

**Stricken language will be deleted and underlined language will be added.
Act 241 of the Fiscal Session**

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

A Bill

HOUSE BILL 1039

4
5 By: Joint Budget Committee

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 AGING
12 AND ADULT SERVICES FOR THE FISCAL YEAR ENDING
13 JUNE 30, 2011; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - DIVISION OF AGING AND ADULT
18 SERVICES APPROPRIATION FOR THE 2010-2011
19 FISCAL YEAR.

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

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of Employees	Salary Rate Fiscal Year 2010-2011
(1)	N027N	DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE N909
(2)	N147N	DHS/DAAS ASST DEP DIR	1	GRADE N902
(3)	N142N	DHS/DAAS DEPUTY DIRECTOR	1	GRADE N902
(4)	N168N	DHS DIR HOME & COMMUNITY BASED SVCS	1	GRADE N901
(5)	A024C	DHS DIVISION CHIEF FISCAL OFFICER	1	GRADE C125
(6)	L009C	NURSE MANAGER	2	GRADE C125
(7)	G083C	DHS/DAAS DIVISION MANAGER	2	GRADE C123
(8)	G101C	DHS AREA MANAGER	2	GRADE C122
(9)	G099C	DHS PROGRAM ADMINISTRATOR	8	GRADE C122
(10)	L027C	REGISTERED NURSE SUPERVISOR	11	GRADE C122
(11)	M016C	DHS FIELD MANAGER	5	GRADE C120
(12)	L038C	REGISTERED NURSE	75	GRADE C120
(13)	R021C	BUDGET ANALYST	1	GRADE C119
(14)	G152C	DHS PROGRAM MANAGER	3	GRADE C119
(15)	G153C	DHS/DAAS PROGRAM SUPERVISOR	4	GRADE C119
(16)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(17)	M026C	LICENSED SOCIAL WORKER	1	GRADE C118
(18)	M025C	PROGRAM ELIGIBILITY COORDINATOR I	1	GRADE C118
(19)	M045C	ADULT PROTECTIVE SERVICES WORKER	39	GRADE C117
(20)	G183C	DHS PROGRAM COORDINATOR	4	GRADE C117
(21)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
(22)	G198C	DHS/DAAS PROGRAM SPECIALIST	13	GRADE C116
(23)	G210C	DHS PROGRAM SPECIALIST	5	GRADE C115
(24)	D077C	HELP DESK SPECIALIST	1	GRADE C115
(25)	C056C	ADMINISTRATIVE SPECIALIST III	13	GRADE C112
(26)	C073C	ADMINISTRATIVE SPECIALIST II	6	GRADE C109
		MAX. NO. OF EMPLOYEES	203	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Division of Aging and Adult Services for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated

1 herein for such purposes: eighteen (18) temporary or part-time employees,
2 when needed, at rates of pay not to exceed those provided in the Uniform
3 Classification and Compensation Act, or its successor, or this act for the
4 appropriate classification.

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6 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
7 the Department of Human Services - Division of Aging and Adult Services, to
8 be payable from the paying account as determined by the Chief Fiscal Officer
9 of the State, for personal services and operating expenses of the Department
10 of Human Services - Division of Aging and Adult Services for the fiscal year
11 ending June 30, 2011, the following:

12

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 9,200,447
(02) EXTRA HELP	140,868
(03) PERSONAL SERVICES MATCHING	2,821,506
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	2,823,321
(B) CONF. & TRAVEL	110,100
(C) PROF. FEES	547,615
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) COMMUNITY BASED CARE	90,000
(06) NURSING HOME CARE ALTERNATIVES	6,656,003
(07) NUTRITION PROGRAMS	11,343,402
(08) OLDER WORKER PROGRAM	1,132,005
(09) PROJECT GRANTS	13,960,559
(10) RETIRED & SENIOR VOLUNTEER PROGRAM	75,000
(11) SENIOR CITIZEN CENTERS	5,000,000
(12) NUTRITION PROGRAMS - ARRA OF 2009	967,214
(13) PROJECT GRANTS - ARRA OF 2009	<u>431,800</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 55,299,840</u>

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35 SECTION 4. APPROPRIATION - MEALS ON WHEELS. There is hereby appropriated,
36 to the Department of Human Services - Division of Aging and Adult Services,

1 to be payable from the Aging and Adult Services Fund Account, for the Meals
2 on Wheels Program and transportation services for the elderly of the
3 Department of Human Services - Division of Aging and Adult Services for the
4 fiscal year ending June 30, 2011, the following:

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6	ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2010-2011</u>
8	(01) TRANSPORTATION SERVICES	<u>\$ 3,500,000</u>

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10 SECTION 5. APPROPRIATION - ARKANSAS SENIOR OLYMPICS. There is hereby
11 appropriated, to the Department of Human Services - Division of Aging and
12 Adult Services, to be payable from the Aging and Adult Services Fund Account,
13 for matching funds for the Arkansas Senior Olympics of the Department of
14 Human Services - Division of Aging and Adult Services for the fiscal year
15 ending June 30, 2011, the following:

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17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2010-2011</u>
19	(01) STATE MATCH	<u>\$ 70,000</u>

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21 SECTION 6. APPROPRIATION - MS. SENIOR PAGEANT. There is hereby
22 appropriated, to the Department of Human Services - Division of Aging and
23 Adult Services, to be payable from the Aging and Adult Services Fund Account,
24 for expenses of the Ms. Senior Pageant by the Department of Human Services -
25 Division of Aging and Adult Services for the fiscal year ending June 30,
26 2011, the following:

27		
28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2010-2011</u>
30	(01) MS. SENIOR PAGEANT EXPENSES	<u>\$ 20,000</u>

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32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
34 ADULT SERVICES - CARRY FORWARD. Any unexpended balance of funds ~~and~~
35 ~~appropriation~~ authorized for elderly transportation including the Meals on
36 Wheels Program which remains at the close of the fiscal year ending June 30,

1 ~~2007~~ 2009 or June 30, ~~2008~~ 2010 or both, shall be carried forward into the
2 next fiscal year, there to be used for the same purpose.

3 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
4 authorized herein, may be carried forward under the following conditions:

5 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
6 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
7 funding to the Department of Finance and Administration Office of Budget;

8 (2) The Department of Finance and Administration Office of Budget shall
9 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
10 ~~the first fiscal year of the biennium to the second fiscal year of the~~
11 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
12 Committee meeting ~~in the second fiscal year of the biennial period~~ which
13 report shall include the name of the Agency, Board, Commission or Institution
14 and the amount of the ~~appropriation and/or~~ funding carried forward ~~from the~~
15 ~~first fiscal year to the second fiscal year~~, the program name or line item,
16 the funding source ~~of that appropriation~~ and a copy of the written request
17 set forth in (1) above;

18 (3) Each Agency, Board, Commission or Institution shall provide a written
19 report to the Arkansas Legislative Council or Joint Budget Committee
20 containing all information set forth in item (2) above, along with a written
21 statement as to the current status of the project, contract, purpose etc. for
22 which the carry forward was originally requested no later than thirty (30)
23 days prior to the time the Agency, Board, Commission or Institution presents
24 its budget request to the Arkansas Legislative Council / Joint Budget
25 Committee; and

26 (4) Thereupon, the Department of Finance and Administration shall include
27 all information obtained in item (3) above in the ~~biennial~~ budget manuals
28 and/or a statement of non-compliance by the Agency, Board, Commission or
29 Institution.

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31 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
33 ADULT SERVICES - MATCHING FUNDS. The funds appropriated for state match for
34 the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-
35 one state/local matching basis. The Senior Arkansas Sports Organization must
36 certify its portion of the match to the Division of Aging and Adult Services

1 before any funds appropriated for state match for the Arkansas Senior
2 Olympics Program in this Act are disbursed.

3 The provisions of this section shall be in effect only from July 1, ~~2007~~
4 2010 through June 30, ~~2009~~ 2011.

5

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

13 The provisions of this section shall be in effect only from July 1, ~~2007~~
14 2010 through June 30, ~~2009~~ 2011.

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16 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
18 ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations
19 for state and federal funding contained herein for the Division of Aging and
20 Adult Services and that are distributed under grant or contract methodologies
21 may be disbursed by the Department of Human Services in the same manner as
22 authorized under federal regulations for the disbursement of Title III Older
23 Americans Act funds. Otherwise, all disbursements shall comply with the
24 provisions of this Act.

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

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2010 through June 30, ~~2009~~ 2011.

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3 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENIOR
 5 CITIZEN CENTERS. The appropriation in this act for Senior Citizen Centers
 6 shall be distributed in the same manner as the funding formula requirements
 7 set out in the federal Older Americans Act funding law. The additional
 8 funding provided by this provision shall supplement and not supplant any
 9 monies currently funding services for Senior Citizen Centers.

10 The requirements in this section shall only be implemented in accordance
 11 with any necessary approval by the Centers for Medicare and Medicaid Services
 12 and in the event that additional general revenue funding is provided by the
 13 General Assembly for these purposes. Should additional funding provided for
 14 these purposes be insufficient to provide for the increases in full, the
 15 increases shall be provided to the extent that funding is made available.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
 17 2010 through June 30, ~~2009~~ 2011.

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19 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 20 by this act shall be limited to the appropriation for such agency and funds
 21 made available by law for the support of such appropriations; and the
 22 restrictions of the State Procurement Law, the General Accounting and
 23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 24 Procedures and Restrictions Act, or their successors, and other fiscal
 25 control laws of this State, where applicable, and regulations promulgated by
 26 the Department of Finance and Administration, as authorized by law, shall be
 27 strictly complied with in disbursement of said funds.

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

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SECTION 15. 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: 2/26/2010