

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 2303 of the Regular Session**

*As Engrossed: H3/25/05 H4/7/05*

**A Bill**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 1440

4  
5 By: Joint Budget Committee  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE  
11 DEPARTMENT OF HUMAN SERVICES - ADMINISTRATION FOR  
12 THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR  
13 OTHER PURPOSES.  
14

**Subtitle**

15  
16 AN ACT FOR THE DEPARTMENT OF HUMAN  
17 SERVICES - ADMINISTRATION APPROPRIATION  
18 FOR THE 2005-2007 BIENNIUM.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. REGULAR SALARIES - DIRECTOR'S OFFICE. There is hereby  
25 established for the Department of Human Services - Director's Office for the  
26 2005-2007 biennium, the following maximum number of regular employees whose  
27 salaries shall be governed by the provisions of the Uniform Classification  
28 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
29 and all laws amendatory thereto. Provided, however, that any position to  
30 which a specific maximum annual salary is set out herein in dollars, shall be  
31 exempt from the provisions of said Uniform Classification and Compensation  
32 Act. All persons occupying positions authorized herein are hereby governed  
33 by the provisions of the Regular Salaries Procedures and Restrictions Act  
34 (Arkansas Code §21-5-101), or its successor.  
35



Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				Fiscal Year 2005-2006	Fiscal Year 2006-2007
5	(1) 9984	DHS DIRECTOR	1	\$131,253	\$134,131
6	(2) 9920	DHS DEPUTY DIRECTOR	1	\$106,157	\$108,659
7	(3) 9726	DHS CHIEF ATTORNEY	1	\$94,723	\$97,053
8	(4) 9410	DHS ASST DIRECTOR HUMAN RESOURCES	1	\$79,873	\$81,940
9	(5) 9409	DHS DIRECTOR OF PUBLIC RELATIONS	1	\$75,439	\$77,422
10	(6) 8958	DHS AUDIT/FISCAL REVIEW MANAGER	1	\$75,314	\$77,294
11	(7) 8957	DHS ATTORNEY SUPERVISOR	2	\$75,311	\$77,291
12	(8) 8959	DHS PROGRAM MANAGER	1	\$69,494	\$71,364
13	(9) R038	ATTORNEY SUPERVISOR	3		GRADE 26
14	(10) R170	ATTORNEY SPECIALIST	47		GRADE 25
15	(11) R165	DHS CLIENT ADVOCATE	1		GRADE 23
16	(12) 897Z	DHS INSTITUTION PROGRAM MANAGER	1		GRADE 23
17	(13) A095	DHS AUDIT SUPERVISOR	4		GRADE 22
18	(14) A251	SR AUDITOR	27		GRADE 21
19	(15) 697Z	DHS PRGM MANAGER	1		GRADE 21
20	(16) R266	MANAGEMENT PROJECT ANALYST II	2		GRADE 20
21	(17) R145	DHS PROGRAM COORDINATOR	3		GRADE 20
22	(18) R424	FAIR HEARING REFEREE	7		GRADE 19
23	(19) R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
24	(20) M068	DHS PROGRAM ANALYST	2		GRADE 18
25	(21) M072	SOCIAL SERVICE INVESTIGATOR II	10		GRADE 18
26	(22) R010	ADMINISTRATIVE ASSISTANT II	5		GRADE 17
27	(23) K048	LEGAL SECRETARY II	36		GRADE 16
28	(24) K011	ADMINISTRATIVE OFFICE SUPERVISOR	4		GRADE 15
29	(25) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2		GRADE 14
30	(26) K155	SECRETARY I	<u>1</u>		GRADE 11
31		MAX. NO. OF EMPLOYEES	167		

32

33 SECTION 2. REGULAR SALARIES - ADMINISTRATIVE SERVICES. There is hereby  
 34 established for the Department of Human Services - Division of Administrative  
 35 Services for the 2005-2007 biennium, the following maximum number of regular  
 36 employees whose salaries shall be governed by the provisions of the Uniform

1 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
 2 its successor, and all laws amendatory thereto. Provided, however, that any  
 3 position to which a specific maximum annual salary is set out herein in  
 4 dollars, shall be exempt from the provisions of said Uniform Classification  
 5 and Compensation Act. All persons occupying positions authorized herein are  
 6 hereby governed by the provisions of the Regular Salaries Procedures and  
 7 Restrictions Act (Arkansas Code §21-5-101), or its successor.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

