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ARKANSAS SENATE

94th General Assembly - Regular Session, 2023

Amendment Form

DRAFT

Subtitle of Senate Bill No. 51

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF DEVELOPMENTAL
DISABILITIES SERVICES APPROPRIATION FOR THE 2023-2024 FISCAL YEAR.

Amendment No. ____ to Senate Bill No. 51

Amend Senate Bill No. 51 as originally introduced:

On page 10, immediately following SECTION 13, insert the following:

" SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. JONESBORO HUMAN DEVELOPMENT CENTER. The Arkansas Department of Human Services - Division of Developmental Disabilities Services shall budget, allocate, and expend the sum of up to eight million dollars (\$8,000,000) in support of the implementation of the master plan at the Jonesboro Human Development Center including costs associated with demolition, construction, replacement, renovation, upgrade, and addition of facilities.

The provisions of this section shall be in effect only from July 1, 2023 to June 30, 2024."

AND

Appropriately renumber subsequent SECTION numbers of the bill.

DRAFT

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Representative Ladyman

LCW/LCW - 02-28-2023 10:10:29

LCW036

Secretary

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 51

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 - DIVISION OF DEVELOPMENTAL DISABILITIES
SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2024;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF DEVELOPMENTAL
DISABILITIES SERVICES APPROPRIATION FOR
THE 2023-2024 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the Department of Human Services - Division of Developmental Disabilities
Services for the 2023-2024 fiscal year, the following maximum number of
regular employees.

			Maximum Annual
			Salary Rate
Item	Class	No. of	Fiscal Year
No.	Code	Title	Employees
			2023-2024
(1)	N249N	DHS DIVISION DIRECTOR	1
(2)	L008N	PHYSICIAN SPECIALIST	6
(3)	L011N	DENTIST	2
(4)	L017N	DHS ALEXANDER CHIEF PSYCHOLOGIST	1



1/11/2023 4:14:23 PM LCW017

1 Nothing in this Act shall prevent the Division or any provider from
 2 extending emergency services when appropriate measures have been taken in a
 3 timely manner to secure Medicaid eligibility.

4 The provisions of this section shall be in effect only from July 1, 2022
 5 2023 through June 30, 2023 2024.

6
 7 SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20,
 8 Chapter 48, Subchapter 4, is amended to add additional sections and to codify
 9 special language in appropriation acts to read as follows:

10 20-48-418. Vocational trainees.

11 The Division of Developmental Disabilities Services may provide
 12 employment opportunities for individuals with developmental disabilities who:

13 (1) Reside at a human development center; and

14 (2) Who work at a less than competitive employment level.

15
 16 SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20,
 17 Chapter 48, Subchapter 4, is amended to add additional sections and to codify
 18 special language in appropriation acts to read as follows:

19 20-48-419. Prohibition on closure of human development centers.

20 (a) The Board of Developmental Disabilities Services and the
 21 Department of Human Services shall not close any of the existing five (5)
 22 human development centers.

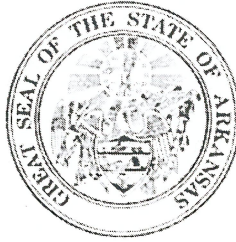
23
 24 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

26 ELIMINATION OF AUTISM WAIVER SERVICES WAITING LIST. Immediately upon the
 27 effective date of this Act, the Department of Human Services - Division of
 28 Developmental Disabilities Services shall budget, allocate, and expend up to
 29 one million dollars (\$1,000,000) for the elimination of the Autism Waiver
 30 Services Program waiting list.

31 The provisions of this section shall be in effect only from July 1,
 32 2022 2023 through June 30, 2023 2024.

INSERT
 NEW
 SECTION
 HERE →

34 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 35 authorized by this act shall be limited to the appropriation for such agency
 36 and funds made available by law for the support of such appropriations; and



GL #12

STATE OF ARKANSAS
SARAH HUCKABEE SANDERS
GOVERNOR

March 2, 2023

Senator Jonathan Dismang, Co-Chair
Representative Lane Jean, Co-Chair
Joint Budget Committee
Arkansas General Assembly
State Capitol Building
Little Rock, AR 72201

Dear Co-Chairs:

I respectfully request the following amendments to SB53, the 2023-2024 Operations Appropriation Bill for the Arkansas Department of Human Services - Division of Medical Services.

