factors, including natural
29 disasters, changing federal mandates and funding sources, demographic shifts,
30 fluctuating court-ordered services, social trends, and job market variations
31 such as nursing shortages. The impact of these factors through the course of
32 any fiscal year make it very difficult for the Department to accurately
33 predict the exact needs for funding, appropriation and positions in each of
34 its over 100 different appropriations. To ensure that it can respond quickly
35 to changing client needs and make the most effective use of the resources
36 allocated to it, the Department of Human Services shall be authorized to

1 utilize the reallocation of resource authority to make the proper adjustments
2 to the budgets within the Department. Therefore, upon determination by the
3 Director of the Department of Human Services that a reallocation of resources
4 within the department is necessary for the efficient and effective operation
5 of the department, the director, with approval of the Governor, shall have
6 the authority to request, from the Chief Fiscal Officer of the State, a
7 transfer of positions, appropriations, line item appropriations, and funds
8 within or between existing and newly created divisions, offices, sections, or
9 units of the department. Provided, however, that no transfer of funds or
10 appropriation that provides direct support or matching support for the
11 Arkansas Medicaid Program shall be made to any other fund account or
12 appropriation that does not directly support the Arkansas Medicaid Program.
13 Further, no positions, funds, or appropriation authorized during the budget
14 process for the Division of Children and Family Services compliance with
15 initiatives established under the Angela R. consent decree shall be
16 transferred to any other division. Nothing in this provision is intended to
17 prevent the one-time transfers of savings in any other program to the
18 Arkansas Medicaid Program, with the exception of the provisions previously
19 cited for the Division of Children and Family Services – Angela R. consent
20 decree. The Division of Developmental Disabilities – Grants to Community
21 Providers line item of the Developmental Disabilities Services - Grants-in-
22 Aid appropriation may not be decreased. The appropriation, funding, and
23 positions provided for the five Human Development Centers shall remain at a
24 level sufficient to ensure quality care for the Centers' residents. The
25 exemptions provided in this subsection whereby certain DHS Programs and
26 Divisions are protected from appropriation, fund, or position transfers are
27 applicable only to the reallocation or transfer authority granted herein, and
28 not by any reductions which are applicable to all state programs.

29 The Director of the Department of Human Services shall submit any requests
30 for transfers to and must receive approval of the requests for transfers from
31 the Chief Fiscal Officer of the State, the Governor, and the Arkansas
32 Legislative Council prior to the effective date of the transfers. Provided,
33 however, that the Department of Human Services shall be limited to submitting
34 no more than two reallocation of resources transfer requests during any
35 fiscal year. In each Departmental request no single division will request
36 reallocation for more than one purpose as listed in this section. Transfer

1 authority for unforeseen purposes shall further be limited to no more than 5%
2 of the total appropriation, funding, and positions authorized for the
3 Department. Reallocation of resources transfers may include multiple items
4 but shall be limited to the following purposes:

5 i). Medicaid Program

6 ii). Facilities and institutions costs, including operational expenses and
7 construction/renovation/equipping expenses

8 iii). Departmental grants and contracts

9 iv). Court ordered settlements and payments

10 v). Payment of administrative expenses, including but not limited to,
11 overtime and other costs of personnel for critical services or functions
12 necessary to carry out the mission of the agency

13 vi). Restructuring efforts as deemed necessary to comply with new and/or
14 unanticipated federal or state mandates

15 vii). Redirecting internal resources, both direct and/or indirect, to meet
16 client needs and services

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

33 (2) If it is determined that the requested reallocation of resources
34 transfers should be made, the Chief Fiscal Officer of the State shall then
35 initiate the necessary transfer documents to reflect the transfers upon the
36 fiscal records of the Treasurer of State, the Auditor of State, the Chief

1 Fiscal Officer of the State, and the Department of Human Services. In
2 addition, the Chief Fiscal Officer of the State, together with the Co-
3 Chairpersons of the Legislative Council or Joint Budget Committee, may
4 approve, on an emergency basis, requests for utilization of this Section
5 without prior approval of the Arkansas Legislative Council, with any such
6 actions reported at the next meeting of the Arkansas Legislative Council.

