

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 1418 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S4/6/09*

**A Bill**

SENATE BILL 278

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 HUMAN SERVICES - DIVISION OF YOUTH  
12 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,  
13 2010; 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 2009-2010 FISCAL  
19 YEAR.  
20  
21

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
26 the Department of Human Services - Division of Youth Services for the 2009-  
27 2010 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.



				Maximum	Maximum Annual
				No. of	Salary Rate
	Item	Class			Fiscal Year
	No.	Code	Title	Employees	2009-2010
6	(1)	N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
7	(2)	N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
8	(3)	X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
9	(4)	E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
10	(5)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
11	(6)	G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123
12	(7)	<i>E015C</i>	<i>SPECIAL EDUCATION SUPERVISOR</i>	<i>1</i>	<i>GRADE C123</i>
13	(8)	<i>E016C</i>	<i>PUBLIC SCHOOL PROGRAM COORD</i>	<i>1</i>	<i>GRADE C123</i>
14	(9)	G099C	DHS PROGRAM ADMINISTRATOR	7	GRADE C122
15	(10)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
16	(11)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
17	(12)	<i>L033C</i>	<i>PSYCHOLOGICAL EXAMINER</i>	<i>1</i>	<i>GRADE C121</i>
18	(13)	<i>E026C</i>	<i>EDUCATION &amp; INSTRUCTION COORD</i>	<i>1</i>	<i>GRADE C120</i>
19	(14)	R021C	BUDGET ANALYST	1	GRADE C119
20	(15)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
21	(16)	D062C	DATABASE ANALYST	2	GRADE C119
22	(17)	G152C	DHS PROGRAM MANAGER	13	GRADE C119
23	(18)	R027C	BUDGET SPECIALIST	1	GRADE C117
24	(19)	G183C	DHS PROGRAM COORDINATOR	10	GRADE C117
25	(20)	G180C	GRANTS ANALYST	8	GRADE C117
26	(21)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
27	(22)	M047C	YOUTH SERVICES ADVISOR	9	GRADE C116
28	(23)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
29	(24)	G210C	DHS PROGRAM SPECIALIST	10	GRADE C115
30	(25)	R032C	HUMAN RESOURCES PROGRAM REP	1	GRADE C115
31	(26)	S031C	SKILLED TRADESMAN	1	GRADE C115
32	(27)	G214C	GRANTS SPECIALIST	7	GRADE C114
33	(28)	V020C	INVENTORY CONTROL MANAGER	2	GRADE C113
34	(29)	L069C	LICENSED PRACTICAL NURSE	4	GRADE C113
35	(30)	T072C	SECURITY OFFICER SUPERVISOR	2	GRADE C113
36	(31)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112

1	(32)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
2	(33)	M069C	YOUTH SERVICES TECHNICIAN	37	GRADE C112
3	(34)	T084C	PUBLIC SAFETY SECURITY OFFICER	1	GRADE C110
4	(35)	C073C	ADMINISTRATIVE SPECIALIST II	8	GRADE C109
5	(36)	S062C	INSTITUTIONAL BUS DRIVER	1	GRADE C109
6	(37)	C087C	ADMINISTRATIVE SPECIALIST I	1	GRADE C106
7	(38)	S086C	COOK	1	GRADE C104
8	(39)	S087C	INSTITUTIONAL SERVICES ASSISTANT	<u>1</u>	GRADE C103
9			MAX. NO. OF EMPLOYEES	<i>161</i>	

10

11 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the  
 12 Department of Human Services - Division of Youth Services for the 2009-2010  
 13 fiscal year, the following maximum number of part-time or temporary  
 14 employees, to be known as "Extra Help", payable from funds appropriated  
 15 herein for such purposes: thirty-four (34) temporary or part-time employees,  
 16 when needed, at rates of pay not to exceed those provided in the Uniform  
 17 Classification and Compensation Act, or its successor, or this act for the  
 18 appropriate classification.