Please amend SECTION 1. REGULAR SALARIES - OPERATIONS as follows and renumber accordingly:

Item Class		Maximum Annual		
No.	Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2023-2024
(13)	D068C	INFORMATION SYSTEMS ANALYST	2	<u>1</u> GRADE IT04
(20)	D026N	DHS ELIGIBILITY SYSTEM	1	GRADE GS13
		PROGRAM MGR		
		MAX. NO. OF EMPLOYEES	98	96

This request will incorporate position changes that were approved by the Arkansas Legislative Council in the first and second Reallocation of Resources Requests of Fiscal Year 2023.

Please delete SECTION 11. SPECIAL LANGUAGE - CODE AMENDMENT and renumber accordingly.

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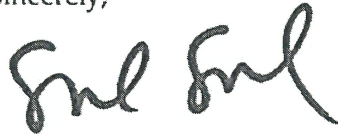
This request will remove SECTION 11 as the court decision in Pediatric Specialty Care, Inc. v. Arkansas Department of Human Services has been superseded and the Child Health Management Services program has been replaced by the Early Intervention Day Treatment program, rendering the attempted codification of this section moot.

Please delete SECTION 12. SPECIAL LANGUAGE - CODE AMENDMENT and renumber accordingly.

This request will remove SECTION 12 as the language is currently in an existing Department of Human Services rule. Any changes to the Personal Care Program, including rates, are made through promulgated rule. Codification would restrict the ability of the Department of Human Services to respond to Federal requirements, make rate adjustments, or provide for other programmatic needs other than during a legislative session.

I appreciate your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "SHS", written in a cursive, stylized script.

Sarah Huckabee Sanders

State Capitol Building • Little Rock, AR 72201
Telephone: (501) 682-2345
www.governor.arkansas.gov

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

DRAFT

Subtitle of Senate Bill No. 53

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF MEDICAL SERVICES
APPROPRIATION FOR THE 2023-2024 FISCAL YEAR.

Amendment No. ____ to Senate Bill No. 53

Amend Senate Bill No. 53 as originally introduced:

On page 2, line 8, delete "2" and substitute "1"

AND

On page 2, delete line 15 in its entirety and substitute the following:

"(20) ~~D026N DHS ELIGIBILITY SYSTEM PROGRAM MGR~~ 1 ~~GRADE GS13~~"

AND

On page 2, line 33, delete "98" and substitute "96"

AND

On pages 7 through 9, delete SECTION 11 in its entirety

AND

On pages 9 through 10, delete SECTION 12 in its entirety

AND

Appropriately renumber subsequent SECTION numbers of the bill.

DRAFT

The Amendment was read the first time, rules suspended and read the second time and _____
By: Joint Budget Committee
LCW/LCW - 03-07-2023 12:53:40
LCW042

Secretary

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 53

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 - DIVISION OF MEDICAL SERVICES FOR THE
FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF MEDICAL SERVICES
APPROPRIATION FOR THE 2023-2024 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the Department of Human Services - Division of Medical Services for the
2023-2024 fiscal year, the following maximum number of regular employees.

		Maximum Annual	
		Maximum	Salary Rate
		No. of	Fiscal Year
Item	Class		
No.	Code Title	Employees	2023-2024
(1)	N249N DHS DIVISION DIRECTOR	1	GRADE SE02
(2)	N027N DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE SE01
(3)	L016N REGISTERED PHARMACIST	4	GRADE MP05
(4)	L009C NURSE MANAGER	1	GRADE MP03
(5)	L027C REGISTERED NURSE SUPERVISOR	3	GRADE MP02



1 section. The requirement of approval by the Legislative Council or Joint
 2 Budget Committee is not a severable part of this section. If the requirement
 3 of approval by the Legislative Council or Joint Budget Committee is ruled
 4 unconstitutional by a court of competent jurisdiction, this entire section is
 5 void.

