

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/28/23

A Bill

HOUSE BILL 1118

5 By: Joint Budget Committee
6

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 - SECRETARY'S OFFICE FOR THE FISCAL YEAR
11 ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN
15 SERVICES - SECRETARY'S OFFICE
16 APPROPRIATION FOR THE 2023-2024 FISCAL
17 YEAR.
18
19
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - SECRETARY OF HUMAN SERVICES. There is
24 hereby established for the Department of Human Services - Secretary's Office
25 for the 2023-2024 fiscal year, the following maximum number of regular
26 employees.
27

Item	Class	Maximum	Maximum Annual
No.	Code	No. of	Salary Rate
			Fiscal Year
			2023-2024
(1)	SC008	SECRETARY OF HUMAN SERVICES	<u>1</u> GRADE SE05
		MAX. NO. OF EMPLOYEES	1

35 SECTION 2. APPROPRIATION - SECRETARY OF HUMAN SERVICES. There is
36 hereby appropriated, to the Department of Human Services, to be payable from



1 the paying account as determined by the Chief Fiscal Officer of the State,
 2 for personal services of the Department of Human Services - Secretary's
 3 Office for the fiscal year ending June 30, 2024, the following:

4		
5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2023-2024</u>
7	(01) REGULAR SALARIES	\$287,042
8	(02) PERSONAL SERVICES MATCHING	<u>62,151</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$349,193</u></u>

10

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

14

15			Maximum Annual
16			Salary Rate
17	Item Class	No. of	Fiscal Year
18	<u>No. Code Title</u>	<u>Employees</u>	<u>2023-2024</u>
19	(1) L023N DHS DEPUTY DIRECTOR	2	GRADE SE03
20	(1.1) N255N DHS CHIEF DEPUTY DIRECTOR	2	GRADE SE04
21	(2) N011N DFA CHIEF INFORMATION OFFICER	1	GRADE SE02
22	(3) N220N DHS CHIEF ATTORNEY	1	GRADE SE02
23	(4) N040N DHS CHIEF INFORMATION OFFICER	2	GRADE SE02
24	(5) N233N DHS CHIEF OF BUSINESS OPERATIONS	1	GRADE SE02
25	(6) N232N DHS DEPUTY CHIEF INFORMATION OFFICER	1	GRADE SE02
26	(7) A136C DHS MEDICAID CHIEF FINANCE OFFICER	1	GRADE SE02
27	(8) G029N DHS DIRECTOR OF POLICY AND LEGAL	2	GRADE SE01
28	(9) L009C NURSE MANAGER	1	GRADE MP03
29	(10) D006N STATE SYSTEMS ARCHITECT	3	GRADE IT10
30	(11) D025N DHS IT SENIOR ENGINEER	4	GRADE IT09
31	(12) D022N IT SENIOR PROJECT MANAGER	3	GRADE IT09
32	(13) D007C INFORMATION SYSTEMS MANAGER	8	GRADE IT08
33	(14) D030C INFORMATION SYSTEMS COORDINATOR	3	GRADE IT07
34	(15) D025C STATE IT SECURITY SPECIALIST	3	GRADE IT06
35	(16) D054C COMPUTER SUPPORT COORDINATOR	1	GRADE IT05
36	(17) D063C COMPUTER SUPPORT SPECIALIST	12	GRADE IT05

