

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010

# A Bill

HOUSE BILL 1039

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE  
11 DEPARTMENT OF HUMAN SERVICES - DIVISION OF AGING  
12 AND ADULT SERVICES FOR THE FISCAL YEAR ENDING  
13 JUNE 30, 2011; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF HUMAN  
17 SERVICES - DIVISION OF AGING AND ADULT  
18 SERVICES APPROPRIATION FOR THE 2010-2011  
19 FISCAL YEAR.  
20  
21  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
26 the Department of Human Services - Division of Aging and Adult Services for  
27 the 2010-2011 fiscal year, the following maximum number of regular employees  
28 whose salaries shall be governed by the provisions of the Uniform  
29 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or  
30 its successor, and all laws amendatory thereto. Provided, however, that any  
31 position to which a specific maximum annual salary is set out herein in  
32 dollars, shall be exempt from the provisions of said Uniform Classification  
33 and Compensation Act. All persons occupying positions authorized herein are  
34 hereby governed by the provisions of the Regular Salaries Procedures and  
35 Restrictions Act (Arkansas Code §21-5-101), or its successor.  
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2010-2011
(1)	N027N	DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE N909
(2)	N147N	DHS/DAAS ASST DEP DIR	1	GRADE N902
(3)	N142N	DHS/DAAS DEPUTY DIRECTOR	1	GRADE N902
(4)	N168N	DHS DIR HOME & COMMUNITY BASED SVCS	1	GRADE N901
(5)	A024C	DHS DIVISION CHIEF FISCAL OFFICER	1	GRADE C125
(6)	L009C	NURSE MANAGER	2	GRADE C125
(7)	G083C	DHS/DAAS DIVISION MANAGER	2	GRADE C123
(8)	G101C	DHS AREA MANAGER	2	GRADE C122
(9)	G099C	DHS PROGRAM ADMINISTRATOR	8	GRADE C122
(10)	L027C	REGISTERED NURSE SUPERVISOR	11	GRADE C122
(11)	M016C	DHS FIELD MANAGER	5	GRADE C120
(12)	L038C	REGISTERED NURSE	75	GRADE C120
(13)	R021C	BUDGET ANALYST	1	GRADE C119
(14)	G152C	DHS PROGRAM MANAGER	3	GRADE C119
(15)	G153C	DHS/DAAS PROGRAM SUPERVISOR	4	GRADE C119
(16)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(17)	M026C	LICENSED SOCIAL WORKER	1	GRADE C118
(18)	M025C	PROGRAM ELIGIBILITY COORDINATOR I	1	GRADE C118
(19)	M045C	ADULT PROTECTIVE SERVICES WORKER	39	GRADE C117
(20)	G183C	DHS PROGRAM COORDINATOR	4	GRADE C117
(21)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
(22)	G198C	DHS/DAAS PROGRAM SPECIALIST	13	GRADE C116
(23)	G210C	DHS PROGRAM SPECIALIST	5	GRADE C115
(24)	D077C	HELP DESK SPECIALIST	1	GRADE C115
(25)	C056C	ADMINISTRATIVE SPECIALIST III	13	GRADE C112
(26)	C073C	ADMINISTRATIVE SPECIALIST II	<u>6</u>	GRADE C109
MAX. NO. OF EMPLOYEES			203	

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33 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the  
 34 Department of Human Services - Division of Aging and Adult Services for the  
 35 2010-2011 fiscal year, the following maximum number of part-time or temporary  
 36 employees, to be known as "Extra Help", payable from funds appropriated

1 herein for such purposes: eighteen (18) temporary or part-time employees,  
 2 when needed, at rates of pay not to exceed those provided in the Uniform  
 3 Classification and Compensation Act, or its successor, or this act for the  
 4 appropriate classification.

