

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Joint Budget Committee**
5
6

A Bill ACT 1 OF 1992
HOUSE BILL 1010

Call Item 2

7 **For An Act To Be Entitled**

8 "AN ACT TO TRANSFER FUNDS TO THE CHILDREN AND FAMILY
9 SERVICES FUND ACCOUNT OF THE DEPARTMENT OF HUMAN SERVICES
10 FUND AND TO OTHER FUNDS OR FUND ACCOUNTS FOR THE REMAINDER
11 OF THE BIENNIAL PERIOD ENDING JUNE 30, 1993; AND FOR OTHER
12 PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 *SECTION 1. (a) The Arkansas Child Welfare Reform Document prepared by*
17 *the Department of Human Services and dated February 24, 1992 is hereby adopted*
18 *as the requirements to be met by the Department of Human Services and the*
19 *Division of Children and Family Services in their operation of the Child*
20 *Welfare System in Arkansas. The Department of Human Services shall file the*
21 *Arkansas Child Welfare Reform Document with the Legislative Council.*

22 *(b) The Department of Human Services shall, from time to time, certify*
23 *to the Chief Fiscal Officer of the State the amount of supplemental state*
24 *funds necessary to meet the requirements of the Arkansas Child Welfare Reform*
25 *Document. For the fiscal year ending June 30, 1992, the maximum amount of*
26 *supplemental state funds that shall be made available shall be one million*
27 *four hundred forty three thousand nine hundred eleven dollars (\$1,443,911) and*
28 *for the fiscal year ending June 30, 1993 the maximum amount shall be thirteen*
29 *million nine hundred fifty two thousand four hundred fifty six dollars*
30 *(\$13,952,456). Upon receiving such certification from the Department of Human*
31 *Services, the Chief Fiscal Officer of the State shall determine and certify to*
32 *the State Treasurer that the proposed expenditures will be necessary for*
33 *compliance with the Arkansas Child Welfare Reform Document and the State*
34 *Treasurer shall transfer such amount from the General Revenue Fund Account of*
35 *the State Apportionment Fund to the Children and Family Services Fund Account*
36 *of the Department of Human Services Fund and to other funds and fund accounts*

1 as may be required to meet the requirements of the Arkansas Child Welfare
2 Reform Document. Provided, however, the State Treasurer shall make no such
3 transfers after June 30, 1992 unless she receives certification from the
4 Governor that an order has been issued closing the case of Angela R., et al v.
5 Bill Clinton, et al, subject only to being reopened by either party to
6 determine compliance or noncompliance with the Arkansas Child Welfare Reform
7 Document.

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9 SECTION 2. The Department of Human Services Division of Children &
10 Family Services is instructed to pursue all available federal matching and
11 other funding for children's services programs. State funds available to this
12 division shall not be reduced as a result of receipt of federal funding in
13 order to maximize all funding for all services.

14 All federal funding received as matching for state funds available to
15 the Division's programs for children, as well as any federal funds received
16 from retroactive claims based on prior state expenditures for the Division's
17 programs, shall be expended exclusively on children's services programs. The
18 Division of Children and Family Services shall incrementally maximize funding
19 to the level of 45% federal funds and 55% state funds excluding day care and
20 child nutrition.

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22 SECTION 3. Both the Legislative Joint Auditing Committee and the Joint
23 Interim Committee on Children and Youth may monitor expenditure of funds
24 transferred under this act and shall report as necessary to the General
25 Assembly. The Joint Interim Committee on Children and Youth is hereby
26 authorized to enter into professional service contracts with persons with the
27 necessary expertise to assist the committee in its monitoring functions and to
28 utilize the funds which were appropriated in §4 of Act 1055 of 1991 for such
29 purpose.

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31 SECTION 4. (a) There is hereby created the Child Welfare Compliance and
32 Oversight Committee to monitor the performance and expenditures of the
33 Department of Human Services to ensure that the Department complies with the
34 Arkansas Child Welfare Reform Document.

35 (b) The Committee shall be composed of five members, one to be
36 appointed jointly by the Speaker of the House and the President Pro Tempore of

1 the Senate, one to be appointed by the Director of the Department of Human
 2 Services, two to be appointed by plaintiffs_ counsel in the case of Angela R.,
 3 et al v. Bill Clinton, et al, and the fifth to be appointed jointly by the
 4 other four members of the Committee.

5 (c) The terms of office of the members of the Committee shall expire on
 6 December 31, 1994. If a vacancy occurs, the position shall be filled in the
 7 same manner as the initial appointment.

8 (d) The Committee shall report at least quarterly to: the Legislative
 9 Joint Auditing Committee; the Joint Interim Committee on Children and Youth;
 10 the Joint Interim Committee on Public Health, Welfare and Labor; plaintiffs_
 11 counsel; defense counsel; the Speaker of the House; the President Pro Tempore
 12 of the Senate; and the Governor.

13 (e) The Committee shall have the authority, by majority vote of the
 14 membership, to determine substantial compliance or noncompliance with the
 15 Arkansas Child Welfare Reform Document.

