

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/17/11
A Bill

SENATE BILL 190

5 By: Joint Budget Committee
6

7 **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 FISCAL YEAR ENDING JUNE 30,
12 2012; AND FOR OTHER PURPOSES.
13

14
15 **Subtitle**

16 AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES
17 - DIVISION OF YOUTH SERVICES APPROPRIATION
18 FOR THE 2011-2012 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
24 for the Department of Human Services - Division of Youth Services for the
25 2011-2012 fiscal year, the following maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
31	(1) N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
32	(2) N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
33	(3) X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
34	(4) E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
35	(5) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
36	(6) G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123



1	(7)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE C123
2	(8)	E015C	SPECIAL EDUCATION SUPERVISOR	1	GRADE C123
3	(9)	G099C	DHS PROGRAM ADMINISTRATOR	4	GRADE C122
4	(10)	A041C	PROGRAM FISCAL MANAGER	2	GRADE C122
5	(11)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
6	(12)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
7	(13)	E026C	EDUCATION & INSTRUCTION COORDINATOR	1	GRADE C120
8	(14)	R021C	BUDGET ANALYST	1	GRADE C119
9	(15)	D062C	DATABASE ANALYST	2	GRADE C119
10	(16)	G152C	DHS PROGRAM MANAGER	11	GRADE C119
11	(17)	R027C	BUDGET SPECIALIST	1	GRADE C117
12	(18)	G183C	DHS PROGRAM COORDINATOR	8	GRADE C117
13	(19)	G180C	GRANTS ANALYST	7	GRADE C117
14	(20)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
15	(21)	E040C	STAFF DEVELOPMENT COORDINATOR	2	GRADE C117
16	(22)	M047C	YOUTH SERVICES ADVISOR	7	GRADE C116
17	(23)	G210C	DHS PROGRAM SPECIALIST	8	GRADE C115
18	(24)	R032C	HUMAN RESOURCES PROGRAM REPRESENTATIVE	1	GRADE C115
19	(25)	G214C	GRANTS SPECIALIST	4	GRADE C114
20	(26)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
21	(27)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
22	(28)	C073C	ADMINISTRATIVE SPECIALIST II	2	GRADE C109
23	(29)	A102C	FISCAL SUPPORT TECHNICIAN	1	GRADE C108
24	(30)	C088C	MAIL SERVICES ASSISTANT	<u>1</u>	GRADE C105
25			MAX. NO. OF EMPLOYEES	88	

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27 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 28 the Department of Human Services - Division of Youth Services for the 2011-
 29 2012 fiscal year, the following maximum number of part-time or temporary
 30 employees, to be known as "Extra Help", payable from funds appropriated
 31 herein for such purposes: thirty-four (34) temporary or part-time employees,
 32 when needed, at rates of pay not to exceed those provided in the Uniform
 33 Classification and Compensation Act, or its successor, or this act for the
 34 appropriate classification.

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36 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,

1 to the Department of Human Services - Division of Youth Services, to be
 2 payable from the paying account as determined by the Chief Fiscal Officer of
 3 the State, for personal services and operating expenses of the Department of
 4 Human Services - Division of Youth Services for the fiscal year ending June
 5 30, 2012, the following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2011-2012</u>
9 (01) REGULAR SALARIES	\$5,892,932
10 (02) EXTRA HELP	40,008
11 (03) PERSONAL SERVICES MATCHING	1,999,736
12 (04) OVERTIME	8,004
13 (05) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	3,012,380
15 (B) CONF. & TRAVEL	89,000
16 (C) PROF. FEES	352,192
17 (D) CAP. OUTLAY	167,064
18 (E) DATA PROC.	<u>0</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$11,561,316</u>

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21 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK
 22 GRANT. There is hereby appropriated, to the Department of Human Services -
 23 Division of Youth Services, to be payable from the Juvenile Accountability
 24 Incentive Block Grant Trust Fund, for grant payments of the Juvenile
 25 Accountability Incentive Block Grant of the Department of Human Services -
 26 Division of Youth Services for the fiscal year ending June 30, 2012, the
 27 following:

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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2011-2012</u>
31 (01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS	<u>\$1,970,215</u>