				Maximum Annual		
				Maximum	Salary Rate	
				No. of	Fiscal Years	
Item	Class				2005-2006	2006-2007
No.	Code	Title		Employees		
(1)	9724	DHS DEP DIR ADMINISTRATIVE SVCS		1	\$98,315	\$100,699
(2)	9234	CHIEF ADMINISTRATIVE OFFICER		1	\$98,315	\$100,699
(3)	8945	DHS ASST DEP DIR FOR MGR ACCOUNTING		1	\$81,859	\$83,964
(4)	8946	DHS ASST DEP DIR FIN SUPPORT SYSTEM		1	\$75,108	\$77,085
(5)	8947	DHS ASST DEP DIR GENERAL ACCOUNTING		1	\$71,869	\$73,784
(6)	9406	DHS ASST TO CHIEF FINANCIAL OFFICER		1	\$65,873	\$67,674
(7)	A046	AGENCY CONTROLLER – LARGE/COMPLEX A		1	GRADE	25
(8)	397Z	DHS/DCFS ADMIN COMMUNITY SVCS		1	GRADE	25
(9)	297Z	GENERAL BUSINESS MANAGER		1	GRADE	24
(10)	055Z	DP MANAGER		2	GRADE	23
(11)	923Z	DHS PRGM ADMINISTRATOR		5	GRADE	23
(12)	M011	FAMILY SERVICE WORKER PRINCIPAL		1	GRADE	23
(13)	A032	AGENCY FISCAL MANAGER		1	GRADE	22
(14)	M009	FAMILY SERVICE WORKER SUPERVISOR		1	GRADE	22
(15)	698Z	DHS/DAS MATERIALS MGMT ADMR		1	GRADE	22
(16)	506Z	REHAB SERVICES PERSONNEL MANAGER		1	GRADE	22
(17)	909Z	PROGRAM SUPPORT MANAGER		3	GRADE	22
(18)	A088	DHS FINANCIAL SECTION MANAGER		12	GRADE	22
(19)	D066	SYSTEMS COORDINATION ANALYST II		16	GRADE	22
(20)	E051	TRAINING PROJECT MANAGER		1	GRADE	22
(21)	V042	GENERAL SERVICES MANAGER		1	GRADE	22
(22)	V080	MGR PURCHASING & PROPERTY MGT		1	GRADE	21
(23)	R488	GRANTS ADMIN SUPV		1	GRADE	21
(24)	697Z	DHS PRGM MANAGER		6	GRADE	21

1	(25)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE 21
2	(26)	A008	ACCOUNTING SUPERVISOR II	28	GRADE 21
3	(27)	L072	REGISTERED NURSE PRACTITIONER I	1	GRADE 21
4	(28)	R143	DHS RESEARCH & STATISTICS MGR	1	GRADE 21
5	(29)	R145	DHS PROGRAM COORDINATOR	6	GRADE 20
6	(30)	M128	DHS/DDS PRGM COORDINATOR	1	GRADE 20
7	(31)	M005	FAMILY SERVICE WORKER SPECIALIST	1	GRADE 20
8	(32)	A006	ACCOUNTING SUPERVISOR I	2	GRADE 20
9	(33)	E114	STAFF DEVELOPMENT COORDINATOR	8	GRADE 20
10	(34)	E007	SR REHAB TEACHER F/T BLIND	1	GRADE 20
11	(35)	A038	FINANCIAL ANALYST	1	GRADE 20
12	(36)	R266	MANAGEMENT PROJECT ANALYST II	13	GRADE 20
13	(37)	R406	DHS PERSONNEL PROCESSING SUPV	1	GRADE 20
14	(38)	R424	FAIR HEARING REFEREE	1	GRADE 19
15	(39)	V022	LEASING SPECIALIST II	1	GRADE 19
16	(40)	A110	ACCOUNTANT II	5	GRADE 19
17	(41)	A087	BUDGET OFFICER	2	GRADE 19
18	(42)	R030	ASST PERSONNEL MANAGER	2	GRADE 19
19	(43)	R048	BUDGET SPECIALIST	4	GRADE 19
20	(44)	R068	EEO/GRIEVANCE OFFICER	2	GRADE 19
21	(45)	R084	DHS STAFF SUPERVISOR	2	GRADE 19
22	(46)	R150	RESEARCH PROJECT ANALYST	3	GRADE 19
23	(47)	R168	GRANTS COORDINATOR II	32	GRADE 19
24	(48)	R195	PERSONNEL ANALYST	3	GRADE 18
25	(49)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18
26	(50)	M068	DHS PROGRAM ANALYST	2	GRADE 18
27	(51)	D128	P C SUPPORT SPECIALIST	1	GRADE 18
28	(52)	A111	ACCOUNTANT	18	GRADE 18
29	(53)	D034	PROGRAMMER ANALYST	2	GRADE 18
30	(54)	W030	RECORDS MANAGEMENT ANALYST II	4	GRADE 18
31	(55)	V020	LEASING SPECIALIST	1	GRADE 18
32	(56)	Y087	PRINTER SUPERVISOR	1	GRADE 18
33	(57)	V034	PLANT WAREHOUSE FOREMAN	1	GRADE 18
34	(58)	V040	PURCHASE AGENT II/PURCHASE AGENT	8	GRADE 18
35	(59)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
36	(60)	R010	ADMINISTRATIVE ASSISTANT II	15	GRADE 17

