State of Arkansas

91st General Assembly

Regular Session, 2017

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF YOUTH SERVICES FOR THE FISCAL
YEAR ENDING JUNE 30, 2018; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF YOUTH SERVICES
APPROPRIATION FOR THE 2017-2018 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the Department of Human Services - Division of Youth Services for the
2017-2018 fiscal year, the following maximum number of regular employees.

<table>
<thead>
<tr>
<th>No.</th>
<th>Class</th>
<th>Title</th>
<th>No. of Employees</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N026N</td>
<td>DHS DEPUTY DIRECTOR OF DYS</td>
<td>1</td>
<td>GRADE N909</td>
</tr>
<tr>
<td>2</td>
<td>N124N</td>
<td>DHS/DYS ASSISTANT DIVISION DIRECTOR</td>
<td>2</td>
<td>GRADE N904</td>
</tr>
<tr>
<td>3</td>
<td>X007C</td>
<td>DHS/DYS ADMIN PROG COMPLIANCE</td>
<td>1</td>
<td>GRADE C127</td>
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<td>4</td>
<td>G255C</td>
<td>DHS/DYS ACADEMIC ADMINISTRATOR</td>
<td>1</td>
<td>GRADE C126</td>
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<tr>
<td>5</td>
<td>E010C</td>
<td>DHS/DYS EDUCATION MANAGER</td>
<td>1</td>
<td>GRADE C125</td>
</tr>
<tr>
<td>6</td>
<td>G082C</td>
<td>DHS/DYS ADMISSIONS EVALUATOR</td>
<td>1</td>
<td>GRADE C123</td>
</tr>
</tbody>
</table>
20

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
the Department of Human Services - Division of Youth Services for the 2017-
2018 fiscal year, the following maximum number of part-time or temporary
employees, to be known as "Extra Help", payable from funds appropriated
herein for such purposes: thirty-four (34) temporary or part-time employees,
when needed, at rates of pay not to exceed those provided in the Uniform
Classification and Compensation Act, or its successor, or this act for the
appropriate classification.

28

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
to the Department of Human Services - Division of Youth Services, to be
payable from the paying account as determined by the Chief Fiscal Officer of
the State, for personal services and operating expenses of the Department of
Human Services - Division of Youth Services for the fiscal year ending June
30, 2018, the following:

36  

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
As Engrossed:  S3/23/17

1  NO.  2017-2018
2 (01) REGULAR SALARIES $2,331,768
3 (02) EXTRA HELP 40,008
4 (03) PERSONAL SERVICES MATCHING 883,029
5 (04) OVERTIME 8,004
6 (05) MAINT. & GEN. OPERATION
7 (A) OPER. EXPENSE 2,708,006
8 (B) CONF. & TRAVEL 91,000
9 (C) PROF. FEES 354,050
10 (D) CAP. OUTLAY 105,000
11 (E) DATA PROC. 0
12 TOTAL AMOUNT APPROPRIATED $6,520,865

13

SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK

GRANT. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Juvenile Accountability Incentive Block Grant Trust Fund, for grant payments of the Juvenile Accountability Incentive Block Grant of the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2018, the following:

ITEM NO. FISCAL YEAR
(01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS $712,021

SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Youth Services Fund Account, for grants and aid for graduated community based sanctions for juveniles adjudicated delinquent for the fiscal year ending June 30, 2018, the following:

ITEM NO. FISCAL YEAR
(01) COMMUNITY BASED SANCTIONS $2,480,444
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, 2018, the following:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(01) COMMUNITY SERVICES</td>
<td>$16,971,100</td>
</tr>
</tbody>
</table>

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, 2018, the following:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(01) FEDERAL CHILD &amp; YOUTH SERVICE GRANTS</td>
<td>$4,371,921</td>
</tr>
</tbody>
</table>

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, 2018, the following:

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(01) RESIDENTIAL SERVICES</td>
<td>$27,612,244</td>
</tr>
</tbody>
</table>

