

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 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S4/4/01 S4/6/01

A Bill

Act 1531 of 2001
SENATE BILL 675

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
11 SERVICES - DIVISION OF YOUTH SERVICES FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2003; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - DIVISION OF YOUTH SERVICES
18 APPROPRIATION FOR THE 2001-2003 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Human Services - Division of Youth Services for the 2001-2003
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.
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Maximum Annual

1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2001-2002	2002-2003
4	(1)	8910	DHS DEPUTY DIRECTOR OF DYS	1	\$89,088	\$91,404
5	(2)	9236	DHS ASST DIR DIV YOUTH SERVICES	1	\$75,000	\$76,950
6	(3)	9757	DHS ASSISTANT DIRECTOR	2	\$74,140	\$76,067
7	(4)	017Z	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE 26	
8	(5)	878Z	DHS/DCFS ADMR PRGM OPS	1	GRADE 25	
9	(6)	434Z	DHS INSTITUTION OPERATIONS MANAGER	3	GRADE 24	
10	(7)	403Z	YOUTH SERVICES CENTER SUPT	2	GRADE 24	
11	(8)	187Z	DHS/DCFS ADMR INDIV & FAMILY SVCS	1	GRADE 24	
12	(9)	923Z	DHS PRGM ADMINISTRATOR	8	GRADE 23	
13	(10)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE 23	
14	(11)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE 22	
15	(12)	E051	TRAINING PROJECT MANAGER	1	GRADE 22	
16	(13)	L078	NURSE SUPERVISOR	1	GRADE 22	
17	(14)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
18	(15)	M112	COTTAGE LIFE PROGRAM DIRECTOR	1	GRADE 21	
19	(16)	697Z	DHS PRGM MANAGER	20	GRADE 21	
20	(17)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE 21	
21	(18)	A251	SR AUDITOR	1	GRADE 21	
22	(19)	R145	DHS PROGRAM COORDINATOR	6	GRADE 20	
23	(20)	R266	MANAGEMENT PROJECT ANALYST II	5	GRADE 20	
24	(21)	E114	STAFF DEVELOPMENT COORDINATOR	3	GRADE 20	
25	(22)	M088	SOCIAL WORKER II	3	GRADE 20	
26	(23)	R168	GRANTS COORDINATOR II	15	GRADE 19	
27	(24)	R084	DHS STAFF SUPERVISOR	6	GRADE 19	
28	(25)	M138	YOUTH SERVICES COUNSELOR III	11	GRADE 19	
29	(26)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
30	(27)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE 19	
31	(28)	M082	SOCIAL SERVICE WORKER III	2	GRADE 18	
32	(29)	M050	RECREATIONAL ACTIVITY LEADER SUPV	2	GRADE 18	
33	(30)	H032	FOOD PRODUCTION MANAGER	1	GRADE 18	
34	(31)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
35	(32)	E024	INSTITUTIONAL INSTRUCTOR II	6	GRADE 18	
36	(33)	D129	DP COORDINATOR	1	GRADE 18	

1	(34)	V040	PURCHASE AGENT II/PURCHASE AGENT	2	GRADE 18
2	(35)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18
3	(36)	V034	PLANT WAREHOUSE FOREMAN	1	GRADE 18
4	(37)	R134	PLANNING SPECIALIST II	2	GRADE 18
5	(38)	D128	P C SUPPORT SPECIALIST	1	GRADE 18
6	(39)	R010	ADMINISTRATIVE ASSISTANT II	10	GRADE 17
7	(40)	T049	SECURITY OFFICER SUPERVISOR	5	GRADE 17
8	(41)	R190	PERSONNEL OFFICER II	1	GRADE 17
9	(42)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
10	(43)	G089	LANDSCAPE SUPERVISOR II	1	GRADE 17
11	(44)	Y061	JOURNEYMAN PLUMBER	1	GRADE 17
12	(45)	Y057	JOURNEYMAN PAINTER	1	GRADE 17
13	(46)	M148	YOUTH SERVICES WORKER II	113	GRADE 16
14	(47)	H035	FOOD PRODUCTION SUPERVISOR	1	GRADE 16
15	(48)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
16	(49)	T047	SECURITY OFFICER III	26	GRADE 15
17	(50)	L115	LPN II/LPTN II	7	GRADE 15
18	(51)	M149	YOUTH SERVICES WORKER I	10	GRADE 15
19	(52)	V051	STOREROOM SUPV/STORE SUPV	1	GRADE 15
20	(53)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	4	GRADE 14
21	(54)	K153	SECRETARY II	13	GRADE 13
22	(55)	H049	SUPERVISOR OF COOKING	2	GRADE 13
23	(56)	K039	DOCUMENT EXAMINER II	8	GRADE 12
24	(57)	G073	HEAVY EQUIP OPERATOR	1	GRADE 11
25	(58)	K155	SECRETARY I	2	GRADE 11
26	(59)	W023	RECORDS CENTER OPERATOR II	1	GRADE 10
27	(60)	H027	COOK II	13	GRADE 10
28	(61)	V029	INVENTORY CONTROL CLERK	1	GRADE 10
29	(62)	G006	MOTOR VEHICLE OPERATOR	1	GRADE 10
30	(63)	K097	RECEPTIONIST	1	GRADE 10
31	(64)	G191	CLOTHING SHOP OPERATOR	<u>1</u>	GRADE 07
32			MAX. NO. OF EMPLOYEES	350	

