

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S4/3/23

A Bill

SENATE BILL 50

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, 2024; AND FOR OTHER PURPOSES.
12
13

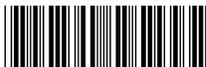
Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN
15 SERVICES - DIVISION OF YOUTH SERVICES
16 APPROPRIATION FOR THE 2023-2024 FISCAL
17 YEAR.
18
19
20

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

23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
24 for the Department of Human Services - Division of Youth Services for the
25 2023-2024 fiscal year, the following maximum number of regular employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2023-2024
31	(1)	N249N DHS DIVISION DIRECTOR	1	GRADE SE02
32	(2)	L001C PSYCHOLOGIST SUPERVISOR	1	GRADE MP04
33	(3)	L038C REGISTERED NURSE	2	GRADE MP01
34	(4)	N080N DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	GRADE GS14
35	(5)	G004C MANAGING ATTORNEY	1	GRADE GS13
36	(6)	N156N BEHAV HLTH ASST DIR CHILDRENS SVS	1	GRADE GS12



1	(7)	G027N DHS RESEARCH ANALYSIS MANAGER	2	GRADE GS11
2	(8)	G255C DYS ACADEMIC ADMINISTRATOR	1	GRADE GS11
3	(9)	G099C DHS PROGRAM ADMINISTRATOR	6	GRADE GS09
4	(10)	E015C SPECIAL EDUCATION SUPERVISOR	1	GRADE GS09
5	(11)	M008C YOUTH PROGRAM DIRECTOR	1	GRADE GS09
6	(12)	G152C DHS PROGRAM MANAGER	11	GRADE GS08
7	(13)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
8	(14)	M012C YOUTH PROGRAM MANAGER	2	GRADE GS08
9	(14.1)	E035C CERTIFIED MASTERS TEACHER	2	GRADE GS08
10	(15)	G183C DHS PROGRAM COORDINATOR	5	GRADE GS07
11	(16)	G082C DHS/DYS ADMISSIONS EVALUATOR	1	GRADE GS07
12	(17)	E048C EDUCATION & INSTRUCTION SPECIALIST	5	GRADE GS07
13	(18)	E040C STAFF DEVELOPMENT COORDINATOR	3	GRADE GS07
14	(19)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
15	(20)	E044C CERTIFIED BACHELORS TEACHER	5	GRADE GS06
16	(21)	G210C DHS PROGRAM SPECIALIST	12	GRADE GS06
17	(22)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
18	(23)	G180C GRANTS ANALYST	1	GRADE GS06
19	(24)	G214C GRANTS SPECIALIST	1	GRADE GS06
20	(25)	G166C MILITARY PROGRAM COORDINATOR	3	GRADE GS06
21	(26)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
22	(27)	M047C YOUTH SERVICES ADVISOR	10	GRADE GS06
23	(28)	M060C YOUTH PROGRAM COORDINATOR	10	GRADE GS05
24	(29)	C056C ADMINISTRATIVE SPECIALIST III	4	GRADE GS04
25	(30)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
26	(31)	T072C SECURITY OFFICER SUPERVISOR	1	GRADE GS04
27	(32)	T084C PUBLIC SAFETY SECURITY OFFICER	14	GRADE GS03
28	(33)	M070C YOUTH PROGRAM SPECIALIST	<u>9</u>	GRADE GS03
29		MAX. NO. OF EMPLOYEES	124	

30

31 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 32 the Department of Human Services - Division of Youth Services for the 2023-
 33 2024 fiscal year, the following maximum number of part-time or temporary
 34 employees, to be known as "Extra Help", payable from funds appropriated
 35 herein for such purposes: thirty-six (36) temporary or part-time employees,
 36 when needed, at rates of pay not to exceed those provided in the Uniform

1 Classification and Compensation Act, or its successor, or this act for the
2 appropriate classification.

3

4 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
5 to the Department of Human Services, to be payable from the paying account as
6 determined by the Chief Fiscal Officer of the State, for personal services
7 and operating expenses of the Department of Human Services - Division of
8 Youth Services for the fiscal year ending June 30, 2024, the following:

9

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2023-2024</u>
12 (01) REGULAR SALARIES	6,198,796
13 (02) EXTRA HELP	41,903
14 (03) PERSONAL SERVICES MATCHING	2,317,158
15 (04) OVERTIME	8,699
16 (05) MAINT. & GEN. OPERATION	
17 (A) OPER. EXPENSE	5,612,099
18 (B) CONF. & TRAVEL	91,144
19 (C) PROF. FEES	359,050
20 (D) CAP. OUTLAY	355,000
21 (E) DATA PROC.	<u>0</u>
22 TOTAL AMOUNT APPROPRIATED	<u><u>\$14,983,849</u></u>

