

Stricken language will be deleted and underlined language will be added.
Act 1071 of the Regular Session

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/17/11

A Bill

SENATE BILL 190

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
10 SERVICES - DIVISION OF YOUTH SERVICES FOR THE FISCAL
11 YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES
15 - DIVISION OF YOUTH SERVICES APPROPRIATION
16 FOR THE 2011-2012 FISCAL YEAR.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the Department of Human Services - Division of Youth Services for the
24 2011-2012 fiscal year, the following maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
31	(2) N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
32	(3) X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
33	(4) E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
34	(5) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
35	(6) G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123
36	(7) E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE C123



1	(8)	E015C	SPECIAL EDUCATION SUPERVISOR	1	GRADE C123
2	(9)	G099C	DHS PROGRAM ADMINISTRATOR	4	GRADE C122
3	(10)	A041C	PROGRAM FISCAL MANAGER	2	GRADE C122
4	(11)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
5	(12)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
6	(13)	E026C	EDUCATION & INSTRUCTION COORDINATOR	1	GRADE C120
7	(14)	R021C	BUDGET ANALYST	1	GRADE C119
8	(15)	D062C	DATABASE ANALYST	2	GRADE C119
9	(16)	G152C	DHS PROGRAM MANAGER	11	GRADE C119
10	(17)	R027C	BUDGET SPECIALIST	1	GRADE C117
11	(18)	G183C	DHS PROGRAM COORDINATOR	8	GRADE C117
12	(19)	G180C	GRANTS ANALYST	7	GRADE C117
13	(20)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
14	(21)	E040C	STAFF DEVELOPMENT COORDINATOR	2	GRADE C117
15	(22)	M047C	YOUTH SERVICES ADVISOR	7	GRADE C116
16	(23)	G210C	DHS PROGRAM SPECIALIST	8	GRADE C115
17	(24)	R032C	HUMAN RESOURCES PROGRAM REPRESENTATIVE	1	GRADE C115
18	(25)	G214C	GRANTS SPECIALIST	4	GRADE C114
19	(26)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
20	(27)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
21	(28)	C073C	ADMINISTRATIVE SPECIALIST II	2	GRADE C109
22	(29)	A102C	FISCAL SUPPORT TECHNICIAN	1	GRADE C108
23	(30)	C088C	MAIL SERVICES ASSISTANT	<u>1</u>	GRADE C105
24			MAX. NO. OF EMPLOYEES	88	

25

26 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 27 the Department of Human Services - Division of Youth Services for the 2011-
 28 2012 fiscal year, the following maximum number of part-time or temporary
 29 employees, to be known as "Extra Help", payable from funds appropriated
 30 herein for such purposes: thirty-four (34) temporary or part-time employees,
 31 when needed, at rates of pay not to exceed those provided in the Uniform
 32 Classification and Compensation Act, or its successor, or this act for the
 33 appropriate classification.

34

35 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 36 to the Department of Human Services - Division of Youth Services, to be

1 payable from the paying account as determined by the Chief Fiscal Officer of
 2 the State, for personal services and operating expenses of the Department of
 3 Human Services - Division of Youth Services for the fiscal year ending June
 4 30, 2012, the following:

5	6 ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2011-2012</u>
8	(01) REGULAR SALARIES	\$5,892,932
9	(02) EXTRA HELP	40,008
10	(03) PERSONAL SERVICES MATCHING	1,999,736
11	(04) OVERTIME	8,004
12	(05) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	3,012,380
14	(B) CONF. & TRAVEL	89,000
15	(C) PROF. FEES	352,192
16	(D) CAP. OUTLAY	167,064
17	(E) DATA PROC.	<u>0</u>
18	TOTAL AMOUNT APPROPRIATED	<u><u>\$11,561,316</u></u>

19

20 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK
 21 GRANT. There is hereby appropriated, to the Department of Human Services -
 22 Division of Youth Services, to be payable from the Juvenile Accountability
 23 Incentive Block Grant Trust Fund, for grant payments of the Juvenile
 24 Accountability Incentive Block Grant of the Department of Human Services -
 25 Division of Youth Services for the fiscal year ending June 30, 2012, the
 26 following:

27	28 ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2011-2012</u>
30	(01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS	<u><u>\$1,970,215</u></u>

31

32 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby
 33 appropriated, to the Department of Human Services - Division of Youth
 34 Services, to be payable from the Youth Services Fund Account, for grants and
 35 aid for graduated community based sanctions for juveniles adjudicated
 36 delinquent for the fiscal year ending June 30, 2012, the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) COMMUNITY BASED SANCTIONS	<u>\$2,500,000</u>

SECTION 6. APPROPRIATION - COMMUNITY 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 of services from community based providers by the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) COMMUNITY SERVICES	<u>\$20,502,140</u>

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, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$5,623,293</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, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>

1 (01) RESIDENTIAL SERVICES \$30,326,648

2

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

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

13 2. A public hearing shall be conducted in the community of the proposed
14 location of the facility by the contract provider at least ten (10) days in
15 advance of the contract's effective date. Notice of the hearing shall be made
16 by mail to each of the residents within 1,000 feet of the proposed location
17 of the facility. The notification requirement shall not apply to already
18 existing facilities at already existing locations.

19 Provided further, upon establishment of such facilities within a
20 particular municipality, the contract provider and the Department shall
21 establish and implement a system to receive and respond to complaints and
22 questions from residents of such municipality. In the event the Department
23 and the provider fail to provide satisfactory communication as provided in
24 this section to the residents, such facility may be declared a public
25 nuisance by the municipality.