6 The provisions of this section shall be in effect only from July 1, 2022
 7 2023 through June 30, 2023 2024.

8
 9 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 11 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department
 12 of Human Services - Division of Medical Services to retain in the Department
 13 of Human Services Grant Fund account an amount not to exceed \$2,100,000 from
 14 funds made available by this Act in the Child and Family Life Institute line
 15 item of the Grants appropriation to be used to match federal funds used for
 16 supplemental Medicaid payments to Arkansas Children's Hospital. These
 17 retained funds shall not be recovered to transfer to the General Revenue
 18 Allotment Reserve Fund.

19 The provisions of this section shall be in effect only from July 1, 2022
 20 2023 through June 30, 2023 2024.

21
 22 → SECTION 11. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title
 23 20, Chapter 77, Subchapter 1, is amended to add an additional section to
 24 codify special language in appropriation acts to read as follows:

25 20-77-148. Early and Periodic Screening, Diagnostic, and Treatment.

26 (a) The General Assembly finds that:

27 (1) The Medicaid State Plan must include the provision of early
 28 and periodic screening, diagnostic, and treatment services as those services
 29 are defined in 42 U.S.C. §§ 1396d(r), 1396a(a)(10)(A), 1396d(a)(4)(B), and
 30 1396a(a)(43);

31 (2) Federal law, 42 U.S.C. § 1396d(r)(5), lists in detail the
 32 screening services, vision services, dental services, and hearing services
 33 that the State Medicaid Plan must expressly include, but with regard to
 34 treatment services, it states that early and periodic screening, diagnostic,
 35 and treatment means "[s]uch other necessary health care, diagnostic services,
 36 treatment, and other measures described in section 1950(a) to correct or

1 ameliorate defects and physical and mental illnesses and conditions
2 discovered by the screening services, whether or not such services are
3 covered under the State Plan";

4 (3) Federal law, 42 U.S.C. § 1396d(r)(5) states that early and
5 periodic screening, diagnostic, and treatment services includes any
6 treatments or measures outlined in 42 U.S.C. § 1396d(a), which has twenty-
7 seven sub-parts;

8 (4) Sub-part (a)(13) of 42 U.S.C. § 1396d(a), in particular,
9 which defines medical assistance reimbursable by Medicaid as "other
10 diagnostic, screening, preventive, and rehabilitative services, including any
11 medical or remedial services recommended by a physician . . . for the maximum
12 reduction of physical and mental disability and restoration of an individual
13 to the best possible functional level," when read with the other sections of
14 the federal Medicaid Act, mandates that early intervention day treatment be
15 provided when it is prescribed by a physician;

16 (5) Reading 42 U.S.C. § 1396a, 42 U.S.C. § 1396d(a), and 42
17 U.S.C. § 1396d(r) together, the Medicaid State Plan need not specifically
18 list every treatment service conceivably available under the early and
19 periodic screening, diagnostic, and treatment mandate;

20 (6) The Medicaid State Plan, however, must pay part or all of
21 the cost of treatments to ameliorate conditions discovered by the screening
22 process when those treatments meet the definitions set forth in 42 U.S.C. §
23 1396a; and

24 (7)(A) The Medicaid State Plan states that the "State will
25 provide other health care described in [42 U.S.C. 1396d(a)] that is found to
26 be medically necessary to correct or ameliorate defects and physical and
27 mental illnesses and conditions discovered by the screening services, even
28 when such health care is not otherwise covered under the State Plan."

29 (B) This provision meets the early and periodic screening,
30 diagnostic, and treatment mandate of the federal Medicaid Act.

