

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010  
4

# A Bill

SENATE BILL 31

5 By: Joint Budget Committee  
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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 YOUTH  
12 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,  
13 2011; AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF HUMAN  
17 SERVICES - DIVISION OF YOUTH SERVICES  
18 APPROPRIATION FOR THE 2010-2011 FISCAL  
19 YEAR.  
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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 Youth Services for the 2010-  
27 2011 fiscal year, the following maximum number of regular employees whose  
28 salaries shall be governed by the provisions of the Uniform Classification  
29 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
30 and all laws amendatory thereto. Provided, however, that any position to  
31 which a specific maximum annual salary is set out herein in dollars, shall be  
32 exempt from the provisions of said Uniform Classification and Compensation  
33 Act. All persons occupying positions authorized herein are hereby governed  
34 by the provisions of the Regular Salaries Procedures and Restrictions Act  
35 (Arkansas Code §21-5-101), or its successor.  
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1				Maximum Annual	
2				Salary Rate	
3	Item	Class	No. of	Fiscal Year	
4	No.	Code	Title	Employees	2010-2011
5	(1)	N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
6	(2)	N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
7	(3)	X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
8	(4)	E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
9	(5)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
10	(6)	G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123
11	(7)	E015C	SPECIAL EDUCATION SUPERVISOR	1	GRADE C123
12	(8)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE C123
13	(9)	G099C	DHS PROGRAM ADMINISTRATOR	7	GRADE C122
14	(10)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
15	(11)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
16	(12)	L033C	PSYCHOLOGICAL EXAMINER	1	GRADE C121
17	(13)	E026C	EDUCATION & INSTRUCTION COORDINATOR	1	GRADE C120
18	(14)	R021C	BUDGET ANALYST	1	GRADE C119
19	(15)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
20	(16)	D062C	DATABASE ANALYST	2	GRADE C119
21	(17)	G152C	DHS PROGRAM MANAGER	13	GRADE C119
22	(18)	R027C	BUDGET SPECIALIST	1	GRADE C117
23	(19)	G183C	DHS PROGRAM COORDINATOR	10	GRADE C117
24	(20)	G180C	GRANTS ANALYST	8	GRADE C117
25	(21)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
26	(22)	M047C	YOUTH SERVICES ADVISOR	9	GRADE C116
27	(23)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
28	(24)	G210C	DHS PROGRAM SPECIALIST	10	GRADE C115
29	(25)	R032C	HUMAN RESOURCES PROGRAM REP	1	GRADE C115
30	(26)	S031C	SKILLED TRADESMAN	1	GRADE C115
31	(27)	G214C	GRANTS SPECIALIST	7	GRADE C114
32	(28)	V020C	INVENTORY CONTROL MANAGER	2	GRADE C113
33	(29)	L069C	LICENSED PRACTICAL NURSE	4	GRADE C113
34	(30)	T072C	SECURITY OFFICER SUPERVISOR	2	GRADE C113
35	(31)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112
36	(32)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112

1	(33)	MO69C	YOUTH SERVICES TECHNICIAN	37	GRADE C112
2	(34)	T084C	PUBLIC SAFETY SECURITY OFFICER	1	GRADE C110
3	(35)	C073C	ADMINISTRATIVE SPECIALIST II	8	GRADE C109
4	(36)	S062C	INSTITUTIONAL BUS DRIVER	1	GRADE C109
5	(37)	C087C	ADMINISTRATIVE SPECIALIST I	1	GRADE C106
6	(38)	S086C	COOK	1	GRADE C104
7	(39)	S087C	INSTITUTIONAL SERVICES ASSISTANT	<u>1</u>	GRADE C103
8			MAX. NO. OF EMPLOYEES	161	

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10 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the  
 11 Department of Human Services - Division of Youth Services for the 2010-2011  
 12 fiscal year, the following maximum number of part-time or temporary  
 13 employees, to be known as "Extra Help", payable from funds appropriated  
 14 herein for such purposes: thirty-four (34) temporary or part-time employees,  
 15 when needed, at rates of pay not to exceed those provided in the Uniform  
 16 Classification and Compensation Act, or its successor, or this act for the  
 17 appropriate classification.