1	(18)	D061C INFORMATION SYSTEMS COORDINATION SPEC	9	GRADE IT05
2	(19)	D057C INFORMATION TECHNOLOGY MANAGER	2	GRADE IT05
3	(20)	D052C SOFTWARE SUPPORT ANALYST	6	GRADE IT05
4	(21)	D044C SYSTEMS ANALYST	1	GRADE IT05
5	(22)	D062C DATABASE ANALYST	5	GRADE IT04
6	(23)	D064C WEBSITE DEVELOPER	1	GRADE IT04
7	(23.1)	<i>D068C INFORMATION SYSTEMS ANALYST</i>	<i>1</i>	<i>GRADE IT04</i>
8	(24)	D071C COMPUTER SUPPORT ANALYST	3	GRADE IT03
9	(25)	D075C SOFTWARE SUPPORT SPECIALIST	4	GRADE IT03
10	(26)	D079C COMPUTER SUPPORT TECHNICIAN	11	GRADE IT02
11	(27)	R048C DHS CHIEF HUMAN RESOURCES OFFICER	1	GRADE GS15
12	(28)	N244N DHS CHIEF OF COMMUNICATION	1	GRADE GS15
13	(29)	A131C DHS CHIEF PROCUREMENT OFFICER	1	GRADE GS15
14	(30)	N016N DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE GS15
15	(31)	N231N DHS DEPUTY CHIEF COUNSEL	1	GRADE GS15
16	(32)	G286C DMS DEPUTY DIRECTOR	1	GRADE GS15
17	(33)	N086N DHS DDS DIR EVAL PLAN & MGMT SYSTEMS	1	GRADE GS14
18	(34)	N142N DHS/DAAS DEPUTY DIRECTOR	1	GRADE GS14
19	(35)	N122N DHS/DCC ASSISTANT DIR FINANCE & ADMN	1	GRADE GS14
20	(36)	N101N DHS/DCO ASST DEP DIR PGM & ADMN SPT	1	GRADE GS14
21	(37)	N099N DHS/DMS ADD - LONG TERM CARE	1	GRADE GS14
22	(38)	N100N DHS/DMS ADD - MEDICAL SERVICES	4	GRADE GS14
23	(39)	N124N DHS/DYS ASSISTANT DIVISION DIRECTOR	2	GRADE GS14
24	(39.1)	<i>N102N DHS/DCO ASSISTANT DIRECTOR</i>	<i>1</i>	<i>GRADE GS14</i>
25	(40)	A010C AGENCY CONTROLLER II	1	GRADE GS13
26	(41)	G290C ASST DEPUTY DIR OF LEGISLATIVE AFRS	1	GRADE GS13
27	(42)	N111N DHS ASST DEP DIR FOR MGR ACCOUNTING	1	GRADE GS13
28	(43)	N128N DHS ASST DIR QUALITY ASSURANCE	2	GRADE GS13
29	(44)	D026N DHS ELIGIBILITY SYSTEM PROGRAM MGR	3	GRADE GS13
30	(45)	G054N DHS GENERAL COUNSEL	1	GRADE GS13
31	(46)	N108N DHS/DCO ASST DEP DIR	1	GRADE GS13
32	(47)	N107N DHS/OFA ASSISTANT DIR - ACCTNG OPS	3	GRADE GS13
33	(48)	N109N DHS/OFA ASSISTANT DIRECTOR	1	GRADE GS13
34	(49)	G019C GENERAL COUNSEL	1	GRADE GS13
35	(50)	G004C MANAGING ATTORNEY	2	GRADE GS13
36	(51)	A021C AGENCY CONTROLLER I	1	GRADE GS12

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

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

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

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

SECTION 4. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Secretary's Office for the 2023-2024 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: twenty-seven (27) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 5. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Secretary's Office for the fiscal year ending June 30, 2024, the following:

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

SECTION 6. APPROPRIATION - VARIOUS BUILDING CONSTRUCTION. There is hereby appropriated, to the Department of Human Services, to be payable from

1 the Department of Human Services Renovation Fund, for construction,
2 renovation, maintenance, equipment, and repairs for various buildings
3 operated by the Department of Human Services - Secretary's Office for the
4 fiscal year ending June 30, 2024, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2023-2024</u>
8 (01) CONSTRUCTION	<u>\$15,914,729</u>

9
10 SECTION 7. APPROPRIATION - CONSOLIDATED COST. There is hereby
11 appropriated, to the Department of Human Services, to be payable from the DHS
12 Consolidated Cost Revolving Fund, for operating expenses of the Department of
13 Human Services - Secretary's Office - Consolidated Cost for the fiscal year
14 ending June 30, 2024, the following:

16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2023-2024</u>
18 (01) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	\$800,000
20 (B) CONF. & TRAVEL	0
21 (C) PROF. FEES	0
22 (D) CAP. OUTLAY	21,500
23 (E) DATA PROC.	<u>0</u>
24 TOTAL AMOUNT APPROPRIATED	<u>\$821,500</u>

25
26 SECTION 8. APPROPRIATION - GRANTS PAYING. There is hereby
27 appropriated, to the Department of Human Services, to be payable from the
28 paying account as determined by the Chief Fiscal Officer of the State, for
29 purchase of services of the Department of Human Services - Secretary's Office
30 for the fiscal year ending June 30, 2024, the following:

32 ITEM	FISCAL YEAR
33 <u>NO.</u>	<u>2023-2024</u>
34 (01) PURCHASE OF SERVICES	<u>\$129,084</u>

35
36 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 SECRETARY'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE. Upon
3 approval by the Chief Fiscal Officer of the State, the Chief Counsel for the
4 Department of Human Services may transfer an amount up to but not to exceed
5 \$12,000 and deposit same in a bank account for the purpose of purchasing
6 evidence in the course of investigating the illegal use of food
7 stamps/Electronic Benefit Transfer (EBT) cards. The funds so transferred
8 shall be subject to accounting in a manner substantially similar to that
9 employed by the Arkansas State Police for such transactions; provided
10 however, that information tending to identify participants in such
11 transactions shall be exempt from the Arkansas Freedom of Information Act.

