

**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.**

1 State of Arkansas *As Engrossed: H3/8/01 H3/13/01 H3/29/01 H4/11/01*

2 83rd General Assembly

# A Bill

**Act 1593 of 2001**

3 Regular Session, 2001

HOUSE BILL 1980

4

5 By: Joint Budget Committee

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## **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN  
11 SERVICES - DIVISION OF AGING AND ADULT SERVICES FOR  
12 THE BIENNIAL PERIOD ENDING JUNE 30, 2003; AND FOR  
13 OTHER PURPOSES.

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## **Subtitle**

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

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					Maximum Annual	
				Maximum	Salary Rate	
	Item	Class		No. of	Fiscal	Years
	No.	Code	Title	Employees	2001-2002	2002-2003
5	(1)	8868	DHS DEPUTY DIRECTOR ADULT SERVICES	1	\$87,846	\$90,129
6	(2)	8960	AGING & ADULT SVCS ASST DEP DIR	1	\$58,941	\$60,473
7	(3)	8930	AGING & ADULT SVCS ASST DEP DIR	1	\$57,031	\$58,513
8	(4)	923Z	DHS PRGM ADMINISTRATOR	4	GRADE 23	
9	(5)	R115	OFFICE ON AGING PROGRAM SUPERVISOR	6	GRADE 21	
10	(6)	L019	NUTRITIONIST CONSULTANT	1	GRADE 21	
11	(7)	697Z	DHS PRGM MANAGER	2	GRADE 21	
12	(8)	L082	NURSING SERVICES SPECIALIST	4	GRADE 21	
13	(9)	L070	NURSE II	41	GRADE 20	
14	(10)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE 20	
15	(11)	M127	SR REHABILITATION COUNSELOR	4	GRADE 20	
16	(12)	R264	MANAGEMENT PROJECT ANALYST I	6	GRADE 18	
17	(13)	R134	PLANNING SPECIALIST II	1	GRADE 18	
18	(14)	D034	PROGRAMMER ANALYST	1	GRADE 18	
19	(15)	M082	SOCIAL SERVICE WORKER III	19	GRADE 18	
20	(16)	R010	ADMINISTRATIVE ASSISTANT II	8	GRADE 17	
21	(17)	M079	SOCIAL SERVICE WORKER I	1	GRADE 15	
22	(18)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14	
23	(19)	K153	SECRETARY II	<u>7</u>	GRADE 13	
24			MAX. NO. OF EMPLOYEES	112		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of Human Services - Division of Aging and Adult Services for the 2001-2003 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: eighteen (18) 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.

SECTION 3. APPROPRIATION - MEALS ON WHEELS. There is hereby appropriated, 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 biennial period ending June 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) TRANSPORTATION SERVICES	<u>\$ 3,501,038</u>	<u>\$ 3,501,038</u>

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10 SECTION 4. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 11 the Department of Human Services - Division of Aging and Adult Services, to  
 12 be payable from the paying account as determined by the Chief Fiscal Officer  
 13 of the State, for personal services and operating expenses of the Department  
 14 of Human Services - Division of Aging and Adult Services for the biennial  
 15 period ending June 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 3,279,077	\$ 3,363,936
(02) EXTRA HELP	137,307	140,868
(03) PERSONAL SERV MATCHING	854,173	869,670
(04) OVERTIME	1,200	1,200
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	568,876	568,876
(B) CONF. & TRAVEL	74,884	74,884
(C) PROF. FEES	343,000	343,000
(D) CAP. OUTLAY	6,000	6,000
(E) DATA PROC.	0	0
(06) PROJECT GRANTS	7,457,740	7,457,740
(07) PURCHASE DATA PROCESSING	30,000	30,000
(08) RETIRED AND SENIOR VOLUNTEER PROGRAM	75,000	75,000
(09) NURSING HOME CARE ALTERNATIVES	8,403,900	8,403,900
(10) COMMUNITY BASED CARE	171,358	171,358
(11) NUTRITION PROGRAMS	7,811,750	7,811,750
(12) OLDER WORKER PROGRAM GRANTS	<u>1,132,006</u>	<u>1,132,006</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 30,346,271</u>	<u>\$ 30,450,188</u>

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SECTION 5. APPROPRIATION - ADULT PROTECTIVE SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Aging and Adult 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 Aging and Adult Services - Adult Protective Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 735,705	\$ 754,833
(02) PERSONAL SERV MATCHING	205,202	208,615
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	139,894	139,894
(B) CONF. & TRAVEL	6,670	6,670
(C) PROF. FEES	20,000	20,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,107,471</u>	<u>\$ 1,130,012</u>

