

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.

State of Arkansas

As Engrossed: S4/2/01 H4/9/01

83rd General Assembly

A Bill

Regular Session, 2001

SENATE BILL 612

By: Senator Mahony

For An Act To Be Entitled

AN ACT TO REQUIRE REGULATIONS GOVERNING THE ADMINISTRATION AND DISBURSEMENT OF FEDERAL FUNDS RECEIVED UNDER THE VICTIMS OF CRIME ACT OF 1984 (VOCA), THE STOP VIOLENCE AGAINST WOMEN ACT (VAWA), AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA); TO REPEAL PROVISIONS OF THE ARKANSAS CODE RESTRICTING THE ADMINISTRATION AND DISBURSEMENT OF SUCH FEDERAL FUNDS IN ORDER TO COMPLY WITH FEDERAL LAW; AND FOR OTHER PURPOSES.

Subtitle

REQUIRES REGULATIONS GOVERNING ADMINISTRATION OF VOCA, VAWA, AND FVPSA FUNDS, AND REPEALS PROVISIONS RESTRICTING ADMINISTRATION OF SUCH FUNDS.

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

SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1 is amended to add an additional section, to be section 25-1-108, to read as follows:

25-1-108. (a) The Governor shall have the authority to designate the state agency responsible for the administration and disbursement of funds received by the State of Arkansas under the Victims of Crime Act (VOCA), the STOP Violence Against Women Act (VAWA), and the Family Violence Prevention and Services Act (FVPSA) in the manner authorized by federal law.

(b) The state agency designated by the Governor under this section

1 shall not disburse VOCA, STOP VAWA, or FVPSA funds without providing an
2 opportunity for subgrantee qualification selection assistance and
3 programmatic support by the Arkansas Child Abuse/Rape/Domestic Violence
4 Commission and other advisory bodies established to assist potential
5 beneficiaries of such funds.

6 (c) The state agency designated by the Governor under this section
7 shall not disburse VOCA funds without providing an opportunity for review of
8 and advice concerning grant processes and grant funding by:

9 (1) Two (2) representatives selected by the Arkansas Coalition
10 Against Sexual Assault;

11 (2) Two (2) representatives selected by the Arkansas Coalition
12 Against Domestic Violence;

13 (3) Two (2) representatives selected by the Arkansas Court
14 Appointed Special Advocate Association;

15 (4) Two (2) representatives selected by the Prosecution
16 Coordination Commission;

17 (5) One (1) representative selected by the Criminal Justice
18 Institute Advisory Board; and

19 (6) One (1) representative each from any other advisory body
20 determined to be necessary by the state administrative agency, including, but
21 not limited to, the elderly, non-English speaking residents, disabled
22 persons, members of racial or ethnic minorities, and residents of rural or
23 remote areas.

24 (d)(1) The state agency designated by the Governor under this section
25 shall not disburse funds under the law enforcement, prosecution and judiciary
26 percentages of the STOP Violence Against Women Act without providing an
27 opportunity for review of and advice concerning grant processes and grant
28 funding by:

29 (A) Two (2) representatives selected by the Arkansas Coalition
30 Against Sexual Assault;

31 (B) Two (2) representatives selected by the Arkansas Coalition
32 Against Domestic Violence;

33 (C) One (1) representative selected by the Criminal Justice
34 Institute Advisory Board;

35 (D) The Prosecution Coordination Commission; and

36 (E) One (1) representative each from any other advisory body

determined to be necessary by the state administrative agency, including, but not limited to, the elderly, non-English speaking residents, disabled persons, members of racial or ethnic minorities, and residents of rural or remote areas.