31 (b) It is the intent of the General Assembly to affirm the district
32 court's decision in Pediatric Specialty Care, Inc. v. Arkansas Dept. of Human
33 Services, 293 F.3d 472 (8th Cir. 2002), to the extent that it holds that a
34 Medicaid-eligible individual has a federal right to early intervention day
35 treatment when a physician recommends such treatment.

36 (c)(1) After child health management services clinic staff perform a

diagnostic evaluation of an eligible child, if the child health management services physician prescribes early intervention day treatment as a service that would lead to the maximum reduction of medical and physical disabilities and restoration of the child to his or her highest possible functional level, the Arkansas Medicaid State Plan shall reimburse the treatment.

(2) As child health management services clinics are the only providers of early intervention day treatment, the Arkansas Medicaid Program shall reimburse child health management services clinics.

DELETE
THIS
SECTION

→ SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

20-77-148. Personal Care Program - Private care agency participation requirements.

(a)(1) It is the intent of the General Assembly that the Department of Human Services, in the administration of the Arkansas Medicaid Program, set forth Medicaid provider participation requirements for personal care providers that will ensure sufficient available personal care providers to meet the required needs of all eligible recipients, including ensuring available in-home services twenty-four (24) hours a day and seven (7) days a week for personal care.

(2) The purpose of this section is to:

(A) Allow the private care agencies to be eligible to provide Medicaid reimbursed personal care services seven (7) days a week but does not supersede rules promulgated by the Department of Human Services establishing monthly benefit limits and prior authorization requirements; and

(B) Ensure the care provided by the private care agencies is consistent with the rules promulgated by the Department of Health.

(b) As used in this section, "private care agencies" means healthcare providers that:

(1) Are licensed by the United States Department of Labor;

(2) Are certified as Home and Community Based Services Providers;

(3) Furnish in-home staffing services for respite, chore services, and homemaker services; and

(4) Are covered by liability insurance of not less than one

1 million dollars (\$1,000,000) covering their employees and independent
 2 contractors while engaging in providing services such as personal care,
 3 respite, chore services, and homemaker services.

4 (c) The availability of providers shall not require the Department of
 5 Human Services to reimburse for twenty-four (24) hours per day of personal
 6 care services.

7 (d) The Department of Human Services shall take necessary action as
 8 required by the Centers for Medicare and Medicaid Services to amend the
 9 Arkansas Medicaid Program to include private care agencies as qualified
 10 entities to provide Medicaid reimbursed personal care services.

11 (e)(1) The private care agencies shall comply with rules promulgated
 12 by the Department of Health, which shall establish a separate licensure
 13 category for the private care agencies for the provision of Medicaid
 14 reimbursable personal care services seven (7) days a week.

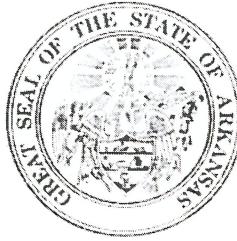
15 (2) The Department of Health shall supervise the conduct of the
 16 private care agencies.

17
 18 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 20 HEALTH AND OPPORTUNITY FOR ME AND ARKANSAS HEALTH INSURANCE MARKETPLACE
 21 RESTRICTIONS. (a) As used in this section, "Arkansas Health and Opportunity
 22 for Me" means Arkansas Health and Opportunity for Me established under the
 23 Arkansas Health and Opportunity for Me Act of 2021, Arkansas Code § 23-61-
 24 1001 et seq.

25 (b)(1) Determining the maximum number of employees, the maximum amount
 26 of appropriation, for what purposes an appropriation is authorized, and
 27 general revenue funding for a state agency each fiscal year is the
 28 prerogative of the General Assembly.

29 (2) The purposes of subdivision (b)(1) of this section are
 30 typically accomplished by:

- 31 (A) Identifying the purpose in the appropriation act;
- 32 (B) Delineating such maximums in the appropriation act for
- 33 a state agency; and
- 34 (C) Delineating the general revenue allocations authorized
- 35 for each fund and fund account by amendment to the Revenue Stabilization Law,
- 36 Arkansas Code § 19-5-101 et seq.