16 (f) The Committee shall have the authority to take testimony and
 17 evidence. It may also compel the attendance of witnesses and the production of
 18 documents by subpoena upon majority vote of the membership. Substantial
 19 noncompliance or compliance with the terms of the Arkansas Child Welfare
 20 Reform Document, as determined by majority vote of the membership, shall be
 21 reported to the Governor. The Committee shall make recommendations to the
 22 Governor for corrective action to achieve compliance with the Arkansas Child
 23 Welfare Reform Document. Reports of the Committee shall be a matter of public
 24 record and made available to the public.

25 (g) The Committee may employ staff to the extent that funds and
 26 appropriations are available therefor. The Committee is authorized to be
 27 reimbursed for actual expenses and per diem at a rate to be determined by the
 28 Chief Fiscal Officer of the State.

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 30 SECTION 5. Unless authorized by appropriate legislation of the Arkansas
 31 General Assembly, neither the Department of Human Services, the Youth Services
 32 Board, nor any other entity shall close the Alexander Youth Services Center
 33 before June 30, 1993. The department shall formulate a plan to be presented
 34 no later than October 1, 1992 to the Joint Interim Committee on Children and
 35 Youth which addresses the issue of the reduction of the population of the

1 Alexander and Pine Bluff Youth Service Centers, removal of those
2 inappropriately placed, length of stay of those appropriately placed, and the
3 establishment of community based intermediate sanctions, including, but not
4 limited to short-term juvenile boot camps.

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6 SECTION 6. Arkansas Code 20-10-706 and Arkansas Code 25-10-125 are
7 hereby repealed.

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9 SECTION 7. There is hereby created and established on the books of the
10 State Auditor, State Treasurer and Chief Fiscal Officer of the State a fund to
11 be known as the Cities in School Fund, which shall consist of those funds as
12 may be provided by law. Such funds shall be distributed to community-based
13 pilot programs as grants not to exceed twenty five thousand dollars each, to
14 partially defray the cost of employing a coordinator who will be responsible
15 for the coordination of existing state, federal and local programs that are
16 directed toward solving problems of children and their families. The Director
17 of the Department of Human Services, the State Board of Health and its
18 designee, the State Board of Education and its designee and appropriate local
19 officials shall cooperate and coordinate their efforts, including the
20 reassigning of its employees and the redirection of funds, to assist the
21 efforts of the community- based pilot programs directed toward solving
22 problems of children and their families and each shall designate one of their
23 employees located in the grantee's location as being the person responsible
24 for liaison between their employer and the coordinator. The Department of
25 Finance and Administration shall promulgate the appropriate regulations
26 required to implement the Cities and School grant program by May 1, 1992 and
27 shall award all grants on or before July 15, 1992. Such regulations shall
28 include a requirement that the grantee shall submit performance goals that are
29 acceptable to the Department of Finance and Administration and shall propose a
30 system to allow the Department of Finance and Administration to measure the
31 progress of the grantee towards meeting those goals.

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33 SECTION 8. Upon certification by the Chief Fiscal Officer, from time-
34 to-time to the State Treasurer, the State Treasurer shall transfer such
35 certified amounts, not to exceed in total, the sum of three hundred thousand

1 dollars (\$300,000) during the 1991-93 biennium, from the General Revenue Fund
2 Account of the State Apportionment Fund to the Cities in School Fund for the
3 purpose of providing grants not to exceed twenty five thousand dollars each,
4 to community-based pilot programs directed toward solving problems of children
5 and their families.

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7 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
8 authorized by this Act shall be limited to the appropriation for such agency
9 and funds made available by law for the support of such appropriations; and
10 the restrictions of the State Purchasing Law, the General Accounting and
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
12 Procedures and Restrictions Act, or their successors, and other fiscal control
13 laws of this State, where applicable, and regulations promulgated by the
14 Department of Finance and Administration, as authorized by law, shall be
15 strictly complied with in disbursement of said funds.

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17 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General
18 Assembly that funds transferred under the authority of this act shall be
19 disbursed in compliance with the Arkansas Child Welfare Reform Document.

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21 SECTION 11. CODE. All provisions of this Act of a general and
22 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and
23 the Arkansas Code Revision Commission shall incorporate the same in the Code.

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25 SECTION 12. SEVERABILITY. If any provision of this Act or the
26 application thereof to any person or circumstance is held invalid, such
27 invalidity shall not affect other provisions or applications of the Act which
28 can be given effect without the invalid provision or application, and to this
29 end the provisions of this Act are declared to be severable.

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31 SECTION 13. GENERAL REPEALER. All laws and parts of laws in conflict
32 with this Act are hereby repealed.

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34 SECTION 14. EMERGENCY CLAUSE. It is hereby found and determined by the
35 Seventy-Eighth General Assembly meeting in first extraordinary session, that

1 funds provided by the Seventy-Eighth General Assembly for the operations of
2 the Children and Family Services Division of the Department of Human Services
3 are, due to unforeseen circumstances, insufficient to continue to provide
4 essential governmental services to the children of this state; that the
5 provisions of this act will provide the necessary monies for the Division of
6 Children and Family Services to continue such services; and that a delay in
7 the effective date of this Act could work irreparable harm upon the proper
8 administration and provision of essential governmental programs. Therefore,
9 an emergency is hereby declared to exist and this Act being necessary for the
10 immediate preservation of the public peace, health and safety shall be in full
11 force and effect from and after the date of its passage and approval.

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/s/John E. Miller

APPROVED: 2-27-92

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