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33 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby
 34 appropriated, to the Department of Human Services - Division of Youth
 35 Services, to be payable from the Youth Services Fund Account, for grants and
 36 aid for graduated community based sanctions for juveniles adjudicated

1 delinquent for the fiscal year ending June 30, 2012, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2011-2012</u>
5 (01) COMMUNITY BASED SANCTIONS	<u>\$2,500,000</u>

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7 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby
 8 appropriated, to the Department of Human Services - Division of Youth
 9 Services, to be payable from the Youth Services Fund Account, for the
 10 purchase of services from community based providers by the Department of
 11 Human Services - Division of Youth Services for the fiscal year ending June
 12 30, 2012, the following:

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14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2011-2012</u>
16 (01) COMMUNITY SERVICES	<u>\$20,502,140</u>

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18 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS.
 19 There is hereby appropriated, to the Department of Human Services - Division
 20 of Youth Services, to be payable from the federal funds as designated by the
 21 Chief Fiscal Officer of the State, for federally funded grants of the
 22 Department of Human Services - Division of Youth Services for the fiscal year
 23 ending June 30, 2012, the following:

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25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2011-2012</u>
27 (01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$5,623,293</u>

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29 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby
 30 appropriated, to the Department of Human Services - Division of Youth
 31 Services, to be payable from the Youth Services Fund Account, for the
 32 purchase and operation of residential services by the Department of Human
 33 Services - Division of Youth Services for the fiscal year ending June 30,
 34 2012, the following:

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36 ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2011-2012</u>
2	(01) RESIDENTIAL SERVICES	<u>\$30,326,648</u>

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4 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
6 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The
7 Department of Human Services shall not contract or pay for community-based
8 residential programs within any municipality to house unrelated persons who
9 have been adjudicated delinquent of an act that would constitute a Class A
10 felony or higher or of a sexual offense or convicted of a Class A felony or
11 higher or sexual offense until the following conditions have been met:

12 1. Residents within one thousand (1,000) feet of the proposed location
13 of the facility shall be notified by mail;

14 2. A public hearing shall be conducted in the community of the proposed
15 location of the facility by the contract provider at least ten (10) days in
16 advance of the contract's effective date. Notice of the hearing shall be made
17 by mail to each of the residents within 1,000 feet of the proposed location
18 of the facility. The notification requirement shall not apply to already
19 existing facilities at already existing locations.

20 Provided further, upon establishment of such facilities within a
21 particular municipality, the contract provider and the Department shall
22 establish and implement a system to receive and respond to complaints and
23 questions from residents of such municipality. In the event the Department
24 and the provider fail to provide satisfactory communication as provided in
25 this section to the residents, such facility may be declared a public
26 nuisance by the municipality.

27 The provisions of this section shall be in effect only from July 1, ~~2010~~
28 2011 through June 30, ~~2011~~ 2012.

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30 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
32 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
33 Services shall provide funding in an amount not to exceed \$240,000 for the
34 fiscal year ending June 30, ~~2011~~ 2012 for the Juvenile Ombudsman Program
35 described in ACA 16-87-216. Upon request by the Executive Director of the
36 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State

1 shall transfer an amount not to exceed \$240,000 for the fiscal year ending
2 June 30, ~~2011~~ 2012 from an account designated by the Director of the
3 Department of Human Services to the State Central Services Fund as a direct
4 revenue to fund the Juvenile Ombudsman Program.

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6 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
8 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
9 of the State shall transfer funds in an amount of \$400,000 for the fiscal
10 year ending June 30, ~~2011~~ 2012 from the Department of Human Services – Youth
11 Services Fund Account to the Juvenile Detention Facilities Operating Fund to
12 fund the appropriation to the Department of Finance and Administration –
13 Disbursing Officer for grants for operating expenses of local juvenile
14 detention facilities.

15 The amount of the funds transferred in the fiscal year ending June 30,
16 ~~2011~~ 2012 may be adjusted upon request of the Director of the Department of
17 Human Services on a pro-rata basis with any reductions provided in the
18 Revenue Stabilization Law from the July 1 Official Forecast of general
19 revenue funding for the Division of Youth Services.