1	(61)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	2	GRADE 17
2	(62)	R190	PERSONNEL OFFICER II	7	GRADE 17
3	(63)	R162	STATISTICIAN/STATISTICIAN II	5	GRADE 17
4	(64)	M023	FAMILY SUPPORT SPECIALIST III	1	GRADE 17
5	(65)	A024	COLLECTION OFFICER	4	GRADE 16
6	(66)	Y085	PRINTER II	6	GRADE 16
7	(67)	T047	SECURITY OFFICER III	1	GRADE 15
8	(68)	R342	INTERVIEWER	3	GRADE 15
9	(69)	A108	ACCOUNTING TECHNICIAN II	45	GRADE 15
10	(70)	A063	PAYROLL OFFICER	2	GRADE 15
11	(71)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	4	GRADE 15
12	(72)	K105	REPROD EQUIPMENT OPERATOR SUPV	1	GRADE 15
13	(73)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
14	(74)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	15	GRADE 14
15	(75)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
16	(76)	K153	SECRETARY II	11	GRADE 13
17	(77)	K181	MAILROOM SUPERVISOR	1	GRADE 12
18	(78)	K039	DOCUMENT EXAMINER II	28	GRADE 12
19	(79)	K115	STATISTICIAN ASST II/STATISTICIAN I	1	GRADE 12
20	(80)	K089	PERSONNEL ASSISTANT	1	GRADE 12
21	(81)	V043	SHIPPING & RECEIVING CLERK	2	GRADE 11
22	(82)	K103	REPROD EQUIPMENT OPERATOR	2	GRADE 10
23	(83)	G013	WAREHOUSE WORKER	2	GRADE 10
24	(84)	K065	MAIL OFFICER	2	GRADE 09
25	(85)	V015	CENTRAL SUPPLY TECHNICIAN	1	GRADE 09
26	(86)	G045	EQUIPMENT OPERATOR	<u>3</u>	GRADE 08
27			MAX. NO. OF EMPLOYEES	395	

28

29 SECTION 3. REGULAR SALARIES - VOLUNTEERISM. There is hereby established  
30 for the Department of Human Services - Division of Volunteerism for the 2005-  
31 2007 biennium, the following maximum number of regular employees whose  
32 salaries shall be governed by the provisions of the Uniform Classification  
33 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
34 and all laws amendatory thereto. Provided, however, that any position to  
35 which a specific maximum annual salary is set out herein in dollars, shall be  
36 exempt from the provisions of said Uniform Classification and Compensation

1 Act. All persons occupying positions authorized herein are hereby governed  
 2 by the provisions of the Regular Salaries Procedures and Restrictions Act  
 3 (Arkansas Code §21-5-101), or its successor.

