

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.

Act 1278 of the Regular Session

As Engrossed: H3/26/07 H3/27/07 H3/29/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

HOUSE BILL 1291

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 HEALTH AND HUMAN SERVICES -
12 DIVISION OF AGING AND ADULT SERVICES FOR THE
13 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 AN ACT FOR THE DEPARTMENT OF HEALTH AND
19 HUMAN SERVICES - DIVISION OF AGING AND
20 ADULT SERVICES APPROPRIATION FOR THE
21 2007-2009 BIENNIUM.
22
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 *SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for*
27 *the Department of Health and Human Services - Division of Aging and Adult*
28 *Services for the 2007-2009 biennium, the following maximum number of regular*
29 *employees whose salaries shall be governed by the provisions of the Uniform*
30 *Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or*
31 *its successor, and all laws amendatory thereto. Provided, however, that any*
32 *position to which a specific maximum annual salary is set out herein in*
33 *dollars, shall be exempt from the provisions of said Uniform Classification*
34 *and Compensation Act. All persons occupying positions authorized herein are*
35 *hereby governed by the provisions of the Regular Salaries Procedures and*



1 Restrictions Act (Arkansas Code §21-5-101), or its successor.

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			<i>Maximum Annual</i>		
			<i>Maximum</i>	<i>Salary Rate</i>	
			<i>No. of</i>	<i>Fiscal Years</i>	
<i>Item</i>	<i>Class</i>		<i>Employees</i>	<i>2007-2008</i>	<i>2008-2009</i>
<i>No.</i>	<i>Code</i>	<i>Title</i>			
(1)	8868	DHS DEPUTY DIRECTOR ADULT SERVICES	1	\$101,049	\$103,069
(2)	8960	AGING & ADULT SVCS ASST DEP DIR	1	\$68,491	\$69,860
(3)	8930	AGING & ADULT SVCS ASST DEP DIR	1	\$66,336	\$67,662
(4)	L124	PSYCHOLOGIST	1	GRADE	25
(5)	023Z	DHS/DCO ASST CHIEF PRGM ADMR	2	GRADE	25
(6)	040Z	DHS/DCFS AREA MANAGER	2	GRADE	24
(7)	923Z	DHS PRGM ADMINISTRATOR	10	GRADE	23
(8)	R184	NURSING SERVICES UNIT MANAGER	1	GRADE	23
(9)	M087	DHS/DCFS FIELD MANAGER	5	GRADE	22
(10)	L019	NUTRITIONIST CONSULTANT	1	GRADE	21
(11)	697Z	DHS PRGM MANAGER	4	GRADE	21
(12)	L082	NURSING SERVICES SPECIALIST	6	GRADE	21
(13)	L122	PSYCHOLOGICAL EXAMINER II	1	GRADE	21
(14)	R115	OFFICE ON AGING PROGRAM SUPERVISOR	8	GRADE	21
(15)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE	21
(16)	R266	MANAGEMENT PROJECT ANALYST II	9	GRADE	20
(17)	M088	SOCIAL WORKER II	1	GRADE	20
(18)	M127	SR REHABILITATION COUNSELOR	4	GRADE	20
(19)	Q039	HVACR INSPECTOR SUPERVISOR	1	GRADE	20
(20)	L088	OCCUPATIONAL THERAPIST II	1	GRADE	20
(21)	L070	NURSE II	66	GRADE	20
(22)	L140	SPEECH PATHOLOGIST II	1	GRADE	20
(23)	M005	FAMILY SERVICE WORKER SPECIALIST	34	GRADE	20
(24)	B066	MICROBIOLOGIST II	1	GRADE	20
(25)	R145	DHS PROGRAM COORDINATOR	1	GRADE	20
(26)	L028	DIETICIAN	1	GRADE	19
(27)	M086	SOCIAL WORKER I	3	GRADE	19
(28)	R084	DHS STAFF SUPERVISOR	1	GRADE	19
(29)	M004	FAMILY SERVICE WORKER	7	GRADE	19
(30)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE	18

1	(31)	R134	PLANNING SPECIALIST II	1	GRADE 18
2	(32)	D034	PROGRAMMER ANALYST	1	GRADE 18
3	(33)	M082	SOCIAL SERVICE WORKER III	3	GRADE 18
4	(34)	R190	PERSONNEL OFFICER II	1	GRADE 17
5	(35)	R010	ADMINISTRATIVE ASSISTANT II	9	GRADE 17
6	(36)	M079	SOCIAL SERVICE WORKER I	1	GRADE 15
7	(37)	R009	ADMINISTRATIVE ASSISTANT I	4	GRADE 15
8	(38)	K153	SECRETARY II	<u>5</u>	GRADE 13
9			MAX. NO. OF EMPLOYEES	203	

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11 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 12 Department of Health and Human Services - Division of Aging and Adult
 13 Services for the 2007-2009 biennium, the following maximum number of part-
 14 time or temporary employees, to be known as "Extra Help", payable from funds
 15 appropriated herein for such purposes: eighteen (18) temporary or part-time
 16 employees, when needed, at rates of pay not to exceed those provided in the
 17 Uniform Classification and Compensation Act, or its successor, or this act
 18 for the appropriate classification.