7 The provisions of this section shall be in effect only from July 1, ~~2013~~
8 2014 through June 30, ~~2014~~ 2015.

9

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

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

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

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

31 The provisions of this section shall be in effect only from July 1, ~~2013~~
32 2014 through June 30, ~~2014~~ 2015.

33

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

36 NURSING/DIRECT CARE RECRUITMENT/RETENTION BONUSES. Special provision to

1 provide Nursing/Direct Care Recruitment and Retention Bonuses for the
2 Department of Human Services is hereby authorized to pay from State and
3 Federal funds appropriated for each respective division. Nursing/direct care
4 service recruitment/retention bonuses are in addition to the maximum annual
5 amounts provided in the Regular Salaries Section of the respective Division
6 Act for Registered Nurse, Licensed Practical Nurse, Certified Nursing
7 Assistant, Residential Care Assistant, Residential Care Technician,
8 Residential Care Supervisor and Behavioral Health Aide. New hire nurses must
9 be licensed by the Arkansas State Board of Nursing. The total
10 recruitment/retention bonus payment commitment for eligible nurses shall not
11 exceed \$4,000 per Registered Nurse and \$2,000 per Licensed Practical Nurse
12 and \$1,000 per Certified Nursing Assistant, Residential Care Assistant,
13 Residential Care Technician, Residential Care Supervisor and Behavioral
14 Health Aide.

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

17

18 Registered Nurse Classifications

19 \$1,000 after completing 6 months probationary employment

20 \$1,500 after completing 1st year employment

21 \$1,500 after completing 2nd year employment

22

23 Licensed Practical Nurse Classifications

24 \$ 500 after completing 6 months probationary employment

25 \$ 500 after completing 1st year employment

26 \$1,000 after completing 2nd year employment

27

28 Certified Nursing Assistant/Residential Care Assistant/Residential Care

29 Technician/Residential Care Supervisor/Behavioral Health Aide

30 Classifications

31 \$ 500 after completing 6 month probationary employment

32 \$ 500 after completing 1st year employment

33

34 Any qualified person hired and offered bonus payment described herein will
35 forfeit the balance of the payments if he/she voluntarily resigns or is
36 terminated for cause from employment from the Department of Human Services

1 prior to completing the required employment commitment time periods outlined
2 above.

3 The provisions of this section shall be in effect only from July 1, 2013
4 2014 through June 30, ~~2014~~ 2015.

5

6 *SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
7 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

8 *DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES AND DIVISION OF*
9 *BEHAVIORAL HEALTH SERVICES – REGULATORY MORATORIUM.*

10 *The Department of Human Services:*

11 *(1) Shall continue implementation of the Attention Deficient*
12 *Hyperactivity Disorder episode of care, commonly referred to as the “ADHD*
13 *episode of care”, and the Oppositional Defiant Disorder episode of care,*
14 *commonly referred to as the “ODD episode of care”.*

15 *(2) Shall not implement a new behavioral health episode of care*
16 *until June 30, 2015; and*

17 *(3) Will implement system changes, including only behavioral*
18 *health care tiers, Section 1915(i) option programs, and health homes, at the*
19 *later of:*

20 *(A) Ninety (90) days after the publication of proposed*
21 *program rates; or*

22 *(B) January 1, 2015.*

23

24 *SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
25 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

26 *DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES AND DIVISION OF*
27 *BEHAVIORAL HEALTH SERVICES – OUTCOME MEASURES TESTING MORATORIUM.*

28 *The Department of Human Services shall:*

29 *(1) Complete and submit by May 31, 2014, a report to the House*
30 *Committee on Public Health, Welfare, and Labor and to the Senate Committee on*
31 *Public Health, Welfare, and Labor providing facts and information regarding:*

32 *(A) The cost to the state and to the affected providers of*
33 *requiring the administration of the outcomes-based system mandated by*
34 *Arkansas Code § 20-47-705, commonly referred to as the “Youth Outcome*
35 *Questionnaire”;*

36 *(B) The benefits realized as a result of requiring the*

1 administration of the Youth Outcome Questionnaire; and

2 (C) The clinical rationale for requiring the Youth Outcome
3 Questionnaire for all clients receiving behavioral health services;

4 (2) Require all behavioral health providers that are required to
5 complete the Youth Outcome Questionnaire to additionally submit the cost data
6 for program administration by April 1, 2014; and

7 (3) Make recommendations concerning continued implementation of
8 the Youth Outcome Questionnaire to the House Committee on Public Health,
9 Welfare, and Labor and to the Senate Committee on Public Health, Welfare, and
10 Labor based on communication with the behavioral health providers and other
11 interested parties.

12
13 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

15 DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES AND DIVISION OF
16 BEHAVIORAL HEALTH SERVICES - SCOPE.

17 Sections 20 and 21 of this act are effective until June 30, 2015.
18

19 SECTION 23. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 23-61-
20 803(c), concerning the Arkansas Health Insurance Marketplace Board of
21 Directors, is amended to read as follows:

22 (c) The Arkansas Health Insurance Marketplace shall operate subject to
23 the supervision and control of the Board of Directors of the Arkansas Health
24 Insurance Marketplace. The board shall consist of the following members to be
25 appointed on or before July 1, 2013:

26 (1)(A) Three (3) members appointed by the Governor.

27 (B) One (1) member appointed by the Governor shall be a
28 representative of insurance agents or brokers licensed to sell health
29 insurance in the State of Arkansas.

