

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 1234 of the Regular Session

As Engrossed: S3/23/07 S3/27/07 S3/28/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 221

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HEALTH AND HUMAN SERVICES -
12 DIVISION OF YOUTH SERVICES FOR THE BIENNIAL
13 PERIOD ENDING JUNE 30, 2009; AND FOR OTHER
14 PURPOSES.
15

Subtitle

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17
18 AN ACT FOR THE DEPARTMENT OF HEALTH AND
19 HUMAN SERVICES - DIVISION OF YOUTH
20 SERVICES APPROPRIATION FOR THE 2007-2009
21 BIENNIUM.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
27 the Department of Health and Human Services - Division of Youth Services for
28 the 2007-2009 biennium, the following maximum number of regular employees
29 whose salaries shall be governed by the provisions of the Uniform
30 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or
31 its successor, and all laws amendatory thereto. Provided, however, that any
32 position to which a specific maximum annual salary is set out herein in
33 dollars, shall be exempt from the provisions of said Uniform Classification
34 and Compensation Act. All persons occupying positions authorized herein are
35 hereby governed by the provisions of the Regular Salaries Procedures and



Restrictions Act (Arkansas Code §21-5-101), or its successor.						
			Maximum Annual			
			Maximum	Salary Rate		
			No. of	Fiscal Years		
Item	Class		Employees	2007-2008	2008-2009	
No.	Code	Title				
7	(1)	8910	DHS DEPUTY DIRECTOR OF DYS	1	\$102,426	\$104,474
8	(2)	9236	DHS ASST DIR DIV YOUTH SERVICES	1	\$86,613	\$88,345
9	(3)	9757	DHS ASSISTANT DIRECTOR	1	\$85,643	\$87,355
10	(4)	8947	DHS ASST DEP DIR GENERAL ACCOUNTING	1	\$75,259	\$76,764
11	(5)	017Z	DHS/DYS ADMIN PROG COMPLIANCE	2	GRADE 26	
12	(6)	434Z	DHS INSTITUTION OPERATIONS MANAGER	2	GRADE 24	
13	(7)	R080	STATISTICAL ANALYSIS MANAGER	1	GRADE 24	
14	(8)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE 23	
15	(9)	923Z	DHS PRGM ADMINISTRATOR	8	GRADE 23	
16	(10)	E051	TRAINING PROJECT MANAGER	1	GRADE 22	
17	(11)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE 22	
18	(12)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
19	(13)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE 21	
20	(14)	697Z	DHS PRGM MANAGER	14	GRADE 21	
21	(15)	A251	SR AUDITOR	1	GRADE 21	
22	(16)	E114	STAFF DEVELOPMENT COORDINATOR	2	GRADE 20	
23	(17)	M088	SOCIAL WORKER II	2	GRADE 20	
24	(18)	R145	DHS PROGRAM COORDINATOR	4	GRADE 20	
25	(19)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE 20	
26	(20)	R084	DHS STAFF SUPERVISOR	3	GRADE 19	
27	(21)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
28	(22)	R168	GRANTS COORDINATOR II	14	GRADE 19	
29	(23)	M138	YOUTH SERVICES COUNSELOR III	7	GRADE 19	
30	(24)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE 19	
31	(25)	D128	P C SUPPORT SPECIALIST	1	GRADE 18	
32	(26)	D129	DP COORDINATOR	1	GRADE 18	
33	(27)	E024	INSTITUTIONAL INSTRUCTOR II	5	GRADE 18	
34	(28)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
35	(29)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18	
36	(30)	M082	SOCIAL SERVICE WORKER III	2	GRADE 18	

1	(31)	R134	PLANNING SPECIALIST II	1	GRADE 18
2	(32)	V034	PLANT WAREHOUSE FOREMAN	1	GRADE 18
3	(33)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
4	(34)	T049	SECURITY OFFICER SUPERVISOR	2	GRADE 17
5	(35)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
6	(36)	Y061	JOURNEYMAN PLUMBER	1	GRADE 17
7	(37)	R010	ADMINISTRATIVE ASSISTANT II	8	GRADE 17
8	(38)	M148	YOUTH SERVICES WORKER II	36	GRADE 16
9	(39)	M149	YOUTH SERVICES WORKER I	2	GRADE 15
10	(40)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
11	(41)	L115	LPN II/LPTN II	4	GRADE 15
12	(42)	T047	SECURITY OFFICER III	2	GRADE 15
13	(43)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
14	(44)	K153	SECRETARY II	5	GRADE 13
15	(45)	K155	SECRETARY I	1	GRADE 11
16	(46)	H027	COOK II	1	GRADE 10
17	(47)	W023	RECORDS CENTER OPERATOR II	1	GRADE 10
18	(48)	G191	CLOTHING SHOP OPERATOR	<u>1</u>	GRADE 07
19			MAX. NO. OF EMPLOYEES	161	