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34 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 35 Human Services - Division of Youth Services for the 2001-2003 biennium, the
 36 following maximum number of part-time or temporary employees, to be known as

1 "Extra Help", payable from funds appropriated herein for such purposes:
 2 thirty-four (34) temporary or part-time employees, when needed, at rates of
 3 pay not to exceed those provided in the Uniform Classification and
 4 Compensation Act, or its successor, or this act for the appropriate
 5 classification.

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 7 SECTION 3. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT.
 8 There is hereby appropriated, to the Department of Human Services - Division
 9 of Youth Services, to be payable from the Juvenile Accountability Incentive
 10 Block Grant Trust Fund, for operating expenses, construction expenses and
 11 grant payments of the Juvenile Accountability Incentive Block Grant of the
 12 Department of Human Services - Division of Youth Services for the biennial
 13 period ending June 30, 2003, the following:

ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	13,955	13,955
(B) CONF. & TRAVEL	22,263	22,263
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	15,000	10,000
(E) DATA PROC.	0	0
(02) JUVENILE ACCOUNTABILITY INCENTIVE		
GRANTS	4,690,056	4,690,056
(03) CONSTRUCTION	<u>743,620</u>	<u>743,620</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,484,894</u>	<u>\$ 5,479,894</u>

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 29 SECTION 4. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby
 30 appropriated, to the Department of Human Services - Division of Youth
 31 Services, to be payable from the Department of Human Services - Youth
 32 Services Fund Account, for grants and aids for graduated community based
 33 sanctions for juveniles adjudicated delinquent for the biennial period ending
 34 June 30, 2003, the following:

35
 36 ITEM FISCAL YEARS

NO.	2001-2002	2002-2003
(01) COMMUNITY BASED SANCTIONS	\$ 2,500,000	\$ 2,500,000

SECTION 5. APPROPRIATION - REVOLVING LOANS. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Juvenile Detention Facilities Revolving Loan Fund, for loans to finance the construction, acquisition, and operation of juvenile detention facilities of the Department of Human Services - Division of Youth Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) REVOLVING LOANS	\$ 600,000	\$ 600,000

SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Department of Human Services - Youth Services Fund Account, for the purchase of services from community based providers of the Department of Human Services - Division of Youth Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) COMMUNITY SERVICES	\$ 28,913,964	\$ 29,159,461

SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for federally funded grants of the Department of Human Services - Division of Youth Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) FEDERAL CHILD AND YOUTH SERVICE GRANTS	\$ 1,519,312	\$ 1,519,312

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SECTION 8. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Youth 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 - Division of Youth Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 7,988,414	\$ 8,196,125
(02) EXTRA HELP	171,740	171,740
(03) PERSONAL SERV MATCHING	2,288,161	2,325,262
(04) OVERTIME	20,000	20,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	2,155,307	2,155,307
(B) CONF. & TRAVEL	79,363	79,363
(C) PROF. FEES	2,843,945	2,843,945
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(06) DATA PROCESSING SERVICES	<u>83,906</u>	<u>83,906</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 15,630,836</u>	<u>\$ 15,875,648</u>

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

1. Residents within one thousand (1,000) feet of the proposed location of the facility shall be notified by mail;
2. A public hearing shall be conducted in the community of the proposed location of the facility by the contract provider at least ten (10) days in advance of the contract's effective date. Notice of the hearing shall be

1 made by mail to each of the residents within 1,000 feet of the proposed
2 location of the facility. The notification requirement shall not apply to
3 already existing facilities at already existing locations.