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19 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 20 the Department of Human Services - Division of Youth Services, to be payable  
 21 from the paying account as determined by the Chief Fiscal Officer of the  
 22 State, for personal services and operating expenses of the Department of  
 23 Human Services - Division of Youth Services for the fiscal year ending June  
 24 30, 2011, the following:

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26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2010-2011</u>
28	(01) REGULAR SALARIES	\$ 6,102,635
29	(02) EXTRA HELP	40,008
30	(03) PERSONAL SERVICES MATCHING	2,010,518
31	(04) OVERTIME	8,004
32	(05) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	2,992,380
34	(B) CONF. & TRAVEL	89,000
35	(C) PROF. FEES	312,192
36	(D) CAP. OUTLAY	167,325

1 (E) DATA PROC. 0  
 2 TOTAL AMOUNT APPROPRIATED \$ 11,722,062  
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4 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT.

5 There is hereby appropriated, to the Department of Human Services - Division  
 6 of Youth Services, to be payable from the Juvenile Accountability Incentive  
 7 Block Grant Trust Fund, for grant payments of the Juvenile Accountability  
 8 Incentive Block Grant of the Department of Human Services - Division of Youth  
 9 Services for the fiscal year ending June 30, 2011, the following:

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11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2010-2011</u>
13 (01) JUVENILE ACCOUNTABILITY INCENTIVE	
14 GRANTS	<u>\$ 2,188,456</u>

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16 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby  
 17 appropriated, to the Department of Human Services - Division of Youth  
 18 Services, to be payable from the Youth Services Fund Account, for grants and  
 19 aid for graduated community based sanctions for juveniles adjudicated  
 20 delinquent for the fiscal year ending June 30, 2011, the following:

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22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2010-2011</u>
24 (01) COMMUNITY BASED SANCTIONS	<u>\$ 2,500,000</u>

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26 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
 27 appropriated, to the Department of Human Services - Division of Youth  
 28 Services, to be payable from the Youth Services Fund Account, for the  
 29 purchase of services from community based providers by the Department of  
 30 Human Services - Division of Youth Services for the fiscal year ending June  
 31 30, 2011, the following:

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33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2010-2011</u>
35 (01) COMMUNITY SERVICES	<u>\$ 21,083,708</u>

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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 fiscal year ending June 30, 2011, the following:

ITEM NO.	FISCAL YEAR 2010-2011
(01) FEDERAL CHILD & YOUTH SERVICE GRANTS	\$ <u>6,260,348</u>

SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Youth Services Fund Account, for the purchase and operation of residential services by the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2011, the following:

ITEM NO.	FISCAL YEAR 2010-2011
(01) RESIDENTIAL SERVICES	\$ <u>35,402,401</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 made by mail to each of the residents within 1,000 feet of the proposed location

1 of the facility. The notification requirement shall not apply to already  
 2 existing facilities at already existing locations.

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

10 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 11 2010 through June 30, ~~2009~~ 2011.

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 13 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 15 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human  
 16 Services shall provide funding in an amount not to exceed \$240,000 for the  
 17 fiscal year ending June 30, ~~2009~~ 2011 for the Juvenile Ombudsman Program  
 18 described in ACA 16-87-216. Upon request by the Executive Director of the  
 19 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State  
 20 shall transfer an amount not to exceed \$240,000 for the fiscal year ending  
 21 June 30, ~~2009~~ 2011 from an account designated by the Director of the  
 22 Department of Human Services to the State Central Services Fund as a direct  
 23 revenue to fund the Juvenile Ombudsman Program.

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 25 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 27 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
 28 of the State shall transfer funds in an amount of \$400,000 for the fiscal  
 29 year ending June 30, ~~2009~~ 2011 from the Department of Human Services – Youth  
 30 Services Fund Account to the Juvenile Detention Facilities Operating Fund to  
 31 fund the appropriation to the Department of Finance and Administration –  
 32 Disbursing Officer for grants for operating expenses of local juvenile  
 33 detention facilities.