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21 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 22 Department of Health and Human Services - Division of Youth Services for the
 23 2007-2009 biennium, the following maximum number of part-time or temporary
 24 employees, to be known as "Extra Help", payable from funds appropriated
 25 herein for such purposes: thirty-four (34) temporary or part-time employees,
 26 when needed, at rates of pay not to exceed those provided in the Uniform
 27 Classification and Compensation Act, or its successor, or this act for the
 28 appropriate classification.

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30 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 31 the Department of Health and Human Services - Division of Youth Services, to
 32 be payable from the paying account as determined by the Chief Fiscal Officer
 33 of the State, for personal services and operating expenses of the Department
 34 of Health and Human Services - Division of Youth Services for the biennial
 35 period ending June 30, 2009, the following:

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ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 5,488,335	\$ 5,598,030
(02) EXTRA HELP	40,008	40,008
(03) PERSONAL SERVICES MATCHING	1,803,948	1,826,388
(04) OVERTIME	8,004	8,004
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	2,220,832	2,220,832
(B) CONF. & TRAVEL	89,000	89,000
(C) PROF. FEES	750,485	750,485
(D) CAP. OUTLAY	107,487	107,487
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 10,508,099</u>	<u>\$ 10,640,234</u>

SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT.

There is hereby appropriated, to the Department of Health and 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 Health and Human Services - Division of Youth Services for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS	<u>\$ 2,104,284</u>	<u>\$ 2,104,284</u>

SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby

appropriated, to the Department of Health and 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 biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009

1 (01) COMMUNITY BASED SANCTIONS \$ 2,500,000 \$ 2,500,000

2

3 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby
4 appropriated, to the Department of Health and Human Services - Division of
5 Youth Services, to be payable from the Youth Services Fund Account, for the
6 purchase of services from community based providers by the Department of
7 Health and Human Services - Division of Youth Services for the biennial
8 period ending June 30, 2009, the following:

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10 ITEM	FISCAL YEARS	
11 NO.	2007-2008	2008-2009
12 (01) COMMUNITY SERVICES	\$ 12,024,809	\$ 12,024,809

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14 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There
15 is hereby appropriated, to the Department of Health and Human Services -
16 Division of Youth Services, to be payable from the federal funds as
17 designated by the Chief Fiscal Officer of the State, for federally funded
18 grants of the Department of Health and Human Services - Division of Youth
19 Services for the biennial period ending June 30, 2009, the following:

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21 ITEM	FISCAL YEARS	
22 NO.	2007-2008	2008-2009
23 (01) FEDERAL CHILD & YOUTH SERVICE GRANTS	\$ 9,611,623	\$ 9,611,623

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25 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby
26 appropriated, to the Department of Health and Human Services - Division of
27 Youth Services, to be payable from the Youth Services Fund Account, for the
28 purchase and operation of residential services by the Department of Health
29 and Human Services - Division of Youth Services for the biennial period
30 ending June 30, 2009, the following:

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32 ITEM	FISCAL YEARS	
33 NO.	2007-2008	2008-2009
34 (01) RESIDENTIAL SERVICES	\$ 24,990,803	\$ 24,990,803

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36 SECTION 9. APPROPRIATION - COMMUNITY BASED PROGRAMS. There is hereby

1 appropriated, to the Department of Health and Human Services - Division of
2 Youth Services, to be payable from the General Improvement Fund or its
3 successor fund or fund accounts, for community based programs and juvenile
4 delinquency prevention, the sum of.....\$200,000.
5

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

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

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

30 The provisions of this section shall be in effect only from July 1, ~~2005~~
31 2007 through June 30, ~~2007~~ 2009.

32
33 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
35 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Health and
36 Human Services shall provide funding in an amount not to exceed \$240,000 for

1 each fiscal year of the biennial period ending June 30, ~~2007~~ 2009 for the
2 Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the
3 Executive Director of the Arkansas Public Defender Commission, the Chief
4 Fiscal Officer of the State shall transfer an amount not to exceed \$240,000
5 for each year of the biennial period ending June 30, ~~2007~~ 2009 from an
6 account designated by the Director of the Department of Health and Human
7 Services to the State Central Services Fund as a direct revenue to fund the
8 Juvenile Ombudsman Program.