			Maximum	Maximum Annual	
			No. of	Salary Rate	
Item	Class		Employees	Fiscal Years	
No.	Code	Title		2005-2006	2006-2007
9	(1) 7406	COMMUNITY SERVICE SPECIALIST	1	\$75,667	\$77,654
10	(2) 7354	DHS DEP DIR OFFICE OF VOL SVCS	1	\$69,122	\$70,985
11	(3) 7404	NATIONAL & COMM. SVC, EXEC DIR	1	\$66,486	\$68,299
12	(4) 8973	DOV ASST DEP DIR	1	\$46,342	\$47,732
13	(5) 923Z	DHS PRGM ADMINISTRATOR	1	GRADE 23	
14	(6) M113	VOLUNTEER PROGRAM MANAGER	1	GRADE 21	
15	(7) R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	
16	(8) M097	VOLUNTEER PROGRAM DEVELOPER II	8	GRADE 19	
17	(9) A111	ACCOUNTANT	1	GRADE 18	
18	(10) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
19	(11) R440	BUSINESS CONTROLLER II	1	GRADE 16	
20	(12) V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15	
21	(13) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
22	(14) K153	SECRETARY II	<u>2</u>	GRADE 13	
23	MAX. NO. OF EMPLOYEES		23		

24  
 25 SECTION 4. EXTRA HELP - DIRECTOR'S OFFICE. There is hereby authorized,  
 26 for the Department of Human Services - Director's Office for the 2005-2007  
 27 biennium, the following maximum number of part-time or temporary employees,  
 28 to be known as "Extra Help", payable from funds appropriated herein for such  
 29 purposes: five (5) temporary or part-time employees, when needed, at rates  
 30 of pay not to exceed those provided in the Uniform Classification and  
 31 Compensation Act, or its successor, or this act for the appropriate  
 32 classification.

33  
 34 SECTION 5. EXTRA HELP - ADMINISTRATIVE SERVICES. There is hereby  
 35 authorized, for the Department of Human Services - Division of Administrative  
 36 Services for the 2005-2007 biennium, the following maximum number of part-

1 time or temporary employees, to be known as "Extra Help", payable from funds  
 2 appropriated herein for such purposes: twenty (20) temporary or part-time  
 3 employees, when needed, at rates of pay not to exceed those provided in the  
 4 Uniform Classification and Compensation Act, or its successor, or this act  
 5 for the appropriate classification.

6

7 SECTION 6. APPROPRIATION - DIRECTOR'S OFFICE - OPERATIONS. There is hereby  
 8 appropriated, to the Department of Human Services - Director's Office, to be  
 9 payable from the paying account as determined by the Chief Fiscal Officer of  
 10 the State, for personal services and operating expenses of the Department of  
 11 Human Services - Director's Office for the biennial period ending June 30,  
 12 2007, the following:

13

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 6,561,846	\$ 6,753,452
(02) EXTRA HELP	22,578	22,578
(03) PERSONAL SERVICES MATCHING	1,931,951	1,969,555
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	992,112	992,112
(B) CONF. & TRAVEL	24,472	24,472
(C) PROF. FEES	11,000	11,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) DATA PROCESSING SERVICES	<u>12,300</u>	<u>12,300</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 9,556,259</u>	<u>\$ 9,785,469</u>

27

28 SECTION 7. APPROPRIATIONS - ADMINISTRATIVE SERVICES - CLIENT SPECIFIC  
 29 EMERGENCY SERVICES - CASH. There is hereby appropriated, to the Department  
 30 of Human Services - Division of Administrative Services, to be payable from  
 31 cash funds as defined by Arkansas Code 19-4-801 of the Department of Human  
 32 Services - Division of Administrative Services, for purchase of services of  
 33 the Department of Human Services - Division of Administrative Services for  
 34 the biennial period ending June 30, 2007, the following:

35

ITEM	FISCAL YEARS	
------	--------------	--

NO.	2005-2006	2006-2007
(01) PURCHASE OF SERVICES	\$ 120,000	\$ 120,000

SECTION 8. APPROPRIATION - ADMINISTRATIVE SERVICES - VARIOUS BUILDING CONSTRUCTION. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the Department of Human Services Renovation Fund, for construction, renovation, maintenance, equipment and repairs for various buildings operated by the Department of Human Services for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) CONSTRUCTION	\$ 10,006,850	\$ 10,006,850

