

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.

1 State of Arkansas
2 84th General Assembly
3 First Extraordinary Session, 2003
4

Call Item 3

A Bill

SENATE BILL 35

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE
10 DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH
11 SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2005; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE DEPARTMENT OF HUMAN
16 SERVICES - DIVISION OF YOUTH SERVICES
17 APPROPRIATION FOR THE 2003-2005
18 BIENNIUM.
19
20
21

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

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Human Services - Division of Youth Services for the 2003-2005
26 biennium, the following maximum number of regular employees whose salaries
27 shall be governed by the provisions of the Uniform Classification and
28 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
29 all laws amendatory thereto. Provided, however, that any position to which a
30 specific maximum annual salary is set out herein in dollars, shall be exempt
31 from the provisions of said Uniform Classification and Compensation Act. All
32 persons occupying positions authorized herein are hereby governed by the
33 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
34 Code §21-5-101), or its successor.
35

36 Maximum Annual



05012003JKG0905.JKG262

1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2003-2004	2004-2005
4	(1)	8910	DHS DEPUTY DIRECTOR OF DYS	1	\$93,533	\$95,693
5	(2)	9236	DHS ASST DIR DIV YOUTH SERVICES	1	\$78,811	\$80,709
6	(3)	9757	DHS ASSISTANT DIRECTOR	2	\$77,912	\$79,793
7	(4)	017Z	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE 26	
8	(5)	187Z	DHS/DCFS ADMR INDIV & FAMILY SVCS	1	GRADE 24	
9	(6)	403Z	YOUTH SERVICES CENTER SUPT	1	GRADE 24	
10	(7)	434Z	DHS INSTITUTION OPERATIONS MANAGER	2	GRADE 24	
11	(8)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE 23	
12	(9)	923Z	DHS PRGM ADMINISTRATOR	8	GRADE 23	
13	(10)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
14	(11)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE 22	
15	(12)	E051	TRAINING PROJECT MANAGER	1	GRADE 22	
16	(13)	697Z	DHS PRGM MANAGER	16	GRADE 21	
17	(14)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE 21	
18	(15)	A251	SR AUDITOR	1	GRADE 21	
19	(16)	E114	STAFF DEVELOPMENT COORDINATOR	3	GRADE 20	
20	(17)	M088	SOCIAL WORKER II	3	GRADE 20	
21	(18)	R145	DHS PROGRAM COORDINATOR	4	GRADE 20	
22	(19)	R266	MANAGEMENT PROJECT ANALYST II	5	GRADE 20	
23	(20)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE 19	
24	(21)	M138	YOUTH SERVICES COUNSELOR III	7	GRADE 19	
25	(22)	R084	DHS STAFF SUPERVISOR	3	GRADE 19	
26	(23)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
27	(24)	R168	GRANTS COORDINATOR II	15	GRADE 19	
28	(25)	D128	P C SUPPORT SPECIALIST	1	GRADE 18	
29	(26)	D129	DP COORDINATOR	1	GRADE 18	
30	(27)	E024	INSTITUTIONAL INSTRUCTOR II	5	GRADE 18	
31	(28)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
32	(29)	M082	SOCIAL SERVICE WORKER III	2	GRADE 18	
33	(30)	R134	PLANNING SPECIALIST II	2	GRADE 18	
34	(31)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18	
35	(32)	V034	PLANT WAREHOUSE FOREMAN	1	GRADE 18	
36	(33)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18	

1	(34)	R010	ADMINISTRATIVE ASSISTANT II	9	GRADE 17
2	(35)	T049	SECURITY OFFICER SUPERVISOR	2	GRADE 17
3	(36)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
4	(37)	Y061	JOURNEYMAN PLUMBER	1	GRADE 17
5	(38)	M148	YOUTH SERVICES WORKER II	36	GRADE 16
6	(39)	L115	LPN II/LPTN II	4	GRADE 15
7	(40)	M149	YOUTH SERVICES WORKER I	4	GRADE 15
8	(41)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
9	(42)	T047	SECURITY OFFICER III	2	GRADE 15
10	(43)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
11	(44)	K153	SECRETARY II	5	GRADE 13
12	(45)	K155	SECRETARY I	1	GRADE 11
13	(46)	H027	COOK II	1	GRADE 10
14	(47)	W023	RECORDS CENTER OPERATOR II	1	GRADE 10
15	(48)	G191	CLOTHING SHOP OPERATOR	<u>1</u>	GRADE 07
16			MAX. NO. OF EMPLOYEES	172	