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10 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
12 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
13 of the State shall transfer funds in an amount of \$400,000 for each fiscal
14 year of the biennial period ending June 30, ~~2007~~ 2009 from the Department of
15 Health and Human Services – Youth Services Fund Account to the Juvenile
16 Detention Facilities Operating Fund to fund the appropriation to the
17 Department of Finance and Administration – Disbursing Officer for grants for
18 operating expenses of local juvenile detention facilities.

19
20 The amount of the funds transferred in each fiscal year of the biennial
21 period ended June 30, ~~2007~~ 2009 may be adjusted upon request of the Director
22 of the Department of Health and Human Services on a pro-rata basis with any
23 reductions provided in the Revenue Stabilization Law from the July 1 Official
24 Forecast of general revenue funding for the Division of Youth Services.

25
26 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
28 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The
29 Division of Youth Services is authorized to use the administrative operating
30 account for capital improvements to the physical plant and for the purchase
31 of capital equipment by the Mansfield Youth Services Facility operated by the
32 Department of Health and Human Services, Division of Youth Services. The
33 funds shall be held by the Department of Health and Human Services, Division
34 of Youth Services from the proceeds of the sale of timber that may be
35 harvested from land owned by the Division of Youth Services. All funds
36 deposited and all expenses shall be tracked separately. The harvesting of

1 timber is specifically authorized to provide funds to finance capital
2 improvements to the physical plant, and for the purchase of major capital
3 equipment by the Mansfield Facility from which the timber is sold.

4
5 The Division of Youth Services shall report all income derived from the sale
6 of timber to the Chief Fiscal Officer of the State and the Arkansas
7 Legislative Council. Any contracts initiated for the harvesting and sale of
8 timber shall be submitted to the Review Subcommittee of the Arkansas
9 Legislative Council for prior review. All expenditures of funds derived from
10 the sale of timber will be expended in accordance with relevant state
11 purchasing laws.

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

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16 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
18 TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal
19 Officer of the State shall transfer on his or her books and those of the
20 State Treasurer and Auditor of State the balance in the Juvenile Detention
21 Facilities Revolving Loan Fund to the Budget Stabilization Trust Fund and
22 Arkansas Code §19-5-1035 is hereby repealed.

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24 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
25 by this act shall be limited to the appropriation for such agency and funds
26 made available by law for the support of such appropriations; and the
27 restrictions of the State Procurement Law, the General Accounting and
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
29 Procedures and Restrictions Act, or their successors, and other fiscal
30 control laws of this State, where applicable, and regulations promulgated by
31 the Department of Finance and Administration, as authorized by law, shall be
32 strictly complied with in disbursement of said funds.

33
34 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General Assembly
35 that any funds disbursed under the authority of the appropriations contained
36 in this act shall be in compliance with the stated reasons for which this act

1 was adopted, as evidenced by the Agency Requests, Executive Recommendations
2 and Legislative Recommendations contained in the budget manuals prepared by
3 the Department of Finance and Administration, letters, or summarized oral
4 testimony in the official minutes of the Arkansas Legislative Council or
5 Joint Budget Committee which relate to its passage and adoption.

6
7 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly, that the Constitution of the State of Arkansas prohibits the
9 appropriation of funds for more than a two (2) year period; that the
10 effectiveness of this Act on July 1, 2007 is essential to the operation of
11 the agency for which the appropriations in this Act are provided, and that in
12 the event of an extension of the Regular Session, the delay in the effective
13 date of this Act beyond July 1, 2007 could work irreparable harm upon the
14 proper administration and provision of essential governmental programs.
15 Therefore, an emergency is hereby declared to exist and this Act being
16 necessary for the immediate preservation of the public peace, health and
17 safety shall be in full force and effect from and after July 1, 2007.

18
19 /s/ Joint Budget Committee

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21 APPROVED: 4/5/2007
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