SECTION 9. APPROPRIATION - ADMINISTRATIVE SERVICES - CONSOLIDATED COST. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the DHS Consolidated Cost Revolving Fund, for operating expenses of the Department of Human Services - Division of Administrative Services - Consolidated Cost for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 671,500	\$ 671,500
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	\$ 671,500	\$ 671,500

SECTION 10. APPROPRIATION - ADMINISTRATIVE SERVICES - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Administrative Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating

1 expenses of the Department of Human Services - Division of Administrative  
 2 Services for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 12,616,754	\$ 12,994,427
(02) EXTRA HELP	64,480	64,480
(03) PERSONAL SERVICES MATCHING	4,013,757	4,088,123
(04) OVERTIME	10,000	10,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	2,725,278	2,725,278
(B) CONF. & TRAVEL	20,000	20,000
(C) PROF. FEES	9,075,792	9,075,792
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(06) DATA PROCESSING SERVICES	<u>1,967,600</u>	<u>1,967,600</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 30,493,661</u>	<u>\$ 30,945,700</u>

19 SECTION 11. APPROPRIATION - ADMINISTRATIVE SERVICES - SOCIAL SERVICES  
 20 BLOCK GRANT - FEDERAL. There is hereby appropriated, to the Department of  
 21 Human Services - Division of Administrative Services, to be payable from the  
 22 federal funds as designated by the Chief Fiscal Officer of the State, for  
 23 purchase of services of the Department of Human Services - Division of  
 24 Administrative Services for the biennial period ending June 30, 2007, the  
 25 following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) PURCHASE OF SERVICES	<u>\$ 684,438</u>	<u>\$ 684,438</u>

31 SECTION 12. APPROPRIATION - VOLUNTEERISM - CASH. There is hereby  
 32 appropriated, to the Department of Human Services - Division of Volunteerism,  
 33 to be payable from the cash fund deposited in the State Treasury as  
 34 determined by the Chief Fiscal Officer of the State, for operating expenses  
 35 of the Department of Human Services - Division of Volunteerism for the  
 36 biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 7,500	\$ 7,500
(B) CONF. & TRAVEL	5,000	5,000
(C) PROF. FEES	2,500	2,500
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 15,000</u>	<u>\$ 15,000</u>

11

SECTION 13. APPROPRIATION - VOLUNTEERISM - OPERATIONS. There is hereby appropriated, to the Department of Human Services – Division of Volunteerism, 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 Volunteerism for the biennial period ending June 30, 2007, the following:

18

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 796,302	\$ 819,520
(02) PERSONAL SERVICES MATCHING	245,467	250,047
(03) OVERTIME	1,000	1,000
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	236,494	236,494
(B) CONF. & TRAVEL	25,000	25,000
(C) PROF. FEES	28,341	28,341
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) DELTA SERVICE CORPS GRANTS	2,599,474	2,599,474
(06) DATA PROCESSING SERVICES	<u>5,238</u>	<u>5,238</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,937,316</u>	<u>\$ 3,965,114</u>

33

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
DIRECTOR'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE. Upon

1 approval by the Chief Fiscal Officer of the State, the Chief Counsel for the  
2 Department of Human Services may transfer an amount up to but not to exceed  
3 \$12,000 for the ~~2003-2005~~ 2005-2007 biennial period and deposit same in a  
4 bank account for the purpose of purchasing evidence in the course of  
5 investigating the illegal use of food stamps/Electronic Benefit Transfer  
6 (EBT) cards. The funds so transferred shall be subject to accounting in a  
7 manner substantially similar to that employed by the Arkansas State Police  
8 for such transactions; provided however, that information tending to identify  
9 participants in such transactions shall be exempt from the Arkansas Freedom  
10 of Information Act.

11 The provisions of this section shall be in effect only from July 1, ~~2003~~  
12 2005 through June 30, ~~2005~~ 2007.

13  
14 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA  
16 SALARIES. There is hereby authorized for the Department of Human Services  
17 for the ~~2003-2005~~ 2005-2007 biennium the following increases in salaries for  
18 certain positions provided in the regular salary schedule of the Department  
19 of Human Services and to be in addition to the annual amounts as established  
20 by the Uniform Classification and Compensation Act, as amended: for full-time  
21 physicians certified by the American Specialty Boards, a rate of pay not to  
22 exceed an additional \$4,500 per year; for each full-time physician eligible  
23 to be certified by the American Specialty Boards, a rate of pay not to exceed  
24 \$2,500 per year. If a physician is certified in Child Psychiatry, an  
25 additional \$2,500 per year will be allowed with the total not to exceed  
26 \$7,000. If a physician is certified in Forensic Psychiatry, an additional  
27 \$2,500 per year will be allowed with the total not to exceed \$7,000. In the  
28 event the physician is not a full-time employee, the amount specified herein  
29 shall be adjusted proportionately to the amount of time worked for the  
30 Department of Human Services by that physician.