30 (C) Two (2) members appointed by the Governor shall be
31 consumer representatives;

32 (2)(A) Three (3) members appointed by the President Pro Tempore
33 of the Senate.

34 (B) One (1) of the members appointed by the President Pro
35 Tempore of the Senate shall be a representative of a health insurer.

36 (C) One (1) of the members appointed by the President Pro

1 *Tempore of the Senate shall be a representative of small employers;*

2 *(3)(A) Three (3) members appointed by the Speaker of the House*
3 *of Representatives.*

4 *(B) One (1) of the members appointed by the Speaker of the*
5 *House of Representatives shall be a representative of a health insurer.*

6 *(C) One (1) member appointed by the Speaker of the House*
7 *of Representatives shall be a member of a health-related profession licensed*
8 *in the State of Arkansas;*

9 *(4) The Insurance Commissioner or his or her designee as an ex*
10 *officio nonvoting member; and*

11 *(5) The Director of the Department of Human Services or his or*
12 *her designee as an ex officio nonvoting member.*

13
14 *SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
15 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. FUND*
16 *TRANSFER PROVISION - HEALTH CARE INDEPENDENCE PROGRAM TRUST FUND.*

17 *Notwithstanding any other provisions of law to the contrary, the entire*
18 *amount received and retained in the Medicaid Trust Fund from the Pulaski*
19 *County Circuit Court Case No. CV2007-15345 shall be transferred from the*
20 *Medicaid Trust Fund to the Health Care Independence Program Trust Fund to be*
21 *used exclusively as authorized by Ark. Code 19-5-1141.*

22
23 *SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds*
24 *authorized by this act shall be limited to the appropriation for such agency*
25 *and funds made available by law for the support of such appropriations; and*
26 *the restrictions of the State Procurement Law, the General Accounting and*
27 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
28 *Procedures and Restrictions Act, or their successors, and other fiscal*
29 *control laws of this State, where applicable, and regulations promulgated by*
30 *the Department of Finance and Administration, as authorized by law, shall be*
31 *strictly complied with in disbursement of said funds.*

32
33 *SECTION 26. LEGISLATIVE INTENT. It is the intent of the General*
34 *Assembly that any funds disbursed under the authority of the appropriations*
35 *contained in this act shall be in compliance with the stated reasons for*
36 *which this act was adopted, as evidenced by the Agency Requests, Executive*

1 Recommendations and Legislative Recommendations contained in the budget
2 manuals prepared by the Department of Finance and Administration, letters, or
3 summarized oral testimony in the official minutes of the Arkansas Legislative
4 Council or Joint Budget Committee which relate to its passage and adoption.
5

6 SECTION 27. EMERGENCY CLAUSE. (a) It is found and determined by the
7 General Assembly, that the Constitution of the State of Arkansas prohibits
8 the appropriation of funds for more than a one (1) year period; that the
9 effectiveness of this Act on July 1, 2014, is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the legislative session, the delay in the
12 effective date of this Act beyond July 1, 2014, could work irreparable harm
13 upon the proper administration and provision of essential governmental
14 programs. Therefore, an emergency is hereby declared to exist and Sections 1
15 through 19 and 24 through 26 of this Act being necessary for the immediate
16 preservation of the public peace, health and safety shall be in full force
17 and effect from and after July 1, 2014.

18 (b) It is found and determined by the General Assembly of the State of
19 Arkansas that a clarification of voting procedures is necessary to implement
20 the intent of the General Assembly in establishing the Arkansas Health
21 Insurance Marketplace Board of Directors; the maintenance of an appropriate
22 balance to determine the proper course for the Arkansas Health Insurance
23 Marketplace is immediately necessary; that the citizens of this state will be
24 best served by the change in voting procedures of the board required by this
25 act; that the reporting provisions of this act are essential for the
26 assessment and administration of the outcomes-based system mandated by
27 Arkansas Code § 20-47-705 and episodes of care; that in order to meet the
28 deadlines established by this act, the affected providers and state agencies
29 need as much time as possible to assemble and report the required
30 information; and that Sections 20 through 23 of this act are immediately
31 necessary for the administration of important programs and to provide
32 information necessary to make reasoned and prudent decisions concerning the
33 provision of health care for the citizens of this state. Therefore, an
34 emergency is declared to exist, and Sections 20 through 23 of this act, being
35 immediately necessary for the preservation of the public peace, health, and
36 safety, shall become effective on:

- 1 (1) The date of this act's approval by the Governor;
- 2 (2) If the bill is neither approved nor vetoed by the Governor,
- 3 the expiration of the period of time during which the Governor may veto the
- 4 bill; or
- 5 (3) If the bill is vetoed by the Governor and the veto is
- 6 overridden, the date the last house overrides the veto.

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/s/Joint Budget Committee

APPROVED: 03/13/2014