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human Services shall provide funding in an amount not to exceed $240,000 for the fiscal year ending June 30, 2017 2018 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the Executive Director of the Arkansas Public Defender Commission, the Chief Fiscal Officer of the State shall transfer an amount not to exceed $240,000 for the fiscal year ending June 30, 2017 2018 from an account designated by the Director of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer of the State shall transfer funds in an amount of $400,000 for the fiscal year ending June 30, 2017 2018 from the Department of Human Services – Youth Services Fund Account to the Juvenile Detention Facilities Operating Fund to fund the appropriation to the Department of Finance and Administration – Disbursing Officer for grants for operating expenses of local juvenile detention facilities.

The amount of the funds transferred in the fiscal year ending June 30, 2017 2018 may be adjusted upon request of the Director of the Department of Human Services on a pro-rata basis with any reductions provided in the Revenue Stabilization Law from the July 1 Official Forecast of general revenue funding for the Division of Youth Services.

The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.

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

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

The provisions of this section shall be in effect only from July 1, 2016
through June 30, 2017 2018.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the
Department of Human Services - Division of Youth Services cannot continue to
contract with private provider(s) for residential juvenile services,
educational services, therapeutic services, and/or medical services and deems
it necessary to utilize Department staff to provide all or parts of the
required services above, the Department is authorized to seek the approval of
the Chief Fiscal Officer of the State, the Governor and the Arkansas
Legislative Council or Joint Budget Committee to utilize the contingent
residential services positions contained in this Act and to make the
appropriate transfers from any line item authorized in the RESIDENTIAL
SERVICES appropriation of this Act to any line item authorized in the
OPERATIONS appropriation of this Act. If it has been determined that the
Department of Human Services - Division of Youth Services cannot continue to
operate one or more of the various service components of a Residential
Facility for residential juvenile services, educational services, therapeutic
services, and/or medical services and deems it necessary to utilize a
contract with private provider(s), the Department is authorized to seek the
approval of the Chief Fiscal Officer of the State, the Governor and the
Arkansas Legislative Council or Joint Budget Committee to make the
appropriate transfers from any line item authorized in the OPERATIONS
appropriation of this Act to any line item authorized in the RESIDENTIAL
SERVICES appropriation of this Act.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS. There is hereby
established for the Department of Human Services - Division of Youth Services
- Contingent Residential Services Positions, the following maximum number of
positions whose salaries shall be governed by the provisions of the Uniform
Classification and Compensation Act (Arkansas Code § 21-5-201 et seq.), or
its successor, and all laws amendatory thereto. Requests to use positions
will be based upon the non-contracted services for residential juvenile
services, educational services, therapeutic services, and/or medical
services. If at such time a category(s) of services are contracted with
private provider(s), identified positions associated with such service(s)
shall be returned to the contingency pool. In order to ensure required
staffing levels, Extra Help positions authorized herein are specifically
exempt from limitation of hours, either by Act or regulation.

CONTINGENT POSITIONS - RESIDENTIAL SERVICES

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>CLASS CODE</th>
<th>TITLE</th>
<th>EMPLOYEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(01)</td>
<td>9999</td>
<td>EXTRA HELP</td>
<td>320</td>
</tr>
</tbody>
</table>

GRAND TOTAL CONTINGENT POSITIONS 320

The provisions of this section shall be in effect through June 30, 2018.

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, 2017 is essential to the operation of
the agency for which the appropriations in this Act are provided; with the
exception that Sections 12 and 13 in this Act shall be in full force and
effect from and after the date of its passage and approval, and that in the
event of an extension of the legislative session, the delay in the effective
date of this Act beyond July 1, 2017, with the exception that Sections 12 and
13 in this Act shall be in full force and effect from and after the date of
its passage and approval, 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, 2017; with the exception that
Sections 12 and 13 in this Act shall be in full force and effect from and
after the date of its passage and approval.

/s/Joint Budget Committee

APPROVED: 04/03/2017