19

20 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 21 the Department of Health and Human Services - Division of Aging and Adult
 22 Services, to be payable from the paying account as determined by the Chief
 23 Fiscal Officer of the State, for personal services and operating expenses of
 24 the Department of Health and Human Services - Division of Aging and Adult
 25 Services for the biennial period ending June 30, 2009, the following:

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27	ITEM	FISCAL YEARS	
28	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
29	(01) REGULAR SALARIES	\$ 7,696,507	\$ 7,842,431
30	(02) EXTRA HELP	140,868	140,868
31	(03) PERSONAL SERVICES MATCHING	2,468,550	2,503,333
32	(04) MAINT. & GEN. OPERATION		
33	(A) OPER. EXPENSE	3,389,028	3,391,148
34	(B) CONF. & TRAVEL	110,100	110,100
35	(C) PROF. FEES	665,833	665,833
36	(D) CAP. OUTLAY	0	0

1	(E) DATA PROC.	0	0
2	(05) COMMUNITY BASED CARE	116,552	116,552
3	(06) NURSING HOME CARE ALTERNATIVES	5,965,039	5,965,039
4	(07) NUTRITION PROGRAMS	10,422,230	10,422,230
5	(08) OLDER WORKER PROGRAM	1,132,006	1,132,006
6	(09) PROJECT GRANTS	14,251,245	14,251,245
7	(10) RETIRED & SENIOR VOLUNTEER PROGRAM	75,000	75,000
8	(11) SENIOR CITIZEN CENTERS	<u>5,000,000</u>	<u>5,000,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 51,432,958</u>	<u>\$ 51,615,785</u>

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11 SECTION 4. APPROPRIATION - MEALS ON WHEELS. There is hereby appropriated,
 12 to the Department of Health and Human Services - Division of Aging and Adult
 13 Services, to be payable from the Aging and Adult Services Fund Account, for
 14 the Meals on Wheels Program and transportation services for the elderly of
 15 the Department of Health and Human Services - Division of Aging and Adult
 16 Services for the biennial period ending June 30, 2009, the following:

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18	ITEM	FISCAL YEARS	
19	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
20	(01) TRANSPORTATION SERVICES	<u>\$ 3,500,000</u>	<u>\$ 3,500,000</u>

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22 SECTION 5. APPROPRIATION - ARKANSAS SENIOR OLYMPICS. There is hereby
 23 appropriated, to the Department of Health and Human Services - Division of
 24 Aging and Adult Services, to be payable from the Aging and Adult Services
 25 Fund Account, for matching funds for the Arkansas Senior Olympics of the
 26 Department of Health and Human Services - Division of Aging and Adult
 27 Services for the biennial period ending June 30, 2009, the following:

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29	ITEM	FISCAL YEARS	
30	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
31	(01) STATE MATCH	<u>\$ 70,000</u>	<u>\$ 70,000</u>

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33 SECTION 6. APPROPRIATION - MS. SENIOR PAGEANT. There is hereby
 34 appropriated, to the Department of Health and Human Services - Division of
 35 Aging and Adult Services, to be payable from the Aging and Adult Services
 36 Fund Account, for expenses of the Ms. Senior Pageant by the Department of

1 Health and Human Services - Division of Aging and Adult Services for the
2 biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
NO.	2007-2008	2008-2009
(01) MS. SENIOR PAGEANT EXPENSES	<u>\$ 20,000</u>	<u>\$ 20,000</u>

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8 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
10 ADULT SERVICES - CARRY FORWARD. Any unexpended balance of funds and
11 appropriation authorized for elderly transportation including the Meals on
12 Wheels Program which remains at the close of the fiscal year ending June 30,
13 ~~2005~~ 2007 or June 30, ~~2006~~ 2008 or both, shall be carried forward into the
14 next fiscal year, there to be used for the same purpose.