(2) The state agency designated by the Governor under this section shall not disburse funds under the victims services and discretionary percentages of the STOP Violence Against Women Act without providing an opportunity for review of and advice concerning grant processes and grant funding by:

(A) Two (2) representatives selected by the Arkansas Coalition Against Sexual Assault;

(B) Two (2) representatives selected by the Arkansas Coalition Against Domestic Violence;

(C) Two (2) representatives selected by the Prosecution Coordination Commission;

(D) One (1) representative selected by the Criminal Justice Institute Advisory Board; and

(E) One (1) representative each from any other advisory body determined to be necessary by the state administrative agency, including, but not limited to, the elderly, non-English speaking residents, disabled persons, members of racial or ethnic minorities, and residents of rural or remote areas.

(e) The state agency designated by the Governor under this section shall not disburse FVPSA funds without providing an opportunity for review of and advice concerning grant processes and grant funding by:

(1) Two (2) representatives selected by the Arkansas Coalition Against Sexual Assault;

(2) Two (2) representatives selected by the Arkansas Coalition Against Domestic Violence;

(3) One (1) representative selected by the Prosecution Coordination Commission;

(4) One (1) representative selected by the Criminal Justice Institute Advisory Board;

(5) One (1) representative selected by the Arkansas Court Appointed Special Advocate Association;

(6) One (1) representative each from any other advisory body

determined to be necessary by the state administrative agency, including, but not limited to, the elderly, non-English speaking residents, disabled persons, members of racial or ethnic minorities, and residents of rural or remote areas.

(f) The state agency designated by the Governor under this section shall promulgate rules and regulations, consistent with federal law, setting forth the policies and procedures for the administration and disbursement of VOCA, STOP VAWA, and FVPSA funds, including policies and procedures for the participation and assistance of advisory bodies established to assist potential beneficiaries of such funds.

SECTION 2. Arkansas Code 16-21-207, which relates to peer review of the prosecution and law enforcement block grants of the STOP Violence Against Women Act, is repealed.

~~16-21-207. Peer review of the prosecution and law enforcement block grants of the Violence Against Women Act.~~

~~(a) The Prosecution Coordination Commission, in conjunction with two (2) representatives from the Arkansas Coalition Against Violence to Women and Children and one (1) representative from the sexual assault victim providers, shall conduct the peer review process of the subgrant application for the prosecution percentage of the prosecution and law enforcement block grants of the Violence Against Women Act.~~

~~(b) The nonprosecution and law enforcement percentage shall be reviewed by nine (9) panelists, selected each federal grant year, to be determined as follows:~~

~~(1) Each of the four (4) regions of the Arkansas Coalition Against Violence to Women and Children shall select one (1) individual to serve as a peer review panelist;~~

~~(2) The Executive Director of the Arkansas Coalition Against Violence to Women and Children shall also serve as a panelist;~~

~~(3) All of the nonprofit rape crisis centers in the state shall hold a meeting annually and select two (2) representatives to serve on the peer review panel;~~

~~(4) The Prosecution Coordination Commission shall select a representative; and~~

~~(5) The Criminal Justice Institute Advisory Board shall select~~

1 ~~one (1) representative.~~

2 ~~(c) The twenty five percent (25%) designated to law enforcement shall~~
3 ~~be reviewed by:-~~

4 ~~(1) The Criminal Justice Institute Advisory Board;~~

5 ~~(2) One (1) representative for the Prosecution Coordination~~
6 ~~Commission;~~

7 ~~(3) Two (2) representatives from the Arkansas Coalition Against~~
8 ~~Violence to Women and Children; and~~

9 ~~(4) One (1) representative from the sexual assault service~~
10 ~~providers.~~

11
12 SECTION 3. Arkansas Code 20-82-203, which relates to the disbursement
13 of funds under the federal Victims of Crime Act of 1984, is repealed.