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 6 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 7 the Department of Human Services - Division of Aging and Adult Services, to  
 8 be payable from the paying account as determined by the Chief Fiscal Officer  
 9 of the State, for personal services and operating expenses of the Department  
 10 of Human Services - Division of Aging and Adult Services for the fiscal year  
 11 ending June 30, 2011, the following:

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2010-2011</u>
15 (01) REGULAR SALARIES	\$ 9,200,447
16 (02) EXTRA HELP	140,868
17 (03) PERSONAL SERVICES MATCHING	2,821,506
18 (04) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	2,823,321
20 (B) CONF. & TRAVEL	110,100
21 (C) PROF. FEES	547,615
22 (D) CAP. OUTLAY	0
23 (E) DATA PROC.	0
24 (05) COMMUNITY BASED CARE	90,000
25 (06) NURSING HOME CARE ALTERNATIVES	6,656,003
26 (07) NUTRITION PROGRAMS	11,343,402
27 (08) OLDER WORKER PROGRAM	1,132,005
28 (09) PROJECT GRANTS	13,960,559
29 (10) RETIRED & SENIOR VOLUNTEER PROGRAM	75,000
30 (11) SENIOR CITIZEN CENTERS	5,000,000
31 (12) NUTRITION PROGRAMS - ARRA OF 2009	967,214
32 (13) PROJECT GRANTS - ARRA OF 2009	<u>431,800</u>
33 TOTAL AMOUNT APPROPRIATED	<u>\$ 55,299,840</u>

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 35 SECTION 4. APPROPRIATION - MEALS ON WHEELS. There is hereby appropriated,  
 36 to the Department of Human Services - Division of Aging and Adult Services,

1 to be payable from the Aging and Adult Services Fund Account, for the Meals  
2 on Wheels Program and transportation services for the elderly of the  
3 Department of Human Services - Division of Aging and Adult Services for the  
4 fiscal year ending June 30, 2011, the following:

5	6	7	8
	ITEM		FISCAL YEAR
	<u>NO.</u>		<u>2010-2011</u>
9	(01) TRANSPORTATION SERVICES		<u>\$ 3,500,000</u>

10 SECTION 5. APPROPRIATION - ARKANSAS SENIOR OLYMPICS. There is hereby  
11 appropriated, to the Department of Human Services - Division of Aging and  
12 Adult Services, to be payable from the Aging and Adult Services Fund Account,  
13 for matching funds for the Arkansas Senior Olympics of the Department of  
14 Human Services - Division of Aging and Adult Services for the fiscal year  
15 ending June 30, 2011, the following:

16	17	18	19
	ITEM		FISCAL YEAR
	<u>NO.</u>		<u>2010-2011</u>
20	(01) STATE MATCH		<u>\$ 70,000</u>

21 SECTION 6. APPROPRIATION - MS. SENIOR PAGEANT. There is hereby  
22 appropriated, to the Department of Human Services - Division of Aging and  
23 Adult Services, to be payable from the Aging and Adult Services Fund Account,  
24 for expenses of the Ms. Senior Pageant by the Department of Human Services -  
25 Division of Aging and Adult Services for the fiscal year ending June 30,  
26 2011, the following:

27	28	29	30
	ITEM		FISCAL YEAR
	<u>NO.</u>		<u>2010-2011</u>
31	(01) MS. SENIOR PAGEANT EXPENSES		<u>\$ 20,000</u>

32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND  
34 ADULT SERVICES - CARRY FORWARD. Any unexpended balance of funds ~~and~~  
35 ~~appropriation~~ authorized for elderly transportation including the Meals on  
36 Wheels Program which remains at the close of the fiscal year ending June 30,

1 ~~2007~~ 2009 or June 30, ~~2008~~ 2010 or both, shall be carried forward into the  
2 next fiscal year, there to be used for the same purpose.

3 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as  
4 authorized herein, may be carried forward under the following conditions:

5 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set  
6 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~  
7 funding to the Department of Finance and Administration Office of Budget;

8 (2) The Department of Finance and Administration Office of Budget shall  
9 report to the Arkansas Legislative Council all amounts carried forward ~~from~~  
10 ~~the first fiscal year of the biennium to the second fiscal year of the~~  
11 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget  
12 Committee meeting ~~in the second fiscal year of the biennial period~~ which  
13 report shall include the name of the Agency, Board, Commission or Institution  
14 and the amount of the ~~appropriation and/or~~ funding carried forward ~~from the~~  
15 ~~first fiscal year to the second fiscal year~~, the program name or line item,  
16 the funding source ~~of that appropriation~~ and a copy of the written request  
17 set forth in (1) above;