17

18 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 19 Human Services - Division of Youth Services for the 2003-2005 biennium, the
 20 following maximum number of part-time or temporary employees, to be known as
 21 "Extra Help", payable from funds appropriated herein for such purposes:
 22 thirty-four (34) temporary or part-time employees, when needed, at rates of
 23 pay not to exceed those provided in the Uniform Classification and
 24 Compensation Act, or its successor, or this act for the appropriate
 25 classification.

26

27 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated,
 28 to be payable from the funds and fund accounts as set out herein, to the
 29 Department of Human Services - Division of Youth Services for the biennial
 30 period ending June 30, 2005, the following:

31

32 (a) For the Administration Program, the sum of \$8,976,302 for the 2003-2004
 33 fiscal year and \$9,143,052 for the 2004-2005 fiscal year.

34 (1) Program Description. The Administration Program plans, develops,
 35 coordinates, and implements all administrative support activities for the
 36 Division of Youth Services.

1			
2	(2) Appropriation payable from:	FISCAL YEARS	
3		<u>2003-2004</u>	<u>2004-2005</u>
4	(A) General Revenue:		
5	Youth Services Fund Account	\$ <u>7,055,006</u>	\$ <u>7,155,205</u>
6	TOTAL General Revenue	\$ 7,055,006	\$ 7,155,205
7	(B) Federal Funds as designated by		
8	the Chief Fiscal Officer of the		
9	State	\$ 521,831	\$ 527,982
10	(3) Performance Targets:		
11	(A) Percent of agency administrative		
12	costs as a percent of total		
13	agency costs.	18	18
14	(A1) Percent of agency administrative		
15	positions as a percent of total		
16	agency positions.	84	84
17	(B) Percent of information		
18	technology cost as a percent of		
19	overall agency budget.	1	1
20	(C) Increase in federal revenues		
21	compared to SFY 02 base.	600,000	800,000
22	(D) Percent of scheduled contracts		
23	monitored for contract		
24	performance and physical plant		
25	inspections compared to total.	92	94
26	(E) Percent of serious incidents		
27	investigated within approved time		
28	frames.	96	97
29	(F) Percent of juveniles who receive		
30	placement based on individualized		
31	treatment plan within 30 days of		
32	assessment.	80	85
33	(G) Statewide Juvenile Justice		
34	conference hosted annually.	1	1
35	(H) Number of repeat audit findings.	0	0
36	(I) Number performance targets met		

1 for agency. 90 91
 2 (J) Number of legacy systems. 3 3
 3

4 SECTION 4. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby
 5 appropriated, to be payable from the funds and fund accounts as set out
 6 herein, to the Department of Human Services - Division of Youth Services for
 7 the biennial period ending June 30, 2005, the following:
 8

9 (a) For the Residential Services Program, the sum of \$27,142,288 for the
 10 2003-2004 fiscal year and \$27,967,288 for the 2004-2005 fiscal year.

11 (1) Program Description. The Residential Services programs support
 12 programs for juveniles committed to DYS needing a secure and/or specialized
 13 treatment environment.