GL #9

STATE OF ARKANSAS
SARAH HUCKABEE SANDERS
GOVERNOR

March 2, 2023

Senator Jonathan Dismang, Co-Chair
Representative Lane Jean, Co-Chair
Joint Budget Committee
Arkansas General Assembly
State Capitol Building
Little Rock, AR 72201

Dear Co-Chairs:

I respectfully request the following amendments to HB1118, the 2023-2024 Operations Appropriation Bill for the Arkansas Department of Human Services - Secretary's Office.

Please amend SECTION 3. REGULAR SALARIES - OPERATIONS as follows and renumber accordingly:

Item Class		Maximum		Maximum Annual
No.	Code	Title	No. of Employees	Salary Rate Fiscal Year 2023-2024
(1)	L023N	DHS DEPUTY DIRECTOR	4 <u>2</u>	GRADE SE03
(2)	N011N	DFA CHIEF INFORMATION OFFICER	1	GRADE SE02
(4)	N040N	DHS CHIEF INFORMATION OFFICER	1 <u>2</u>	GRADE SE02
(44)	D026N	DHS ELIGIBILITY SYSTEM PROGRAM MGR	<u>2</u> <u>3</u>	GRADE GS13
(146)	C056C	ADMINISTRATIVE SPECIALIST III	17 <u>15</u>	GRADE GS04
(X)	N255N	DHS CHIEF DEPUTY DIRECTOR	<u>2</u>	GRADE SE04
(X)	D068C	INFORMATION SYSTEMS ANALYST	<u>1</u>	GRADE IT04
(X)	N102N	DHS/DCO ASSISTANT DIRECTOR	<u>1</u>	GRADE GS14
		MAX. NO. OF EMPLOYEES	661 <u>662</u>	

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Telephone: (501) 682-2345
www.governor.arkansas.gov

This request will incorporate position changes that were approved by the Arkansas Legislative Council in the first and second Reallocation of Resource Requests of Fiscal Year 2023. It will also reclassify two positions as DHS Chief Deputy Director to provide the necessary leadership titles within the Department and clearly identify the Chief Information Officer job title.

Please amend SECTION 11. SPECIAL LANGUAGE. TRANSFER AUTHORITY. as follows:

Page 12, line 26, delete "two" and substitute "four".

This request will allow the Department of Human Services to use Reallocation of Resources four times per year to allow flexibility for the agency, maximize budget efficiencies for both the state and Department of Human Services, and reduce administrative burdens.

Please amend SECTION 13. SPECIAL LANGUAGE – CODE AMENDMENT. as follows and renumber accordingly:

Remove all references of "Residential Care Assistant", "Residential Care Technician", and "Residential Care Supervisor".

This request will remove each occurrence of job titles that are no longer utilized at Department of Human Services facilities.

I appreciate your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Sanders", written in a cursive style.

Sarah Huckabee Sanders



GL #15

**STATE OF ARKANSAS
SARAH HUCKABEE SANDERS
GOVERNOR**

March 7, 2023

Senator Jonathan Dismang, Co-Chair
Representative Lane Jean, Co-Chair
Joint Budget Committee
Arkansas General Assembly
State Capitol Building
Little Rock, AR 72201

Dear Co-Chairs:

I respectfully request the following amendments to HB1118, the 2023-2024 Operations Appropriation Bill for the Arkansas Department of Human Services – Secretary's Office.

Please amend SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. as follows and renumber accordingly:

Remove all references of "Residential Care Assistant", "Residential Care Technician", and "Residential Care Supervisor".

This request will remove each occurrence of job titles that are no longer utilized at Department of Human Services facilities.

I appreciate your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sarah Sanders", written in a cursive style.