14 ~~20-82-203. Disbursement of funds.~~

15 ~~(a)(1) The designated state grantee who receives funds received~~
16 ~~through the federal Victims of Crime Act of 1984 shall not disburse any funds~~
17 ~~received without prior review and advice of the commission.~~

18 ~~(2) The office of the Prosecutor Coordinator shall not disburse~~
19 ~~any funds received through the federal Victims of Crime Act of 1984 without~~
20 ~~the prior approval of the commission.~~

21 ~~(b) If the Governor designates the office of the Prosecutor~~
22 ~~Coordinator as the grant administrator, then the Prosecutor Coordinator shall~~
23 ~~be entitled to utilize three thousand dollars (\$3,000) of the federal Victims~~
24 ~~of Crime Act of 1984 funds for audit and other administrative expenses each~~
25 ~~fiscal year without the consent of the Arkansas Child Abuse/Rape/Domestic~~
26 ~~Violence Commission.~~

27
28 SECTION 4. Arkansas Code 25-1-107 is amended to read as follows:

29 ~~25-1-107. Guidelines for advisory commissions.~~

30 ~~Where advisory bodies are specified by state or federal legislation or~~
31 ~~guidelines to act in conjunction with the entity or organization designated~~
32 ~~to administer funds of the Victims of Crime Act, the STOP Violence Against~~
33 ~~Women Act, and the Family Violence Prevention and Services Act, the duties~~
34 ~~and protocol of those advisory bodies, as well as responsibilities of the~~
35 ~~state administrative agency, shall include, but not be limited to the~~
36 ~~following:-~~

1 ~~(1) Advisory bodies shall develop and finalize a request for proposal~~
2 ~~activity calendar, in a cooperative effort with the state administrative~~
3 ~~agency, six (6) months prior to the start of the upcoming funding cycle.~~

4 ~~(a) Advisory bodies shall establish procedures and dates, in a~~
5 ~~cooperative effort with the state administrative agency, for review of~~
6 ~~subgrant funding applications for each funding cycle. The state~~
7 ~~administrative agency shall provide copies of subgrant applications submitted~~
8 ~~for review to each member of the relevant advisory body.~~

9 ~~(b) Advisory bodies shall meet, in a cooperative effort with the~~
10 ~~state administrative agency, to review and advise the state administrative~~
11 ~~agency on subgrant application forms for each upcoming subgrant funding cycle~~
12 ~~no later than thirty (30) days prior to the scheduled date of mailing of~~
13 ~~application forms. The state administrative agency shall provide drafts of~~
14 ~~all necessary subgrant application forms to each member of the relevant~~
15 ~~advisory boards as required for the joint and cooperative review processes.~~

16 ~~(c) Advisory bodies shall establish a specified number of days,~~
17 ~~in cooperation with the state administrative agency, that potential~~
18 ~~applicants will be given to submit completed subgrant funding applications,~~
19 ~~from the time application forms are ready for distribution, and establish~~
20 ~~deadlines, in cooperation with the state administrative agency, for receiving~~
21 ~~subgrant applications.~~

22 ~~(d) Advisory bodies shall establish dates, in cooperation with~~
23 ~~the state administrative agency, of subgrant application technical assistance~~
24 ~~training sessions recommended by the advisory body.~~

25 ~~(e) Advisory bodies shall develop, in cooperative effort with~~
26 ~~the state administrative agency, subgrant applicant appeal process~~
27 ~~procedures.~~

28 ~~(2) Each advisory body member shall be provided copies of current~~
29 ~~federal and state guidelines, and formal interpretations by the state~~
30 ~~administrative agency.~~

31 ~~(3) Advisory bodies shall review each subgrant application and advise~~
32 ~~the state administrative agency on recommended funding amounts for each~~
33 ~~subgrant project.~~

34 ~~(4) Applications, guidelines, and other forms shall be made available~~
35 ~~to the advisory committee on computer diskette, or other electronic media by~~
36 ~~the state administrative agency.~~

~~(5) Quarterly reports by the designated state administrative agency, which reflect subgrantee and administrative financial activity, will be given to the chairperson of each separate advisory body and to the Governor within ten (10) working days of the completion of such reports.~~

~~(6) Within ninety (90) days following the start of a subgrant funding cycle, each respective advisory body, in cooperation with the state administrative agency, shall jointly convene separate focus groups made up of a representative sample of those programs or individuals who applied for funds through the VOCA, VAWA or FVPSA Grant Programs in the most recent funding cycle. These meetings are for the purpose of evaluating the effectiveness and responsiveness of the application, application review and funding recommendation process, in order to maintain the integrity of those processes. Reports of these meetings shall be given to the chairperson of each separate advisory body and to the Governor within ten (10) working days of the completion of such meetings.~~

~~It is intended that this language reflect the requirement that the designated advisory bodies identified above, and designated state administrative agency act in a cooperative, supportive and responsive role in the processes outlined above.~~

25-1-107. Guidelines for advisory bodies.