15
16 Any carry forward of unexpended balance of appropriation and/or funding as
17 authorized herein, may be carried forward under the following conditions:

18
19 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
20 its reason(s) for the need to carry forward said appropriation and/or funding
21 to the Department of Finance and Administration Office of Budget;

22
23 (2) The Department of Finance and Administration Office of Budget shall
24 report to the Arkansas Legislative Council all amounts carried forward from
25 the first fiscal year of the biennium to the second fiscal year of the
26 biennium by the September Arkansas Legislative Council or Joint Budget
27 Committee meeting in the second fiscal year of the biennial period which
28 report shall include the name of the Agency, Board, Commission or Institution
29 and the amount of the appropriation and/or funding carried forward from the
30 first fiscal year to the second fiscal year, the program name or line item,
31 the funding source of that appropriation and a copy of the written request
32 set forth in (1) above;

33
34 (3) Each Agency, Board, Commission or Institution shall provide a written
35 report to the Arkansas Legislative Council or Joint Budget Committee
36 containing all information set forth in item (2) above, along with a written

1 statement as to the current status of the project, contract, purpose etc. for
2 which the carry forward was originally requested no later than thirty (30)
3 days prior to the time the Agency, Board, Commission or Institution presents
4 its budget request to the Arkansas Legislative Council/Joint Budget
5 Committee; and

6
7 (4) Thereupon, the Department of Finance and Administration shall include
8 all information obtained in item (3) above in the biennial budget manuals
9 and/or a statement of non-compliance by the Agency, Board, Commission or
10 Institution.

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12 The provisions of this section shall be in effect only from July 1, 2005
13 2007 through June 30, ~~2007~~ 2009.

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15 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
17 ADULT SERVICES - MATCHING FUNDS. The funds appropriated for state match for
18 the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-
19 one state/local matching basis. The Senior Arkansas Sports Organization must
20 certify its portion of the match to the Division of Aging and Adult Services
21 before any funds appropriated for state match for the Arkansas Senior
22 Olympics Program in this Act are disbursed.

23 The provisions of this section shall be in effect only from July 1, 2005
24 2007 through June 30, ~~2007~~ 2009.

25
26 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
28 ADULT SERVICES - STATE MATCH AUTHORIZED. The Director of the Department of
29 Health and Human Services is authorized to use State funds appropriated in
30 this Act to match Federal funds available under Title III and Title V of the
31 Older Americans Act, Social Services Block Grant, or such other federal funds
32 as may become available.

33 The provisions of this section shall be in effect only from July 1, 2005
34 2007 through June 30, ~~2007~~ 2009.

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36 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
2 ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations
3 for state and federal funding contained herein for the Division of Aging and
4 Adult Services and that are distributed under grant or contract methodologies
5 may be disbursed by the Department of Health and Human Services in the same
6 manner as authorized under federal regulations for the disbursement of Title
7 III Older Americans Act funds. Otherwise, all disbursements shall comply
8 with the provisions of this Act.

9 The provisions of this section shall be in effect only from July 1, 2005
10 2007 through June 30, ~~2007~~ 2009.

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

20 The provisions of this section shall be in effect only from July 1, 2005
21 2007 through June 30, ~~2007~~ 2009.

22
23 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENIOR
25 CITIZEN CENTERS. The ~~five million dollars (\$5,000,000) appropriated~~
26 appropriation each fiscal year in this act for Senior Citizen Centers shall
27 be distributed in the same manner as the funding formula requirements set out
28 in the federal Older Americans Act funding law. The additional funding
29 provided by this provision shall supplement and not supplant any monies
30 currently funding services for Senior Citizen Centers.

31 The requirements in this section shall only be implemented in accordance
32 with any necessary approval by the Centers for Medicare and Medicaid
33 Services, and in the event that additional general revenue funding is
34 provided by the General Assembly for these purposes. Should additional
35 funding provided for these purposes be insufficient to provide for the
36 increases in full, the increases shall be provided to the extent that funding

1 is made available.

2 The provisions of this section shall be in effect only from July 1, 2005
3 2007 through June 30, ~~2007~~ 2009.

4
5 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
6 by this act shall be limited to the appropriation for such agency and funds
7 made available by law for the support of such appropriations; and the
8 restrictions of the State Procurement Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

14

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

23

24 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
25 Assembly, that the Constitution of the State of Arkansas prohibits the
26 appropriation of funds for more than a two (2) year period; that the
27 effectiveness of this Act on July 1, 2007 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the Regular Session, the delay in the effective
30 date of this Act beyond July 1, 2007 could work irreparable harm upon the
31 proper administration and provision of essential governmental programs.
32 Therefore, an emergency is hereby declared to exist and this Act being
33 necessary for the immediate preservation of the public peace, health and
34 safety shall be in full force and effect from and after July 1, 2007.

35

36 /s/ Joint Budget Committee APPROVED: 4/5/2007