14 (2) Appropriation payable from: FISCAL YEARS

		<u>2003-2004</u>	<u>2004-2005</u>
15			
16	(A) General Revenue:		
17	Youth Services Fund Account	\$ 22,910,246	\$ 23,735,246
18	TOTAL General Revenue	\$ 22,910,246	\$ 23,735,246
19	(B) Federal Funds as designated by		
20	the Chief Fiscal Officer of the		
21	State	\$ 1,432,586	\$ 1,432,586
22	(C) Other Funds	\$ 799,456	\$ 799,456

23 (3) Performance Targets:

24	(A) Number of escapes from		
25	Alexander.	0	0
26	(B) Number of founded physical abuse		
27	cases for Alexander program		
28	annually	0	0
29	(C) Number of founded sexual abuse		
30	cases for Alexander program		
31	annually.	0	0
32	(D) Number of unduplicated juveniles		
33	that are placed at the Alexander		
34	Youth Services Center.	720	715
35	(E) Number of juvenile deaths at		
36	Alexander Youth Services Center		

1	annually.	0	0
2	(F) Number of escapes from SOP		
3	programs.	0	0
4	(G) Number of founded physical abuse		
5	cases for SOP programs annually.	0	0
6	(H) Number of founded sexual abuse		
7	cases for SOP programs annually.	0	0
8	(I) Number of unduplicated juveniles		
9	that are placed in SOP programs		
10	annually.	445	450
11	(J) Number of juvenile deaths in SOP		
12	programs annually.	0	0
13	(K) Number of escapes from		
14	Alternative programs annually.	15	10
15	(L) Number of founded physical abuse		
16	cases for Alternative programs		
17	annually.	0	0
18	(M) Number of founded sexual abuse		
19	cases in Alternative placement		
20	programs annually.	0	0
21	(N) Number of unduplicated juveniles		
22	that are placed in Alternative		
23	programs annually.	440	450
24	(O) Number of juvenile deaths in		
25	Alternative programs annually.	0	0
26	(P) Average cost per juvenile served		
27	through residential programs for		
28	committed youth - Alexander.	7,133	7,133
29	(Q) Average cost per juvenile served		
30	through residential programs for		
31	committed youth - SOPs.	14,394	14,394
32	(R) Average cost per juvenile served		
33	through residential programs for		
34	committed youth - Alternative		
35	Placements.	19,417	19,417
36	(S) Number of targeted programs that		

1	have achieved ACA accreditation.	3	4
2	(T) Percentage increase in youth who		
3	remain crime free for one year		
4	following discharge.	0	2
5	(U) Percentage increase in youth		
6	with improved academic		
7	performance especially in the		
8	areas of reading and math.	0	2

9

10 SECTION 5. APPROPRIATION - COMMUNITY SERVICES. There is hereby

11 appropriated, to be payable from the funds and fund accounts as set out

12 herein, to the Department of Human Services - Division of Youth Services for

13 the biennial period ending June 30, 2005, the following:

14

15 (a) For the Community Services Program, the sum of \$27,275,721 for the 2003-

16 2004 fiscal year and \$28,338,221 for the 2004-2005 fiscal year.

17 (1) Program Description. The Community Services programs provide a wide

18 range of non-residential programs for juveniles considered low risk and for

19 juveniles transferred from a DYS residential program to aftercare.

20 (2) Appropriation payable from:

	FISCAL YEARS	
	<u>2003-2004</u>	<u>2004-2005</u>
21		
22 (A) General Revenue:		
23 Youth Services Fund Account	\$ <u>12,446,987</u>	\$ <u>13,509,487</u>
24 TOTAL General Revenue	\$ 12,446,987	\$ 13,509,487
25 (B) Federal Funds as designated by		
26 the Chief Fiscal Officer of the		
27 State	\$ 10,567,800	\$ 11,630,490
28 (C) Other Funds	\$ 5,331,305	\$ 1,066,749

29 (3) Performance Targets:

30 (A) Unduplicated number of juveniles		
31 under the Juvenile Justice		
32 Delinquency Program (JJDP) each		
33 year.	2,398	2,398
34 (B) Unduplicated number of juveniles		
35 under the Juvenile Accountability		
36 Incentive Block Grant (JAIBG)		

1	each year	3,842	3,842
2	(C) Number of juveniles served		
3	through community based programs.	10,500	10,700
4	(D) Average cost per juvenile served		
5	through community based programs.	1,666	1,833
6	(E) Percentage increase in youth who		
7	remain crime free for one year		
8	following case closure.	0	2
9	(F) Unduplicated number of juveniles		
10	receiving sanction services.	400	425
11	(G) Percent of juveniles released		
12	from physical custody who receive		
13	Aftercare services.	85	87