(a) Where advisory bodies are specified by state or federal legislation or guidelines to act in conjunction with the entity or organization designated to administer funds of the Victims of Crime Act (VOCA), the STOP Violence Against Women Act (STOP VAWA), and the Family Violence Prevention and Services Act (FVPSA), the duties and protocol of those advisory bodies, as well as responsibilities of the state administrative agency, shall include, but not be limited to the following:

(1) The state administrative agency, after providing the opportunity for review and advice by the advisory bodies, shall:

(A) Establish a proposal activity calendar one hundred eighty (180) days prior to the start of the upcoming funding cycle;

(B) Establish procedures and dates for review of subgrant funding applications for each funding cycle. The state administrative agency shall provide copies of subgrant applications submitted for review to the chairperson of each relevant advisory body;

(C) Establish, consistent with federal law, subgrant

1 application forms;

2 (D) Establish deadlines for receiving subgrant

3 applications;

4 (E) Establish dates of subgrant application technical

5 assistance training sessions;

6 (F) Establish subgrant applicant appeal process

7 procedures; and

8 (G) Develop a statewide victim service needs assessment

9 and strategic plan for Victims of Crime Act, STOP Violence Against Women Act,

10 and Family Violence Prevention and Services Act funds pursuant to applicable

11 federal program guidelines.

12 (2) The state administrative agency shall meet with the relevant

13 advisory bodies no later than thirty (30) days prior to the scheduled date of

14 mailing of application forms for the purpose of providing an opportunity for

15 review of the content of such application forms. The state administrative

16 agency shall provide drafts of all necessary subgrant application forms to

17 the chairperson of the relevant advisory boards prior to such meeting.

18 (b) The state administrative agency shall make available to members of

19 the advisory bodies, upon request, copies of current federal and state law

20 and guidelines concerning the relevant VOCA, STOP VAWA, and FVPSA programs,

21 including any formal interpretations of such law and guidelines by the state

22 administrative agency.

23 (c) Any copies of forms, laws, guidelines, or interpretations required

24 to be furnished by the state administrative agency must be made available on

25 computer diskette or other requested electronic media if the requested item

26 is feasibly able to be produced in the requested manner.

27 (d) The state administrative agency shall provide quarterly reports

28 concerning subgrantee and administrative financial activity to the Governor

29 and to the chairperson of each advisory body within ten (10) working days of

30 the completion of such reports.

31 (e) Within one hundred twenty (120) days following the start of a

32 subgrant funding cycle, the state administrative agency shall meet with focus

33 groups made up of those programs that or individuals who applied for funds

34 through the VOCA, STOP VAWA or FVPSA grant programs in the most recent

35 funding cycle. These meetings are for the purpose of evaluating the

36 effectiveness and responsiveness of the application, application review and

funding recommendation process in order to maintain the integrity of those processes. The state administrative agency shall provide reports of these meetings to the Governor and to the chairperson of each advisory body within ten (10) working days of the completion of such meetings.

SECTION 5. EMERGENCY. It is found and determined by the Eighty-third General Assembly that immediate clarification is needed with regard to the authority to administer funds provided to the State of Arkansas under the federal Victims of Crime Act, the Violence Against Women Act, and the Family Violence Prevention and Services Act; and that this act, in order to comply with federal law, removes state legislative restrictions on the administration of such funds where the federal government has previously enacted legislation or regulations governing the authority to administer these funds. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Mahony