Sarah Huckabee Sanders

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www.governor.arkansas.gov

Hall of the House of Representatives

94th General Assembly - Regular Session, 2023

Amendment Form

DRAFT

Subtitle of House Bill No. 1118

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - SECRETARY'S OFFICE APPROPRIATION
FOR THE 2023-2024 FISCAL YEAR.

Amendment No. ____ to House Bill No. 1118

Amend House Bill No. 1118 as originally introduced:

On page 2, line 19, delete "4" and substitute "2"

AND

On page 2, immediately following line 19, insert the following:

"(1.1) N255N DHS CHIEF DEPUTY DIRECTOR 2 GRADE SE04"

AND

On page 2, delete line 20 and substitute the following:

"~~(2) N011N DFA CHIEF INFORMATION OFFICER 1 GRADE SE02~~"

AND

On page 2, line 22, delete "1" and substitute "2"

AND

On page 3, immediately following line 5, insert the following:

"(23.1) D068C INFORMATION SYSTEMS ANALYST 1 GRADE IT04"

AND

On page 3, immediately following line 21, insert the following:

"(39.1) N102N DHS/DCO ASSISTANT DIRECTOR 1 GRADE GS14"

AND

On page 3, line 26, delete "2" and substitute "3"

AND

DRAFT

LCW045 - 03-10-2023 08:20:22

Page 1 of 3

On page 6, line 20, delete "17" and substitute "15"

AND

On page 6, line 36, delete "661" and substitute "662"

AND

On page 12, line 26, delete "~~four~~ two" and substitute "four"

AND

On page 14, delete lines 15 through 19, and substitute the following:

" (3) A certified nursing assistant; or
 (4) A behavioral health aide."

AND

On page 14, line 22, delete "§ 6-82-2201(2)-(7)" and substitute "§ 6-82-2201(2)-(4)"

AND

On page 14, line 24, delete "§ 6-82-2201(2)-(7)" and substitute "§ 6-82-2201(2)-(4)"

AND

On page 16, delete lines 3 through 7, and substitute the following:

" (3) Certified nursing assistants; and
 (4) Behavioral health aides."

AND

On page 16, delete lines 16 through 20, and substitute the following:

" (A) Certified nursing assistant; and
 (B) Behavioral health aide."

AND

On page 17, delete lines 2 through 4 and substitute the following:

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

The Amendment was read

By: Joint Budget Committee

LCW/LCW - 03-10-2023 08:20:22

LCW045

Chief Clerk

State of Arkansas
94th General Assembly
Regular Session, 2023

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	Class		Maximum	Maximum Annual
			No. of	Salary Rate
			Employees	Fiscal Year
No.	Code	Title		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



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~~ two 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;

CHANGE (26)

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;
- (4) A residential care assistant;
- (5) A residential care technician;
- (6) A residential care supervisor; or
- (7) A behavioral health aide.

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

(a) An eligible student under § 6-82-2201(2)-(7) may be awarded a
stipend of five thousand dollars (\$5,000) per year.

(b)(1) If an eligible student under § 6-82-2201(2)-(7) 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

- 1 (1) Registered nurses;
 2 (2) Licensed practical nurses;
 3 (3) Certified nursing assistants;
 4 (4) Residential care assistants;
 5 (5) Residential care technicians;
 6 (6) Residential care supervisors; and
 7 (7) Behavioral health aides.

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

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

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

14 and

- 15 (3) One thousand dollars (\$1,000) per:
 16 (A) Certified nursing assistant;
 17 (B) Residential care assistant;
 18 (C) Residential care technician;
 19 (D) Residential care supervisor; and
 20 (E) Behavioral health aide.

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

24 (1) For registered nurse classifications:

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

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

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

31 (2) For licensed practical nurse classifications:

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

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

36 (C) One thousand dollars (\$1,000) after completing the

1 second year of employment; and

2 (3) For certified nursing assistant, residential care assistant,
 3 residential care technician, residential care supervisor, and behavioral
 4 health aide classifications:

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

7 (B) Five hundred dollars (\$500) after completing the first
 8 year of employment.