31 The provisions of this section shall be in effect only from July 1, ~~2003~~  
32 2005 through June 30, ~~2005~~ 2007.

33  
34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HUMAN  
36 SERVICES RENOVATION FUND. Department of Human Services Renovation Fund.

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

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

7 (c) The fund shall consist of:

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

10 (2) General revenues transferred from the Division of Youth Services, the  
11 Division of ~~Mental Behavioral Health Services~~, and the Division of  
12 Developmental Disabilities Services for the purposes of repairing,  
13 renovating, equipping, acquiring and constructing Department of Human  
14 Services facilities with an annual maximum of five million dollars  
15 (\$5,000,000). The projects for which these transfers are authorized must be  
16 projects which were unanticipated during the preceding regular session of the  
17 Arkansas General Assembly and must be projects which, if not carried out in  
18 the interim period between regular sessions of the Arkansas General Assembly  
19 would cause greater harm to the facilities, clients or programs of the  
20 Department of Human Services than to wait until the next regular session.

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

23 (d) At the request of the Director of the Department of Human Services, and  
24 upon certification of the availability of such funds, the Chief Fiscal  
25 Officer of the State shall initiate the necessary transfer documents to  
26 reflect the transfer on the books of record of the Treasurer of State, the  
27 Auditor of State, the Chief Fiscal Officer of the State, and the Department  
28 of Human Services. The Director of the Department of Human Services shall  
29 submit any transfer plan to and must receive approval of the plan from the  
30 Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative  
31 Council prior to the effective date of the transfer.

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

1 prior to the end of the fiscal year.

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

17 The provisions of this section shall be in effect only from July 1, ~~2003~~  
18 2005 through June 30, ~~2005~~ 2007.

19  
20 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
22 AUTHORITY. The Director of the Department of Human Services shall have  
23 transfer authority provided by the following:

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

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

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

13 (d) REALLOCATION OF RESOURCES: (1) Upon determination by the Director of the  
14 Department of Human Services that a reallocation of resources within the  
15 department is necessary for the efficient and effective operation of the  
16 department, the director, with approval of the Governor, shall have the  
17 authority to request, from the Chief Fiscal Officer of the State, a transfer  
18 of positions, appropriations, line item appropriations, and funds within or  
19 between existing and newly created divisions, offices, sections, or units of  
20 the department. Provided, however, that no transfer of funds or appropriation  
21 that provides direct support or matching support for the Arkansas Medicaid  
22 Program shall be made to any other fund account or appropriation that does  
23 not directly support the Arkansas Medicaid Program. Further, no positions,  
24 funds, or appropriation authorized during the ~~2003-2005~~ 2005-2007 biennial  
25 budget process for the Division of Children and Family Services compliance  
26 with initiatives established under the Angela R. consent decree shall be  
27 transferred to any other division. Nothing in this provision is intended to  
28 prevent the one-time transfers of savings in any other program to the  
29 Arkansas Medicaid Program, with the exception of the provisions previously  
30 cited for the Division of Children and Family Services - Angela R. consent  
31 decree. The Division of Developmental Disabilities - Grants to Community  
32 Providers line item of the Developmental Disabilities Services - Grants-in-  
33 Aid appropriation may not be decreased. The appropriation, funding, and  
34 positions provided for the six Human Development Centers shall remain at a  
35 level sufficient to ensure quality care for the Centers' residents. If  
36 requested by the Division of Child Care and Early Childhood Education

1 (DCCECE), the Division of County Operations shall transfer sufficient general  
2 revenue to allow the State to access the full allocation of Federal Funds  
3 available through the Matching Category of the Child Care Development Fund.  
4 General Revenue Dollars transferred to DCCECE must be used as matching funds  
5 to support the Transitional Employment Assistance (TEA) Program and must be  
6 eligible to be counted toward the State's Maintenance-of-Effort requirement  
7 for the Temporary Assistance for Needy Families (TANF) Block Grant. The  
8 exemptions provided in this subsection whereby certain DHS Programs and  
9 Divisions are protected from appropriation, fund, or position transfers are  
10 applicable only to the reallocation or transfer authority granted herein, and  
11 not by any reductions which are applicable to all state programs.