19

20 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 21 the Department of Human Services - Division of Youth Services, to be payable  
 22 from the paying account as determined by the Chief Fiscal Officer of the  
 23 State, for personal services and operating expenses of the Department of  
 24 Human Services - Division of Youth Services for the fiscal year ending June  
 25 30, 2010, the following:

26

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2009-2010</u>
29	(01) REGULAR SALARIES	\$ 5,993,093
30	(02) EXTRA HELP	40,008
31	(03) PERSONAL SERVICES MATCHING	1,985,429
32	(04) OVERTIME	8,004
33	(05) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	3,148,933
35	(B) CONF. & TRAVEL	89,000
36	(C) PROF. FEES	312,192

1	(D) CAP. OUTLAY	167,325
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,743,984</u>

4

5 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT.  
6 There is hereby appropriated, to the Department of Human Services - Division  
7 of Youth Services, to be payable from the Juvenile Accountability Incentive  
8 Block Grant Trust Fund, for grant payments of the Juvenile Accountability  
9 Incentive Block Grant of the Department of Human Services - Division of Youth  
10 Services for the fiscal year ending June 30, 2010, the following:

11

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) JUVENILE ACCOUNTABILITY INCENTIVE	
15	GRANTS	<u>\$ 2,188,456</u>

16

17 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby  
18 appropriated, to the Department of Human Services - Division of Youth  
19 Services, to be payable from the Youth Services Fund Account, for grants and  
20 aid for graduated community based sanctions for juveniles adjudicated  
21 delinquent for the fiscal year ending June 30, 2010, the following:

22

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2009-2010</u>
25	(01) COMMUNITY BASED SANCTIONS	<u>\$ 2,500,000</u>

26

27 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
28 appropriated, to the Department of Human Services - Division of Youth  
29 Services, to be payable from the Youth Services Fund Account, for the  
30 purchase of services from community based providers by the Department of  
31 Human Services - Division of Youth Services for the fiscal year ending June  
32 30, 2010, the following:

33

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2009-2010</u>
36	(01) COMMUNITY SERVICES	<u>\$ 20,750,113</u>

1  
2 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There  
3 is hereby appropriated, to the Department of Human Services - Division of  
4 Youth Services, to be payable from the federal funds as designated by the  
5 Chief Fiscal Officer of the State, for federally funded grants of the  
6 Department of Human Services - Division of Youth Services for the fiscal year  
7 ending June 30, 2010, the following:

8	9 ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2009-2010</u>
11	(01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$ 6,260,348</u>

12  
13 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby  
14 appropriated, to the Department of Human Services - Division of Youth  
15 Services, to be payable from the Youth Services Fund Account, for the  
16 purchase and operation of residential services by the Department of Human  
17 Services - Division of Youth Services for the fiscal year ending June 30,  
18 2010, the following:

19	20 ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2009-2010</u>
22	(01) RESIDENTIAL SERVICES	<u>\$ 33,381,132</u>

23  
24 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
26 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The  
27 Department of ~~Health and~~ Human Services shall not contract or pay for  
28 community-based residential programs within any municipality to house  
29 unrelated persons who have been adjudicated delinquent of an act that would  
30 constitute a Class A felony or higher or of a sexual offense or convicted of  
31 a Class A felony or higher or sexual offense until the following conditions  
32 have been met:

33 1. Residents within one thousand (1,000) feet of the proposed location  
34 of the facility shall be notified by mail;

35 2. A public hearing shall be conducted in the community of the proposed  
36 location of the facility by the contract provider at least ten (10) days in

1 advance of the contract's effective date. Notice of the hearing shall be made  
2 by mail to each of the residents within 1,000 feet of the proposed location  
3 of the facility. The notification requirement shall not apply to already  
4 existing facilities at already existing locations.

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

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

14  
15 SECTION 10. 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 THE JUVENILE OMBUDSMAN PROGRAM. The Department of ~~Health and~~  
18 Human Services shall provide funding in an amount not to exceed \$240,000 for  
19 the fiscal year ending June 30, ~~2009~~ 2010 for the Juvenile Ombudsman Program  
20 described in ACA 16-87-216. Upon request by the Executive Director of the  
21 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State  
22 shall transfer an amount not to exceed \$240,000 for the fiscal year ending  
23 June 30, ~~2009~~ 2010 from an account designated by the Director of the  
24 Department of ~~Health and~~ Human Services to the State Central Services Fund as  
25 a direct revenue to fund the Juvenile Ombudsman Program.