12 The provisions of this section shall be in effect only from July 1, ~~2022~~
13 2023 through June 30, ~~2023~~ 2024.

14

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

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

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

24 (c) The fund shall consist of:

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

27 (2) General revenues transferred from the Division of Youth Services, the
28 Division of Aging, Adult, and Behavioral Health Services, and the Division of
29 Developmental Disabilities Services for the purposes of repairing,

30 renovating, equipping, acquiring and constructing Department of Human
31 Services facilities with an annual maximum of five million dollars

32 (\$5,000,000). The projects for which these transfers are authorized must be
33 projects which were unanticipated during the preceding regular session of the
34 Arkansas General Assembly and must be projects which, if not carried out in
35 the interim period between regular sessions of the Arkansas General Assembly
36 would cause greater harm to the facilities, clients or programs of the

1 Department of Human Services than to wait until the next regular session.

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

4 (d)(1) At the request of the Secretary of the Department of Human
5 Services, and upon certification of the availability of such funds, the Chief
6 Fiscal Officer of the State shall initiate the necessary transfer documents
7 to reflect the transfer on the books of record of the Treasurer of State, the
8 Auditor of State, the Chief Fiscal Officer of the State, and the Department
9 of Human Services.

10 (2) The Secretary of the Department of Human Services shall submit any
11 transfer plan to and must receive approval of the plan from the Chief Fiscal
12 Officer of the State, the Governor and the Arkansas Legislative Council or
13 Joint Budget Committee prior to the effective date of the transfer.

14 (e) Provided, that any non-general revenue funding that may remain in the
15 fund at the end of any fiscal year shall be carried over into the next fiscal
16 year and all obligated general revenue funding that may remain in the fund at
17 the end of any fiscal year shall be carried over into the next fiscal year to
18 satisfy such legal and contractual obligations that have been entered into
19 prior to the end of the fiscal year.

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

36 The provisions of this section shall be in effect only from July 1, ~~2022~~

1 2023 through June 30, ~~2023~~ 2024.

2

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

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

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

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

20 (c) REALLOCATION OF RESOURCES: (1) The Department of Human Services (DHS)
21 provides hundreds of different services to over 1 million Arkansans. The
22 specific mix of service needs and the funding and staffing required to
23 provide them can vary significantly based on many factors, including natural
24 disasters, changing federal mandates and funding sources, demographic shifts,
25 fluctuating court-ordered services, social trends, and job market variations
26 such as nursing shortages. The impact of these factors through the course of
27 any fiscal year make it very difficult for the Department to accurately
28 predict the exact needs for funding, appropriation and positions in each of
29 its over 100 different appropriations. To ensure that it can respond quickly
30 to changing client needs and make the most effective use of the resources
31 allocated to it, the Department of Human Services shall be authorized to
32 utilize the reallocation of resource authority to make the proper adjustments
33 to the budgets within the Department. Therefore, upon determination by the
34 Secretary of the Department of Human Services that a reallocation of
35 resources within the department is necessary for the efficient and effective
36 operation of the department, the Secretary, with approval of the Governor,

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

24 The Secretary of the Department of Human Services shall submit any
25 requests for transfers to and must receive approval of the requests for
26 transfers from the Chief Fiscal Officer of the State, the Governor, and the
27 Arkansas Legislative Council or Joint Budget Committee prior to the effective
28 date of the transfers. Provided, however, that the Department of Human
29 Services shall be limited to submitting no more than *four* reallocation of
30 resources transfer requests during any fiscal year. In each Departmental
31 request no single division will request reallocation for more than one
32 purpose as listed in this section. Transfer authority for unforeseen purposes
33 shall further be limited to no more than 5% of the total appropriation,
34 funding, and positions authorized for the Department. Reallocation of
35 resources transfers may include multiple items but shall be limited to the
36 following purposes:

- 1 i) Medicaid Program;
- 2 ii) Facilities and institutions costs, including operational expenses and
- 3 construction/renovation/equipping expenses;
- 4 iii) Departmental grants and contracts;
- 5 iv) Court ordered settlements and payments;
- 6 v) Payment of administrative expenses, including but not limited to, overtime
- 7 and other costs of personnel for critical services or functions necessary to
- 8 carry out the mission of the agency;
- 9 vi) Restructuring efforts as deemed necessary to comply with new and/or
- 10 unanticipated federal or state mandates; and/or
- 11 vii) Redirecting internal resources, both direct and/or indirect, to meet
- 12 client needs and services.