4 Provided further, upon establishment of such facilities within a
5 particular municipality, the contract provider and the Department shall
6 establish and implement a system to receive and respond to complaints and
7 questions from residents of such municipality. In the event the Department
8 and the provider fail to provide satisfactory communication as provided in
9 this section to the residents, such facility may be declared a public
10 nuisance by the municipality.

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12 The provisions of this section shall be in effect only from July 1, 2001
13 through June 30, 2003.

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15 *SECTION 10. 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 PROGRAM ALLOCATIONS. The Division of Youth*
18 *Services (DYS) shall continue to allocate at least the current allocation of*
19 *\$13,904,627 of state general revenue funding and appropriation which is*
20 *currently provided through the Youth Services - Community Services*
21 *appropriation. The DYS shall not use federal funds received due to recent*
22 *DYS' efforts to maximize federal funding to supplant the current general*
23 *revenue commitment to the comprehensive community based contracts. Further,*
24 *80% of the federal reimbursement received for Targeted Case Management*
25 *services provided by community-based providers shall be placed in community-*
26 *based contracts utilizing the established funding formula. The remaining 20%*
27 *of the new federal funding shall be retained by DYS for the purpose of paying*
28 *for administrative and other costs of operations at the DYS state agency*
29 *level.*

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31 Each community based provider shall use the new funding which is received due
32 to this new initiative to increase current services, provide new services in
33 the community, and support administrative and other costs of operations at
34 the community level as directed by the Division of Youth Services.

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36 The provisions of this section shall be in effect only from July 1, 2001

1 through June 30, 2003.

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

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15 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
17 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
18 of the State shall transfer funds in an amount of \$400,000 for each fiscal
19 year of the biennial period ending June 30, 2003 from the Department of Human
20 Services – Youth Services Fund Account to the Juvenile Detention Facilities
21 Operating Fund to fund the appropriation to the Department of Finance and
22 Administration – Disbursing Officer for grants for operating expenses of
23 local juvenile detention facilities.

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

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31 SECTION 13. Arkansas Code §19-5-1034(b) is hereby amended to read “Such
32 fund shall consist of moneys transferred from the ~~Children and Family~~
33 ~~Services Fund Account as determined by the Department of Human Services,~~
34 ~~Division of Youth Services~~ Department of Human Services – Youth Services Fund
35 Account.

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1 *SECTION 14.* NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
2 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
3 appropriations as provided in this Act, the agency disbursing officer shall
4 monitor the level of fund balances in relation to expenditures on a monthly
5 basis. If any proposed expenditures would cause a fund balance to decline to
6 less than fifty percent (50%) of the balance available on July 1, 2001, the
7 disbursing officer shall immediately notify the executive head of the agency.
8 Prior to any obligations being made under these circumstances, the agency
9 head shall file written documentation with the Chief Fiscal Officer of the
10 State requesting approval of the expenditures. Such documentation shall
11 provide sufficient financial data to justify the expenditures and shall
12 include the following:

- 13 1) a plan that clearly indicates the specific fiscal impact of such
14 expenditures on the fund balance.
- 15 2) information clearly indicating and explaining what programs would be cut
16 or any other measures to be taken by the agency to restore the fund balance.
- 17 3) the extent to which any of the planned expenditures are for one-time costs
18 or one-time purchase of capitalized items.
- 19 4) a statement certifying that the expenditure of fund balances will not
20 jeopardize the financial health of the agency, nor result in a permanent
21 depletion of the fund balance.

22 (B) The Chief Fiscal Officer of the State shall review the request and
23 approve or disapprove all or any part of the request , after having sought
24 prior review by the Legislative Council.
25

26 *SECTION 15.* COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
27 by this act shall be limited to the appropriation for such agency and funds
28 made available by law for the support of such appropriations; and the
29 restrictions of the State Purchasing Law, the General Accounting and
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
31 Procedures and Restrictions Act, or their successors, and other fiscal
32 control laws of this State, where applicable, and regulations promulgated by
33 the Department of Finance and Administration, as authorized by law, shall be
34 strictly complied with in disbursement of said funds.
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36 *SECTION 16.* LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

8
9 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a two (2) year period; that the
12 effectiveness of this Act on July 1, 2001 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2001 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2001.

20
21 */s/ Joint Budget Committee*

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24 APPROVED: 4/12/2001
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