

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

JBC 03/15/07 (1)

Subtitle of House Bill No. 1292

"AN ACT FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES -
ADMINISTRATION APPROPRIATION FOR THE 2007-2009 BIENNIUM."

Amendment No. 2 to House Bill No. 1292.

Amend House Bill No. 1292 as engrossed, H2/16/07 (version: 02-16-2007 11:20):

Delete SECTION 17 of the bill in its entirety and substitute the following:
" SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
AUTHORITY. The Director of the Department of Health and Human Services shall
have transfer authority provided by the following:

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

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

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

(d) REALLOCATION OF RESOURCES: (1) The Department of Health and Human
Services (DHHS) provides hundreds of different services to over 1 million



Arkansans. The specific mix of service needs and the funding and staffing required to provide them can vary significantly based on many factors, including natural disasters, changing federal mandates and funding sources, demographic shifts, fluctuating court-ordered services, social trends, and job market variations such as nursing shortages. The impact of these factors through the course of a biennium make it very difficult for the Department to accurately predict the exact needs for funding, appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Health and Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon
~~Upon~~ determination by the Director of the Department of Health and Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the director, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the ~~2005-2007~~ 2007-2009 biennial 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 six Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers’ residents.—~~If requested by the Division of Child Care and Early Childhood Education (DCCECE), the Division of County Operations shall transfer sufficient general revenue to allow the State to access the full allocation of Federal Funds available through the Matching Category of the Child Care Development Fund. General Revenue Dollars transferred to DCCECE must be used as matching funds to support the Transitional Employment Assistance (TEA) Program and must be eligible to be counted toward the State’s Maintenance of Effort requirement for the Temporary Assistance for Needy Families (TANF) Block Grant.~~ The exemptions provided in this subsection whereby certain ~~DHS~~ DHHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Director of the Department of Health and 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 prior to the effective date of the transfers. Provided, however, that the Department of Health and Human Services shall be

limited to submitting no more than four requests for reallocation of resources transfers during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

- i). Medicaid Program
- ii). Facilities and institutions costs, including operational expenses and Construction/Renovation/Equipping expenses
- iii). Departmental grants and contracts
- iv). Court ordered settlements and payments
- v). Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency
- vi). Restructuring efforts as deemed necessary to comply Compliance with new and/or unanticipated federal or state mandates
- vii). Redirecting internal resources, both direct and/or indirect, to meet client needs and services

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

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

The provisions of this section shall be in effect only from July 1, ~~2005-2007~~ through June 30, ~~2007-2009~~."

AND

Insert additional sections immediately following SECTION 19 to read as

follows:

" SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SELL, LEASE, RENT, CONVEY OR ENCUMBER RAY WINDER FIELD. In no event shall the Department of Health and Human Services, or any of its governing boards, sell, lease, rent, convey or encumber the land and facilities of Ray Winder Field in Little Rock, Arkansas without the prior review and approval of the Arkansas Legislative Council or Joint Budget Committee.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NURSING/DIRECT CARE RECRUITMENT/ RETENTION BONUSES. Special provision to provide Nursing/Direct Care Recruitment and Retention Bonuses for the Department of Health and Human Services is hereby authorized to pay from State and Federal funds appropriated for each respective division. Nursing/direct care service recruitment/retention bonuses are in addition to the maximum annual amounts provided in the Regular Salaries Section of the respective Division Act for Registered Nurse, Licensed Practical Nurse, Certified Nursing Assistant, Life Skills Trainer and Mental Health Worker. New hire nurses must be licensed by the Arkansas State Board of Nursing. The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed \$4,000 per Registered Nurse and \$2,000 per Licensed Practical Nurse and \$1,000 per Certified Nursing Assistant, Life Skills Trainer and Mental Health Worker. The lump sum bonus payments and employment commitment to the State will be made in partial payments as follows:

Registered Nurse Classifications

\$1,000 after completing 6 months probationary employment
\$1,000 after completing 1 year employment
\$1,000 after completing 2nd year employment
\$1,000 after completing 3rd year employment

Licensed Practical Nurse Classifications

\$ 500 after completing 6 months probationary employment
\$ 500 after completing 1 year employment
\$1,000 after completing 2nd year employment

Certified Nursing Assistant/Life Skills Trainer/Mental Health Worker Classifications

\$ 500 after completing 6 month probationary employment
\$ 500 after completing 1 year employment

Any qualified person hired and offered bonus payment described herein will forfeit the balance of the payments if he/she voluntarily resigns or is terminated for cause from employment from the Department of Health and Human Services prior to completing the required employment commitment time periods outlined above.

The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009."

AND

Appropriately renumber all SECTION numbers of the bill.

The Amendment was read _____
By: Representative Webb

Joint Budget Committee
JKG/JKG - 03-15-2007 12:02
JKG201

Chief Clerk