SECTION 6. APPROPRIATION - ARKANSAS SENIOR OLYMPICS. There is hereby appropriated, to the Department of Human Services - Division of Aging and Adult Services, to be payable from the Aging and Adult Services Fund Account, for matching funds for the Arkansas Senior Olympics of the Department of Human Services - Division of Aging and Adult Services for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) STATE MATCH	<u>\$ 60,000</u>	<u>\$ 60,000</u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND ADULT SERVICES - CARRY FORWARD. Any unexpended balance of funds and

1 appropriation authorized *in Section 3* for elderly transportation including  
2 the Meals on Wheels Program which remains at the close of the fiscal year  
3 ending June 30, ~~1999~~ 2001 or June 30, ~~2000~~ 2002 or both, shall be carried  
4 forward into the next fiscal year, there to be used for the same purpose.

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6 The provisions of this section shall be in effect only from July 1, 2001  
7 through June 30, 2003.

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9 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND  
11 ADULT SERVICES - MATCHING FUNDS. *The funds appropriated for state match for*  
12 *the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-*  
13 *one state/local matching basis. The Senior Arkansas Sports Organization must*  
14 *certify its portion of the match to the Division of Aging and Adult Services*  
15 *before any funds appropriated for state match for the Arkansas Senior*  
16 *Olympics Program in this Act are disbursed.*

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18 The provisions of this section shall be in effect only from July 1, 2001  
19 through June 30, 2003.

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

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29 The provisions of this section shall be in effect only from July 1, 2001  
30 through June 30, 2003.

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32 SECTION 10. 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 - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations  
35 for state and federal funding contained herein for the Division of Aging and  
36 Adult Services and that are distributed under grant or contract methodologies

1 may be disbursed by the Department of Human Services in the same manner as  
2 authorized under federal regulations for the disbursement of Title III Older  
3 Americans Act funds. Otherwise, all disbursements shall comply with the  
4 provisions of this Act.

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6 The provisions of this section shall be in effect only from July 1, 2001  
7 through June 30, 2003.

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

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18 The provisions of this section shall be in effect only from July 1, 2001  
19 through June 30, 2003.

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21 SECTION 12. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
22 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
23 appropriations as provided in this Act, the agency disbursing officer shall  
24 monitor the level of fund balances in relation to expenditures on a monthly  
25 basis. If any proposed expenditures would cause a fund balance to decline to  
26 less than fifty percent (50%) of the balance available on July 1, 2001, the  
27 disbursing officer shall immediately notify the executive head of the agency.  
28 Prior to any obligations being made under these circumstances, the agency  
29 head shall file written documentation with the Chief Fiscal Officer of the  
30 State requesting approval of the expenditures. Such documentation shall  
31 provide sufficient financial data to justify the expenditures and shall  
32 include the following:  
33 1) a plan that clearly indicates the specific fiscal impact of such  
34 expenditures on the fund balance.  
35 2) information clearly indicating and explaining what programs would be cut  
36 or any other measures to be taken by the agency to restore the fund balance.

1 3) the extent to which any of the planned expenditures are for one-time costs  
2 or one-time purchase of capitalized items.

3 4) a statement certifying that the expenditure of fund balances will not  
4 jeopardize the financial health of the agency, nor result in a permanent  
5 depletion of the fund balance.

6 (B) The Chief Fiscal Officer of the State shall review the request and  
7 approve or disapprove all or any part of the request , after having sought  
8 prior review by the Legislative Council.

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10 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
11 by this act shall be limited to the appropriation for such agency and funds  
12 made available by law for the support of such appropriations; and the  
13 restrictions of the State Purchasing Law, the General Accounting and  
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
15 Procedures and Restrictions Act, or their successors, and other fiscal  
16 control laws of this State, where applicable, and regulations promulgated by  
17 the Department of Finance and Administration, as authorized by law, shall be  
18 strictly complied with in disbursement of said funds.

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

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29 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General  
30 Assembly, that the Constitution of the State of Arkansas prohibits the  
31 appropriation of funds for more than a two (2) year period; that the  
32 effectiveness of this Act on July 1, 2001 is essential to the operation of  
33 the agency for which the appropriations in this Act are provided, and that in  
34 the event of an extension of the Regular Session, the delay in the effective  
35 date of this Act beyond July 1, 2001 could work irreparable harm upon the  
36 proper administration and provision of essential governmental programs.

1 Therefore, an emergency is hereby declared to exist and this Act being  
2 necessary for the immediate preservation of the public peace, health and  
3 safety shall be in full force and effect from and after July 1, 2001.

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*/s/ Joint Budget Committee*

APPROVED: 4/13/2001