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21 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
23 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The
24 Division of Youth Services is authorized to use the administrative operating
25 account for capital improvements to the physical plant and for the purchase
26 of capital equipment by the Mansfield Youth Services Facility operated by the
27 Department of Human Services, Division of Youth Services. The funds shall be
28 held by the Department of Human Services, Division of Youth Services from the
29 proceeds of the sale of timber that may be harvested from land owned by the
30 Division of Youth Services. All funds deposited and all expenses shall be
31 tracked separately. The harvesting of timber is specifically authorized to
32 provide funds to finance capital improvements to the physical plant and for
33 the purchase of major capital equipment by the Mansfield Facility from which
34 the timber is sold.

35 The Division of Youth Services shall report all income derived from the
36 sale of timber to the Chief Fiscal Officer of the State and the Arkansas

1 Legislative Council. Any contracts initiated for the harvesting and sale of
 2 timber shall be submitted to the Review Subcommittee of the Arkansas
 3 Legislative Council for prior review. All expenditures of funds derived from
 4 the sale of timber will be expended in accordance with relevant state
 5 purchasing laws.

6 The provisions of this section shall be in effect only from July 1, ~~2010~~
 7 2011 through June 30, ~~2011~~ 2012.

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 9 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 11 SALARIES - CONTINGENT EDUCATIONAL SERVICES POSITIONS. If it has been
 12 determined by the Director of the Department of Human Services that the
 13 Division of Youth Services cannot continue a contract with a private provider
 14 for educational services and deems it necessary to utilize Division staff to
 15 provide the required educational services, the Division is authorized, to
 16 seek the approval of the Chief Fiscal Officer of the State, the Governor and
 17 the Arkansas Legislative Council or Joint Budget Committee, to utilize the
 18 contingent educational services positions contained in this Act and to make
 19 the appropriate transfers from the Residential Services Appropriation line
 20 item contained in this Act to Regular Salaries, Personal Services Matching,
 21 and various Maintenance and General Operations classifications.

22 There is hereby established for the Division of Youth Services -
 23 Contingent Educational Services Positions for the ~~2010-2011~~ 2011-2012 fiscal
 24 year, the following maximum number of regular employees whose salaries shall
 25 be governed by the provisions of the Uniform Classification and Compensation
 26 Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws
 27 amendatory thereto. Provided, however, that any position to which a specific
 28 maximum annual salary is set out herein in dollars, shall be exempt from the
 29 provisions of said Uniform Classification and Compensation Act. All persons
 30 occupying positions authorized herein are hereby governed by the provisions
 31 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-
 32 101), or its successor.

33 CONTINGENT POSITIONS - EDUCATIONAL SERVICES

		MAXIMUM ANNUAL	
		MAXIMUM	SALARY RATE
ITEM	CLASS	NO. OF	FISCAL YEAR

1	NO.	CODE	TITLE	EMPLOYEES	2010-2011
2					<u>2011-2012</u>
3	(01)	E004C	SCHOOL PRINCIPAL	1	GRADE C126
4	(02)	E017C	ASSISTANT PRINCIPAL	2	GRADE C123
5	(03)	E035C	CERTIFIED MASTERS TEACHER	80	GRADE C119
6	(04)	E032C	EDUCATIONAL COUNSELOR	3	GRADE C119
7	(05)	C058C	EDUCATION PARAPROFESSIONAL	34	GRADE C111
8	GRAND TOTAL CONTINGENT EMPLOYEES			120	

9 If the Division requests continuation of a "Contingent Educational
10 Services Position" position(s) as established herein during the next fiscal
11 year, the position(s) must be requested as a new position(s) in the
12 Division's budget request.

13 The provisions of this section shall be in effect only from July 1, ~~2010~~
14 2011 through June 30, ~~2011~~ 2012.

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

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

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35 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly, that the Constitution of the State of Arkansas prohibits

1 the appropriation of funds for more than a one (1) year period; that the
2 effectiveness of this Act on July 1, 2011 is essential to the operation of
3 the agency for which the appropriations in this Act are provided, and that in
4 the event of an extension of the legislative session, the delay in the
5 effective date of this Act beyond July 1, 2011 could work irreparable harm
6 upon the proper administration and provision of essential governmental
7 programs. Therefore, an emergency is hereby declared to exist and this Act
8 being necessary for the immediate preservation of the public peace, health
9 and safety shall be in full force and effect from and after July 1, 2011.

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11 */s/Joint Budget Committee*
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