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

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

17
 18 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 20 EMPLOYEE SURVEY.

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

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

26 (A) Employee engagement;

27 (B) Supervision;

28 (C) Strategy;

29 (D) Workplace community and climate;

30 (E) Information systems;

31 (F) Pay;

32 (G) Benefits;

33 (H) Employee development; and

34 (I) Job satisfaction;

35 (2) Assessing and systematically identifying problematic areas;

36 (3) Identifying areas to be improved;

Hall of the House of Representatives

94th General Assembly - Regular Session, 2023

Amendment Form

DRAFT

Subtitle of House Bill No. 1133

AN ACT FOR THE SECRETARY OF STATE APPROPRIATION FOR THE 2023-2024 FISCAL YEAR.

Amendment No. ____ to House Bill No. 1133

Amend House Bill No. 1133 as originally introduced:

Page 4, line 21, delete "\$77,456" and insert "\$227,456"

AND

Page 7, immediately following SECTION 15, insert a new SECTION to read as follows:

" SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. On July 1, or as soon as is practical, of each fiscal year, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and Auditor of State the sum of one hundred and fifty thousand dollars (\$150,000) from the State Central Services Fund to the Arkansas Capitol Grounds Monument and Memorial Preservation Fund to be exclusively used for the maintenance, repair, alteration, additions, reconstruction, or upkeep of any kind of any monument or memorial area on the State Capitol grounds.

The provisions of this section shall be in effect only from July 1, 2023 through June 30, 2024."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

DRAFT

The Amendment was read
By: Joint Budget Committee
By: Senator J. Bryant
JAR/JAR - 02-28-2023 14:01:57
JAR071

Chief Clerk

State of Arkansas As Engrossed: H2/28/23 H3/7/23

94th General Assembly

A Bill

Regular Session, 2023

HOUSE BILL 1133

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE SECRETARY OF STATE FOR
THE FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE SECRETARY OF STATE
APPROPRIATION FOR THE 2023-2024 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the Secretary of State for the 2023-2024 fiscal year, the following
maximum number of regular employees.

				Maximum Annual
				Salary Rate
				Fiscal Year
Item	Class		No. of	
No.	Code	Title	Employees	2023-2024
(1)	Q171U	SEC OF STATE CHIEF DEPUTY	1	\$132,286
(2)	Q172U	SEC OF STATE DEPUTY	2	\$118,545
(3)	Q174U	SEC OF STATE SENIOR INFO TECHNICIAN	1	\$109,169
(4)	Q173U	SEC OF STATE GENERAL COUNSEL	1	\$106,234
(5)	Q175U	SEC OF STATE INFO TECHNICIAN	1	\$98,118
(6)	Q178U	SEC OF STATE CAPITOL POLICE CHIEF	1	\$95,204
(7)	Q176U	SEC OF STATE DEPARTMENT DIRECTOR	7	\$95,204

1
2 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
4 TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer
5 of the State, and prior review by the Arkansas Legislative Council or Joint
6 Budget Committee, the Agency is authorized to transfer appropriation from any
7 line item authorized in Operations appropriation to any other line item
8 authorized in Operations appropriation.

9 The provisions of this section shall be in effect only from July 1, 2022
10 2023 through June 30, ~~2023~~ 2024.
11

12 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 PERMANENT GIFT SHOP. The Arkansas Secretary of State shall operate a gift
15 shop to be permanently located in a space on the first floor of the State
16 Capitol Building. It shall be the duty of the Secretary of State to maintain
17 a space on the first floor of the State Capitol Building for the use of a
18 gift shop. The Arkansas Secretary of State is prohibited from removing a
19 gift shop from the first floor of the State Capitol Building or to nullify or
20 void the provisions of this section. A space on the first floor of the State
21 Capitol Building shall be the only location for the Arkansas Secretary of
22 State gift shop operations and shall be the only location items of the
23 Arkansas Secretary of State gift shop are sold to the public.