23

24 SECTION 4. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby
25 appropriated, to the Department of Human Services - Division of Youth
26 Services, to be payable from the Youth Services Fund Account, for grants and
27 aid for graduated community based sanctions for juveniles adjudicated
28 delinquent for the fiscal year ending June 30, 2024, the following:

29

30 ITEM	FISCAL YEAR
31 <u>NO.</u>	<u>2023-2024</u>
32 (01) COMMUNITY BASED SANCTIONS	<u><u>\$2,480,444</u></u>

33

34 SECTION 5. APPROPRIATION - COMMUNITY SERVICES. There is hereby
35 appropriated, to the Department of Human Services, to be payable from the
36 Youth Services Fund Account, for purchase of services from community based

1 providers by the Department of Human Services - Division of Youth Services
2 for the fiscal year ending June 30, 2024, the following:

3		
4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2023-2024</u>
6	(01) COMMUNITY SERVICES	<u>\$18,821,100</u>

7
8 SECTION 6. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS.

9 There is hereby appropriated, to the Department of Human Services, to be
10 payable from the federal funds as designated by the Chief Fiscal Officer of
11 the State, for federally funded grants of the Department of Human Services -
12 Division of Youth Services for the fiscal year ending June 30, 2024, the
13 following:

14		
15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2023-2024</u>
17	(01) FEDERAL CHILD AND YOUTH SERVICE GRANTS	<u>\$12,832,942</u>

18
19 SECTION 7. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby
20 appropriated, to the Department of Human Services, to be payable from the
21 Youth Services Fund Account, for the purchase and operation of residential
22 services by the Department of Human Services - Division of Youth Services for
23 the fiscal year ending June 30, 2024, the following:

24		
25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2023-2024</u>
27	(01) RESIDENTIAL SERVICES	<u>\$33,807,739</u>

28
29 SECTION 8. 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, ~~2023~~ 2024 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, ~~2023~~ 2024 from an account designated by the Secretary 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 The provisions of this section shall be in effect only from July 1, ~~2022~~
5 2023 through June 30, ~~2023~~ 2024.

6
7 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
10 of the State shall transfer funds in an amount of \$400,000 for the fiscal
11 year ending June 30, ~~2023~~ 2024 from the Department of Human Services – Youth
12 Services Fund Account to the Juvenile Detention Facilities Operating Fund to
13 fund the appropriation to the Department of Finance and Administration –
14 Disbursing Officer for grants for operating expenses of local juvenile
15 detention facilities.

16 The amount of the funds transferred in the fiscal year ending June 30,
17 ~~2023~~ 2024 may be adjusted upon request of the Secretary of the Department of
18 Human Services on a pro-rata basis with any reductions provided in the
19 Revenue Stabilization Law from the July 1 Official Forecast of general
20 revenue funding for the Division of Youth Services.

21 The provisions of this section shall be in effect only from July 1, ~~2022~~
22 2023 through June 30, ~~2023~~ 2024.

23
24 SECTION 10. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-28-
25 203, concerning the powers and duties of the Division of Youth Services, is
26 amended to add an additional subsection to codify special language in
27 appropriation acts to read as follows:

28 (e)(1) The Division of Youth Services may use the administrative
29 operating account for capital improvements to the physical plant and the
30 purchase of capital equipment by the Mansfield Juvenile Treatment Center
31 operated by the Division of Youth Services.

32 (2) The harvesting of timber is specifically authorized to
33 provide funds:

34 (A) To finance capital improvements to the physical plant;
35 and

36 (B) For the purchase of major capital equipment by the

1 center from which the timber is sold.

2 (3)(A) The Division of Youth Services shall hold funds from the
3 proceeds of the sale of timber harvested from land owned by the Division of
4 Youth Services separately from other Division of Youth Services funds.

5 (B) All funds deposited from timber sales and all expenses
6 paid through timber sales shall be tracked separately from other Division of
7 Youth Services deposits and payments.

8 (4) All expenditures of funds derived from the sale of timber
9 shall be expended in accordance with relevant state purchasing laws.

10 (5)(A) The Division of Youth Services shall report all income
11 derived from the sale of timber to the Chief Fiscal Officer of the State and
12 the Legislative Council or, if the General Assembly is in session, the Joint
13 Budget Committee.