12 The Director of the Department of Human Services shall submit any requests  
13 for transfers to and must receive approval of the requests for transfers from  
14 the Chief Fiscal Officer of the State, the Governor, and the Arkansas  
15 Legislative Council prior to the effective date of the transfers. Provided,  
16 however, that the Department of Human Services shall be limited to submitting  
17 no more than four requests for reallocation of resources transfers during any  
18 fiscal year. Transfer authority for unforeseen purposes shall further be  
19 limited to no more than 5% of the total appropriation, funding, and positions  
20 authorized for the Department. Reallocation of resources transfers may  
21 include multiple items but shall be limited to the following purposes:

- 22 i). Medicaid Program
- 23 ii). Facilities and institutions costs, including operational expenses and  
24 Construction/Renovation/Equipping expenses
- 25 iii). Departmental grants and contracts
- 26 iv). Court ordered settlements and payments
- 27 v). Payment of administrative expenses, including but not limited to,  
28 overtime and other costs of personnel for critical services or functions  
29 necessary to carry out the mission of the agency
- 30 vi). Restructuring efforts as deemed necessary to comply with federal or  
31 state mandates

32 Determining the maximum number of employees and the maximum amount of  
33 appropriation and general revenue funding for a state agency each fiscal year  
34 is the prerogative of the General Assembly. This is usually accomplished by  
35 delineating such maximums in the appropriation act(s) for a state agency and  
36 the general revenue allocations authorized for each fund and fund account by

1 amendment to the Revenue Stabilization law. Further, the General Assembly  
2 has determined that the Department of Human Services may operate more  
3 efficiently if some flexibility is provided to the Department of Human  
4 Services authorizing broad powers under the Reallocation of Resources  
5 provisions herein. Therefore, it is both necessary and appropriate that the  
6 General Assembly maintain oversight by requiring prior approval of the  
7 Legislative Council or Joint Budget Committee as provided by this section.  
8 The requirement of approval by the Legislative Council or Joint Budget  
9 Committee is not a severable part of this section. If the requirement of  
10 approval by the Legislative Council or Joint Budget Committee is ruled  
11 unconstitutional by a court of competent jurisdiction, this entire section is  
12 void.

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

23 The provisions of this section shall be in effect only from July 1, 2003  
24 2005 through June 30, ~~2005~~ 2007.

25

26 SECTION 18. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
27 by this act shall be limited to the appropriation for such agency and funds  
28 made available by law for the support of such appropriations; and the  
29 restrictions of the State Procurement Law, the General Accounting and  
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
31 Procedures and Restrictions Act, or their successors, and other fiscal  
32 control laws of this State, where applicable, and regulations promulgated by  
33 the Department of Finance and Administration, as authorized by law, shall be  
34 strictly complied with in disbursement of said funds.

35

36 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained  
2 in this act shall be in compliance with the stated reasons for which this act  
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
4 and Legislative Recommendations contained in the budget manuals prepared by  
5 the Department of Finance and Administration, letters, or summarized oral  
6 testimony in the official minutes of the Arkansas Legislative Council or  
7 Joint Budget Committee which relate to its passage and adoption.

8  
9 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General  
10 Assembly, that the Constitution of the State of Arkansas prohibits the  
11 appropriation of funds for more than a two (2) year period; that the  
12 effectiveness of this Act on July 1, 2005 is essential to the operation of  
13 the agency for which the appropriations in this Act are provided, and that in  
14 the event of an extension of the Regular Session, the delay in the effective  
15 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
16 proper administration and provision of essential governmental programs.  
17 Therefore, an emergency is hereby declared to exist and this Act being  
18 necessary for the immediate preservation of the public peace, health and  
19 safety shall be in full force and effect from and after July 1, 2005.

20  
21 */s/ Joint Budget Committee*

22  
23  
24 *APPROVED: 4/14/2005*

1