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

29 (2) If it is determined that the requested reallocation of resources
30 transfers should be made, the Chief Fiscal Officer of the State shall then
31 initiate the necessary transfer documents to reflect the transfers upon the
32 fiscal records of the Treasurer of State, the Auditor of State, the Chief
33 Fiscal Officer of the State, and the Department of Human Services. In
34 addition, the Chief Fiscal Officer of the State, together with the Co-
35 Chairpersons of the Legislative Council or Joint Budget Committee, may
36 approve, on an emergency basis, requests for utilization of this Section

1 without prior approval of the Arkansas Legislative Council or Joint Budget
2 Committee, with any such actions reported at the next meeting of the Arkansas
3 Legislative Council or Joint Budget Committee.

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

10 Subchapter 22 - Nursing/Direct Care Education Stipend Program

11
12 6-82-2201. Eligible nursing students.

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

16 (1) An Advanced Practice Nurse;

17 (2) A registered or licensed practical nurse;

18 (3) A certified nursing assistant; or

19 (4) A behavioral health aide.

20
21 6-82-2202. Department of Human Services stipend.

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

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

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

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

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

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

3
4 6-82-2203. Department of Health stipend.

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

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

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

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

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

20
21 6-82-2204. Default of employment commitment.

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

27
28 SECTION 13. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title
29 21, Chapter 5, Subchapter 1, is amended to add an additional section to
30 codify special language in appropriation acts to read as follows:

31 21-5-111. Department of Human Services – Nursing/direct care
32 recruitment and retention bonuses.

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

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

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

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

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

11 and

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

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

18 (1) For registered nurse classifications:

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

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

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

25 (2) For licensed practical nurse classifications:

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

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

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

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

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

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

1 year of employment.

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

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

10

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

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

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

19 (A) Employee engagement;

20 (B) Supervision;

21 (C) Strategy;

22 (D) Workplace community and climate;

23 (E) Information systems;

24 (F) Pay;

25 (G) Benefits;

26 (H) Employee development; and

27 (I) Job satisfaction;

28 (2) Assessing and systematically identifying problematic areas;

29 (3) Identifying areas to be improved;

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

32 (5) Assessing management and leadership.

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

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

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

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

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

9

10 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
11 authorized by this act shall be limited to the appropriation for such agency
12 and funds made available by law for the support of such appropriations; and
13 the restrictions of the State Procurement Law, the General Accounting and
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
15 Procedures and Restrictions Act, or their successors, and other fiscal
16 control laws of this State, where applicable, and regulations promulgated by
17 the Department of Finance and Administration, as authorized by law, shall be
18 strictly complied with in disbursement of said funds.

19

20 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General
21 Assembly that any funds disbursed under the authority of the appropriations
22 contained in this act shall be in compliance with the stated reasons for
23 which this act was adopted, as evidenced by the Agency Requests, Executive
24 Recommendations and Legislative Recommendations contained in the budget
25 manuals prepared by the Department of Finance and Administration, letters, or
26 summarized oral testimony in the official minutes of the Arkansas Legislative
27 Council or Joint Budget Committee which relate to its passage and adoption.

28

29 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the
30 General Assembly, that the Constitution of the State of Arkansas prohibits
31 the appropriation of funds for more than a one (1) year period; that the
32 effectiveness of this Act on July 1, 2023 is essential to the operation of
33 the agency for which the appropriations in this Act are provided, and that in
34 the event of an extension of the legislative session, the delay in the
35 effective date of this Act beyond July 1, 2023 could work irreparable harm
36 upon the proper administration and provision of essential governmental

1 programs. Therefore, an emergency is hereby declared to exist and this Act
2 being necessary for the immediate preservation of the public peace, health
3 and safety shall be in full force and effect from and after July 1, 2023.

4
5 */s/Joint Budget Committee*
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