26 The provisions of this section shall be in effect only from July 1, ~~2010~~
27 2011 through June 30, ~~2011~~ 2012.

28

29 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
31 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
32 Services shall provide funding in an amount not to exceed \$240,000 for the
33 fiscal year ending June 30, ~~2011~~ 2012 for the Juvenile Ombudsman Program
34 described in ACA 16-87-216. Upon request by the Executive Director of the
35 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State
36 shall transfer an amount not to exceed \$240,000 for the fiscal year ending

1 June 30, ~~2011~~ 2012 from an account designated by the Director of the
2 Department of Human Services to the State Central Services Fund as a direct
3 revenue to fund the Juvenile Ombudsman Program.
4

5 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
7 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
8 of the State shall transfer funds in an amount of \$400,000 for the fiscal
9 year ending June 30, ~~2011~~ 2012 from the Department of Human Services – Youth
10 Services Fund Account to the Juvenile Detention Facilities Operating Fund to
11 fund the appropriation to the Department of Finance and Administration –
12 Disbursing Officer for grants for operating expenses of local juvenile
13 detention facilities.

14 The amount of the funds transferred in the fiscal year ending June 30,
15 ~~2011~~ 2012 may be adjusted upon request of the Director of the Department of
16 Human Services on a pro-rata basis with any reductions provided in the
17 Revenue Stabilization Law from the July 1 Official Forecast of general
18 revenue funding for the Division of Youth Services.
19

20 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
22 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The
23 Division of Youth Services is authorized to use the administrative operating
24 account for capital improvements to the physical plant and for the purchase
25 of capital equipment by the Mansfield Youth Services Facility operated by the
26 Department of Human Services, Division of Youth Services. The funds shall be
27 held by the Department of Human Services, Division of Youth Services from the
28 proceeds of the sale of timber that may be harvested from land owned by the
29 Division of Youth Services. All funds deposited and all expenses shall be
30 tracked separately. The harvesting of timber is specifically authorized to
31 provide funds to finance capital improvements to the physical plant and for
32 the purchase of major capital equipment by the Mansfield Facility from which
33 the timber is sold.

34 The Division of Youth Services shall report all income derived from the
35 sale of timber to the Chief Fiscal Officer of the State and the Arkansas
36 Legislative Council. Any contracts initiated for the harvesting and sale of

1 timber shall be submitted to the Review Subcommittee of the Arkansas
2 Legislative Council for prior review. All expenditures of funds derived from
3 the sale of timber will be expended in accordance with relevant state
4 purchasing laws.

5 The provisions of this section shall be in effect only from July 1, ~~2010~~
6 2011 through June 30, ~~2011~~ 2012.

7
8 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
10 SALARIES - CONTINGENT EDUCATIONAL SERVICES POSITIONS. If it has been
11 determined by the Director of the Department of Human Services that the
12 Division of Youth Services cannot continue a contract with a private provider
13 for educational services and deems it necessary to utilize Division staff to
14 provide the required educational services, the Division is authorized, to
15 seek the approval of the Chief Fiscal Officer of the State, the Governor and
16 the Arkansas Legislative Council or Joint Budget Committee, to utilize the
17 contingent educational services positions contained in this Act and to make
18 the appropriate transfers from the Residential Services Appropriation line
19 item contained in this Act to Regular Salaries, Personal Services Matching,
20 and various Maintenance and General Operations classifications.

21 There is hereby established for the Division of Youth Services -
22 Contingent Educational Services Positions for the ~~2010-2011~~ 2011-2012 fiscal
23 year, the following maximum number of regular employees whose salaries shall
24 be governed by the provisions of the Uniform Classification and Compensation
25 Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws
26 amendatory thereto. Provided, however, that any position to which a specific
27 maximum annual salary is set out herein in dollars, shall be exempt from the
28 provisions of said Uniform Classification and Compensation Act. All persons
29 occupying positions authorized herein are hereby governed by the provisions
30 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-
31 101), or its successor.

32 CONTINGENT POSITIONS - EDUCATIONAL SERVICES

			MAXIMUM ANNUAL	
			MAXIMUM	SALARY RATE
ITEM	CLASS		NO. OF	FISCAL YEAR
36	NO.	CODE TITLE	EMPLOYEES	2010-2011

			<u>2011-2012</u>
1			
2	(01)	E004C SCHOOL PRINCIPAL	1 GRADE C126
3	(02)	E017C ASSISTANT PRINCIPAL	2 GRADE C123
4	(03)	E035C CERTIFIED MASTERS TEACHER	80 GRADE C119
5	(04)	E032C EDUCATIONAL COUNSELOR	3 GRADE C119
6	(05)	C058C EDUCATION PARAPROFESSIONAL	34 GRADE C111
7		GRAND TOTAL CONTINGENT EMPLOYEES	120

8 If the Division requests continuation of a "Contingent Educational
9 Services Position" position(s) as established herein during the next fiscal
10 year, the position(s) must be requested as a new position(s) in the
11 Division's budget request.

12 The provisions of this section shall be in effect only from July 1, ~~2010~~
13 2011 through June 30, ~~2011~~ 2012.

14

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

24

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

33

34 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly, that the Constitution of the State of Arkansas prohibits
36 the appropriation of funds for more than a one (1) year period; that the

1 effectiveness of this Act on July 1, 2011 is essential to the operation of
2 the agency for which the appropriations in this Act are provided, and that in
3 the event of an extension of the legislative session, the delay in the
4 effective date of this Act beyond July 1, 2011 could work irreparable harm
5 upon the proper administration and provision of essential governmental
6 programs. Therefore, an emergency is hereby declared to exist and this Act
7 being necessary for the immediate preservation of the public peace, health
8 and safety shall be in full force and effect from and after July 1, 2011.

9
10 */s/Joint Budget Committee*

11
12
13 **APPROVED: 04/04/2011**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35