34 The amount of the funds transferred in the fiscal year ending June 30,  
 35 ~~2009~~ 2011 may be adjusted upon request of the Director of the Department of  
 36 Human Services on a pro-rata basis with any reductions provided in the

1 Revenue Stabilization Law from the July 1 Official Forecast of general  
 2 revenue funding for the Division of Youth Services.

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 4 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
 6 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
 7 Division of Youth Services is authorized to use the administrative operating  
 8 account for capital improvements to the physical plant and for the purchase  
 9 of capital equipment by the Mansfield Youth Services Facility operated by the  
 10 Department of Human Services, Division of Youth Services. The funds shall be  
 11 held by the Department of Human Services, Division of Youth Services from the  
 12 proceeds of the sale of timber that may be harvested from land owned by the  
 13 Division of Youth Services. All funds deposited and all expenses shall be  
 14 tracked separately. The harvesting of timber is specifically authorized to  
 15 provide funds to finance capital improvements to the physical plant and for  
 16 the purchase of major capital equipment by the Mansfield Facility from which  
 17 the timber is sold.

18 The Division of Youth Services shall report all income derived from the  
 19 sale of timber to the Chief Fiscal Officer of the State and the Arkansas  
 20 Legislative Council. Any contracts initiated for the harvesting and sale of  
 21 timber shall be submitted to the Review Subcommittee of the Arkansas  
 22 Legislative Council for prior review. All expenditures of funds derived from  
 23 the sale of timber will be expended in accordance with relevant state  
 24 purchasing laws.

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 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR  
 30 SALARIES - CONTINGENT EDUCATIONAL SERVICES POSITIONS. If it has been  
 31 determined by the Director of the Department of Human Services that the  
 32 Division of Youth Services cannot continue a contract with a private provider  
 33 for educational services and deems it necessary to utilize Division staff to  
 34 provide the required educational services, the Division is authorized, to  
 35 seek the approval of the Chief Fiscal Officer of the State, the Governor and  
 36 the Arkansas Legislative Council or Joint Budget Committee, to utilize the

1 contingent educational services positions contained in this Act and to make  
2 the appropriate transfers from the Residential Services Appropriation line  
3 item contained in this Act to Regular Salaries, Personal Services Matching,  
4 and various Maintenance and General Operations classifications.

5 There is hereby established for the Division of Youth Services -  
6 Contingent Educational Services Positions for the ~~2009-2010~~ 2010-2011 fiscal  
7 year, the following maximum number of regular employees whose salaries shall  
8 be governed by the provisions of the Uniform Classification and Compensation  
9 Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws  
10 amendatory thereto. Provided, however, that any position to which a specific  
11 maximum annual salary is set out herein in dollars, shall be exempt from the  
12 provisions of said Uniform Classification and Compensation Act. All persons  
13 occupying positions authorized herein are hereby governed by the provisions  
14 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-  
15 101), or its successor.

16  
17 CONTINGENT POSITIONS - EDUCATIONAL SERVICES

19				MAXIMUM ANNUAL
20				SALARY RATE
21	ITEM	CLASS		FISCAL YEAR
22	NO.	CODE	TITLE	<del>2009-2010</del> <u>2010-2011</u>
23	(01)	E004C	SCHOOL PRINCIPAL	GRADE C126
24	(02)	E017C	ASSISTANT PRINCIPAL	GRADE C123
25	(03)	E035C	CERTIFIED MASTERS TEACHER	GRADE C119
26	(04)	E032C	EDUCATIONAL COUNSELOR	GRADE C119
27	(05)	C058C	EDUCATION PARAPROFESSIONAL	GRADE C111
28				
29	GRAND TOTAL	CONTINGENT EMPLOYEES		120

30  
31 If the Division requests continuation of a "Contingent Educational  
32 Services Position" position(s) as established herein during the next fiscal  
33 year, the position(s) must be requested as a new position(s) in the  
34 Division's budget request.

35 The provisions of this section shall be in effect only from July 1, ~~2009~~  
36 2010 through June 30, ~~2010~~ 2011.



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

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

SECTION 16. 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.

**APPROVED: 2/24/2010**