14 (B) A contract initiated for the harvesting and sale of
15 timber shall be submitted to the Review Subcommittee of the Legislative
16 Council or, if the General Assembly is in session, the Review/PEER
17 Subcommittee of the Joint Budget Committee for prior review.

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19 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the
22 Department of Human Services - Division of Youth Services cannot continue to
23 contract with private provider(s) for residential juvenile services,
24 educational services, therapeutic services, and/or medical services and deems
25 it necessary to utilize Department staff to provide all or parts of the
26 required services above, the Department is authorized to seek the approval of
27 the Chief Fiscal Officer of the State, the Governor and the Arkansas
28 Legislative Council or Joint Budget Committee to utilize the contingent
29 residential services positions contained in this Act and to make the
30 appropriate transfers from any line item authorized in the RESIDENTIAL
31 SERVICES appropriation of this Act to any line item authorized in the
32 OPERATIONS appropriation of this Act. If it has been determined that the
33 Department of Human Services - Division of Youth Services cannot continue to
34 operate one or more of the various service components of a Residential
35 Facility for residential juvenile services, educational services, therapeutic
36 services, and/or medical services and deems it necessary to utilize a

1 contract with private provider(s), the Department is authorized to seek the
 2 approval of the Chief Fiscal Officer of the State, the Governor and the
 3 Arkansas Legislative Council or Joint Budget Committee to make the
 4 appropriate transfers from any line item authorized in the OPERATIONS
 5 appropriation of this Act to any line item authorized in the RESIDENTIAL
 6 SERVICES appropriation of this Act.

7 The provisions of this section shall be in effect only from July 1,
 8 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

9
 10 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 12 HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS. There is hereby
 13 established for the Department of Human Services - Division of Youth Services
 14 - Contingent Residential Services Positions, the following maximum number of
 15 positions whose salaries shall be governed by the provisions of the Uniform
 16 Classification and Compensation Act (Arkansas Code § 21-5-201 et seq.), or
 17 its successor, and all laws amendatory thereto. Requests to use positions
 18 will be based upon the non-contracted services for residential juvenile
 19 services, educational services, therapeutic services, and/or medical
 20 services. If at such time a category(s) of services are contracted with
 21 private provider(s), identified positions associated with such service(s)
 22 shall be returned to the contingency pool. In order to ensure required
 23 staffing levels, Extra Help positions authorized herein are specifically
 24 exempt from limitation of hours, either by Act or regulation.

25

26 CONTINGENT POSITIONS - RESIDENTIAL SERVICES

				MAXIMUM
ITEM	CLASS			NO. OF
NO.	CODE	TITLE	EMPLOYEES	
(01)	9999	EXTRA HELP	<u>320</u>	
GRAND TOTAL CONTINGENT POSITIONS				320

32

33 The provisions of this section shall be in effect through June 30, ~~2023~~
 34 2024.

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36 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

1 authorized by this act shall be limited to the appropriation for such agency
 2 and funds made available by law for the support of such appropriations; and
 3 the restrictions of the State Procurement Law, the General Accounting and
 4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 5 Procedures and Restrictions Act, or their successors, and other fiscal
 6 control laws of this State, where applicable, and regulations promulgated by
 7 the Department of Finance and Administration, as authorized by law, shall be
 8 strictly complied with in disbursement of said funds.

9
 10 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General
 11 Assembly that any funds disbursed under the authority of the appropriations
 12 contained in this act shall be in compliance with the stated reasons for
 13 which this act was adopted, as evidenced by the Agency Requests, Executive
 14 Recommendations and Legislative Recommendations contained in the budget
 15 manuals prepared by the Department of Finance and Administration, letters, or
 16 summarized oral testimony in the official minutes of the Arkansas Legislative
 17 Council or Joint Budget Committee which relate to its passage and adoption.

18
 19 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
 20 General Assembly, that the Constitution of the State of Arkansas prohibits
 21 the appropriation of funds for more than a one (1) year period; that the
 22 effectiveness of this Act on July 1, 2023 is essential to the operation of
 23 the agency for which the appropriations in this Act are provided, and that in
 24 the event of an extension of the legislative session, the delay in the
 25 effective date of this Act beyond July 1, 2023 could work irreparable harm
 26 upon the proper administration and provision of essential governmental
 27 programs. Therefore, an emergency is hereby declared to exist and this Act
 28 being necessary for the immediate preservation of the public peace, health
 29 and safety shall be in full force and effect from and after July 1, 2023.

30
 31 /s/ Joint Budget Committee

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 34 **APPROVED: 4/13/23**