14

15 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
 17 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The
 18 Department of Human Services shall not contract or pay for community-based
 19 residential programs within any municipality to house unrelated persons who
 20 have been adjudicated delinquent of an act that would constitute a Class A
 21 felony or higher or of a sexual offense or convicted of a Class A felony or
 22 higher or sexual offense until the following conditions have been met:

- 23 1. Residents within one thousand (1,000) feet of the proposed location of the
 24 facility shall be notified by mail;
- 25 2. A public hearing shall be conducted in the community of the proposed
 26 location of the facility by the contract provider at least ten (10) days in
 27 advance of the contract's effective date. Notice of the hearing shall be
 28 made by mail to each of the residents within 1,000 feet of the proposed
 29 location of the facility. The notification requirement shall not apply to
 30 already existing facilities at already existing locations.

31 Provided further, upon establishment of such facilities within a
 32 particular municipality, the contract provider and the Department shall
 33 establish and implement a system to receive and respond to complaints and
 34 questions from residents of such municipality. In the event the Department
 35 and the provider fail to provide satisfactory communication as provided in
 36 this section to the residents, such facility may be declared a public

1 nuisance by the municipality.

2 The provisions of this section shall be in effect only from ~~July 1, 2001~~
3 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

4
5 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
7 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
8 Services shall provide funding in an amount not to exceed ~~\$300,000~~ \$230,000
9 for each fiscal year of the biennial period ending ~~June 30, 2003~~ June 30,
10 2005 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon
11 request by the Executive Director of the Arkansas Public Defender Commission,
12 the Chief Fiscal Officer of the State shall transfer an amount not to exceed
13 ~~\$300,000~~ \$230,000 for each year of the biennial period ending ~~June 30, 2003~~
14 June 30, 2005 from an account designated by the Director of the Department of
15 Human Services to the State Central Services Fund as a direct revenue to fund
16 the Juvenile Ombudsman Program.

17
18 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
20 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
21 of the State shall transfer funds in an amount of \$400,000 for each fiscal
22 year of the biennial period ending ~~June 30, 2003~~ June 30, 2005 from the
23 Department of Human Services – Youth Services Fund Account to the Juvenile
24 Detention Facilities Operating Fund to fund the appropriation to the
25 Department of Finance and Administration – Disbursing Officer for grants for
26 operating expenses of local juvenile detention facilities.

27
28 The amount of the funds transferred in each fiscal year of the biennial
29 period ended ~~June 30, 2003~~ June 30, 2005 may be adjusted upon request of the
30 Director of the Department of Human Services on a pro-rata basis with any
31 reductions provided in the Revenue Stabilization Law from the July 1 Official
32 Forecast of general revenue funding for the Division of Youth Services.

33
34 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
35 by this act shall be limited to the appropriation for such agency and funds
36 made available by law for the support of such appropriations; and the

1 restrictions of the State Purchasing Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal
4 control laws of this State, where applicable, and regulations promulgated by
5 the Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7
8 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly
9 that any funds disbursed under the authority of the appropriations contained
10 in this act shall be in compliance with the stated reasons for which this act
11 was adopted, as evidenced by the Agency Requests, Executive Recommendations
12 and Legislative Recommendations contained in the budget manuals prepared by
13 the Department of Finance and Administration, letters, or summarized oral
14 testimony in the official minutes of the Arkansas Legislative Council or
15 Joint Budget Committee which relate to its passage and adoption.

16
17 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
18 Assembly, that the Constitution of the State of Arkansas prohibits the
19 appropriation of funds for more than a two (2) year period; that the
20 effectiveness of this Act on July 1, 2003 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the Regular Session, the delay in the effective
23 date of this Act beyond July 1, 2003 could work irreparable harm upon the
24 proper administration and provision of essential governmental programs.
25 Therefore, an emergency is hereby declared to exist and this Act being
26 necessary for the immediate preservation of the public peace, health and
27 safety shall be in full force and effect from and after July 1, 2003.