INSERT
NEW
SECTION
HERE 24 →

25 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
26 authorized by this act shall be limited to the appropriation for such agency
27 and funds made available by law for the support of such appropriations; and
28 the restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.
34

35 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General
36 Assembly that any funds disbursed under the authority of the appropriations

Hall of the House of Representatives

94th General Assembly - Regular Session, 2023

Amendment Form

DRAFT

Subtitle of House Bill No. 1105

AN ACT FOR THE STATE BOARD OF ELECTION COMMISSIONERS APPROPRIATION FOR THE 2023-
2024 FISCAL YEAR.

Amendment No. ____ to House Bill No. 1105

Amend House Bill No. 1105 as originally introduced:

Page 4, immediately following line 15, insert the following:

"(6) All training which the State Board of Election Commissioners is required
by law to provide; and

(7) The development, publication, hosting of training material online, or
dissemination of materials related to a training which the State Board of
Election Commissioners is required by law to provide."

DRAFT

The Amendment was read
By: Joint Budget Committee
By: Senator K. Hammer
HGK/HGK - 02-15-2023 09:06:48
HGK019

Chief Clerk

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1105

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE STATE BOARD OF
ELECTION COMMISSIONERS FOR THE FISCAL YEAR ENDING
JUNE 30, 2024; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE STATE BOARD OF ELECTION
COMMISSIONERS APPROPRIATION FOR THE 2023-
2024 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the State Board of Election Commissioners for the 2023-2024 fiscal year,
the following maximum number of regular employees.

				Maximum Annual
				Salary Rate
				Fiscal Year
Item	Class		No. of	
No.	Code	Title	Employees	2023-2024
(1)	N131N	SBEC DIRECTOR	1	GRADE GS12
(2)	G047C	ATTORNEY SPECIALIST	1	GRADE GS11
(3)	G314C	ELECTION ADMIN SUPERVISOR	1	GRADE GS11
(4)	G315C	ELECTION ADMIN SPECIALIST	2	GRADE GS09
(5)	A116C	BUSINESS OPERATIONS MANAGER	1	GRADE GS08
(6)	G119C	SBEC EDUCATIONAL SERVICES MANAGER	1	GRADE GS08
(7)	C037C	ADMINISTRATIVE ANALYST	1	GRADE GS06



The provisions of this section shall be in effect only from July 1, 2022
2023 through June 30, 2023 2024.

SECTION 7. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 7,
 Chapter 4, Subchapter 1, is amended to add an additional section to codify
 special language in appropriation acts to read as follows:

7-4-123. Use of election expenses appropriation – Transfer of funds.

(a) Funds appropriated for election expenses may be used to cover the
 expenses of the State Board of Election Commissioners and any county board of
 election commissioners to conduct:

- (1) Preferential primary elections;
- (2) General primary elections;
- (3) Special primary elections;
- (4) Nonpartisan general elections; and
- (5) Statewide special elections.

(b) The Director of the State Board of Election Commissioners shall
 certify to the Chief Fiscal Officer of the State the amount needed to pay the
 expenses of the election if:

(1) The State Board of Election Commissioners is required to pay
 the expenses for any state-supported election in subsection (a) of this
 section; and

(2) Funds are not available to pay for such elections.

(c)(1) Upon the approval of the Chief Fiscal Officer of the State, the
 amount certified by the director under subsection (a) of this section shall
 be transferred from the Budget Stabilization Trust Fund to the Miscellaneous
 Agencies Fund Account for the benefit of the State Board of Election
 Commissioners.

(2) All unused funds transferred under subdivision (c)(1) of
 this section shall be transferred back to the Budget Stabilization Trust Fund
 at the end of each fiscal year.

(3) The Chief Fiscal Officer of the State shall initiate the
 necessary transfer documents to reflect all such transfers in the fiscal
 records of the:

- (A) Auditor of State;
- (B) Treasurer of State; and
- (C) Chief Fiscal Officer of the State.