26  
27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
29 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
30 of the State shall transfer funds in an amount of \$400,000 for the fiscal  
31 year ending June 30, ~~2009~~ 2010 from the Department of ~~Health and~~ Human  
32 Services – Youth Services Fund Account to the Juvenile Detention Facilities  
33 Operating Fund to fund the appropriation to the Department of Finance and  
34 Administration – Disbursing Officer for grants for operating expenses of  
35 local juvenile detention facilities.

36 The amount of the funds transferred in the fiscal year ending June 30,

1 ~~2009~~ 2010 may be adjusted upon request of the Director of the Department of  
2 ~~Health and~~ Human Services on a pro-rata basis with any reductions provided in  
3 the Revenue Stabilization Law from the July 1 Official Forecast of general  
4 revenue funding for the Division of Youth Services.

5  
6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
8 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
9 Division of Youth Services is authorized to use the administrative operating  
10 account for capital improvements to the physical plant and for the purchase  
11 of capital equipment by the Mansfield Youth Services Facility operated by the  
12 Department of ~~Health and~~ Human Services, Division of Youth Services. The  
13 funds shall be held by the Department of ~~Health and~~ Human Services, Division  
14 of Youth Services from the proceeds of the sale of timber that may be  
15 harvested from land owned by the Division of Youth Services. All funds  
16 deposited and all expenses shall be tracked separately. The harvesting of  
17 timber is specifically authorized to provide funds to finance capital  
18 improvements to the physical plant and for the purchase of major capital  
19 equipment by the Mansfield Facility from which the timber is sold.  
20 The Division of Youth Services shall report all income derived from the sale  
21 of timber to the Chief Fiscal Officer of the State and the Arkansas  
22 Legislative Council. Any contracts initiated for the harvesting and sale of  
23 timber shall be submitted to the Review Subcommittee of the Arkansas  
24 Legislative Council for prior review. All expenditures of funds derived from  
25 the sale of timber will be expended in accordance with relevant state  
26 purchasing laws.

27 The provisions of this section shall be in effect only from July 1,  
28 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

1 seek the approval of the Chief Fiscal Officer of the State, the Governor and  
 2 the Arkansas Legislative Council or Joint Budget Committee, to utilize the  
 3 contingent educational services positions contained in this Act and to make  
 4 the appropriate transfers from the Residential Services Appropriation line  
 5 item contained in this Act to Regular Salaries, Personal Services Matching,  
 6 and various Maintenance and General Operations classifications.

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

18  
 19 CONTINGENT POSITIONS - EDUCATIONAL SERVICES

			<u>MAXIMUM ANNUAL</u>	
<u>ITEM</u>	<u>CLASS</u>		<u>MAXIMUM</u>	<u>SALARY RATE</u>
<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>NO. OF</u>	<u>FISCAL YEAR</u>
			<u>EMPLOYEES</u>	<u>2009-2010</u>
26	<u>(01)</u>	<u>E004C SCHOOL PRINCIPAL</u>	<u>1</u>	<u>GRADE C126</u>
27	<u>(02)</u>	<u>E017C ASSISTANT PRINCIPAL</u>	<u>2</u>	<u>GRADE C123</u>
28	<u>(03)</u>	<u>E035C CERTIFIED MASTERS TEACHER</u>	<u>80</u>	<u>GRADE C119</u>
29	<u>(04)</u>	<u>E032C EDUCATIONAL COUNSELOR</u>	<u>3</u>	<u>GRADE C119</u>
30	<u>(05)</u>	<u>C058C EDUCATION PARAPROFESSIONAL</u>	<u>34</u>	<u>GRADE C111</u>
32	<u>GRAND TOTAL CONTINGENT EMPLOYEES</u>		<u>120</u>	

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

1 Division's budget request.

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

4  
5 SECTION 14. 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 15. 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 16. 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 one (1) year period; that the  
27 effectiveness of this Act on July 1, 2009 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, 2009 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, 2009.

35  
36 /s/ Joint Budget Committee

APPROVED: 4/9/2009