18 (3) Each Agency, Board, Commission or Institution shall provide a written  
19 report to the Arkansas Legislative Council or Joint Budget Committee  
20 containing all information set forth in item (2) above, along with a written  
21 statement as to the current status of the project, contract, purpose etc. for  
22 which the carry forward was originally requested no later than thirty (30)  
23 days prior to the time the Agency, Board, Commission or Institution presents  
24 its budget request to the Arkansas Legislative Council/Joint Budget  
25 Committee; and

26 (4) Thereupon, the Department of Finance and Administration shall include  
27 all information obtained in item (3) above in the ~~biennial~~ budget manuals  
28 and/or a statement of non-compliance by the Agency, Board, Commission or  
29 Institution.

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31 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND  
33 ADULT SERVICES - MATCHING FUNDS. The funds appropriated for state match for  
34 the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-  
35 one state/local matching basis. The Senior Arkansas Sports Organization must  
36 certify its portion of the match to the Division of Aging and Adult Services

1 before any funds appropriated for state match for the Arkansas Senior  
2 Olympics Program in this Act are disbursed.

3 The provisions of this section shall be in effect only from July 1, ~~2007~~  
4 2010 through June 30, ~~2009~~ 2011.

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6 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND  
8 ADULT SERVICES - STATE MATCH AUTHORIZED. The Director of the Department of  
9 Human Services is authorized to use State funds appropriated in this Act to  
10 match Federal funds available under Title III and Title V of the Older  
11 Americans Act, Social Services Block Grant, or such other federal funds as  
12 may become available.

13 The provisions of this section shall be in effect only from July 1, ~~2007~~  
14 2010 through June 30, ~~2009~~ 2011.

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16 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND  
18 ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations  
19 for state and federal funding contained herein for the Division of Aging and  
20 Adult Services and that are distributed under grant or contract methodologies  
21 may be disbursed by the Department of Human Services in the same manner as  
22 authorized under federal regulations for the disbursement of Title III Older  
23 Americans Act funds. Otherwise, all disbursements shall comply with the  
24 provisions of this Act.

25 The provisions of this section shall be in effect only from July 1, ~~2007~~  
26 2010 through June 30, ~~2009~~ 2011.

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28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND  
30 ADULT SERVICES - NURSING HOME CARE ALTERNATIVES. Funding for "Nursing Home  
31 Care Alternatives", as it appears in the Aging and Adult Services -  
32 Operations appropriation may be used for home delivered meals, adult day  
33 care, homemaker/chore, respite care, personal care, health promotion, and  
34 other community-based activities. These funds may also be used to match  
35 Medicaid community-based programs.

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2010 through June 30, ~~2009~~ 2011.

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 3 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENIOR  
 5 CITIZEN CENTERS. The appropriation in this act for Senior Citizen Centers  
 6 shall be distributed in the same manner as the funding formula requirements  
 7 set out in the federal Older Americans Act funding law. The additional  
 8 funding provided by this provision shall supplement and not supplant any  
 9 monies currently funding services for Senior Citizen Centers.

10 The requirements in this section shall only be implemented in accordance  
 11 with any necessary approval by the Centers for Medicare and Medicaid Services  
 12 and in the event that additional general revenue funding is provided by the  
 13 General Assembly for these purposes. Should additional funding provided for  
 14 these purposes be insufficient to provide for the increases in full, the  
 15 increases shall be provided to the extent that funding is made available.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 17 2010 through June 30, ~~2009~~ 2011.

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 19 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 20 by this act shall be limited to the appropriation for such agency and funds  
 21 made available by law for the support of such appropriations; and the  
 22 restrictions of the State Procurement Law, the General Accounting and  
 23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 24 Procedures and Restrictions Act, or their successors, and other fiscal  
 25 control laws of this State, where applicable, and regulations promulgated by  
 26 the Department of Finance and Administration, as authorized by law, shall be  
 27 strictly complied with in disbursement of said funds.

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

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SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2010 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2010.