

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
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/9/05 S4/5/05 S4/7/05

A Bill

SENATE BILL 245

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH
12 SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2007; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - DIVISION OF YOUTH SERVICES
18 APPROPRIATION FOR THE 2005-2007
19 BIENNIUM.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Human Services - Division of Youth Services for the 2005-2007
27 biennium, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.
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					Maximum Annual	
				Maximum	Salary Rate	
	Item	Class		No. of	Fiscal Years	
	No.	Code	Title	Employees	2005-2006	2006-2007
5	(1)	8910	DHS DEPUTY DIRECTOR OF DYS	1	\$98,038	\$100,418
6	(2)	9236	DHS ASST DIR DIV YOUTH SERVICES	1	\$82,792	\$84,915
7	(3)	9757	DHS ASSISTANT DIRECTOR	2	\$81,859	\$83,964
8	(4)	017Z	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE	26
9	(5)	187Z	DHS/DCFS ADMR INDIV & FAMILY SVCS	1	GRADE	24
10	(6)	403Z	YOUTH SERVICES CENTER SUPT	1	GRADE	24
11	(7)	434Z	DHS INSTITUTION OPERATIONS MANAGER	2	GRADE	24
12	(8)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE	23
13	(9)	923Z	DHS PRGM ADMINISTRATOR	7	GRADE	23
14	(10)	E051	TRAINING PROJECT MANAGER	1	GRADE	22
15	(11)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE	22
16	(12)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
17	(13)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE	21
18	(14)	697Z	DHS PRGM MANAGER	15	GRADE	21
19	(15)	A251	SR AUDITOR	1	GRADE	21
20	(16)	E114	STAFF DEVELOPMENT COORDINATOR	3	GRADE	20
21	(17)	M088	SOCIAL WORKER II	2	GRADE	20
22	(18)	R145	DHS PROGRAM COORDINATOR	4	GRADE	20
23	(19)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE	20
24	(20)	R084	DHS STAFF SUPERVISOR	3	GRADE	19
25	(21)	R150	RESEARCH PROJECT ANALYST	1	GRADE	19
26	(22)	R168	GRANTS COORDINATOR II	14	GRADE	19
27	(23)	M138	YOUTH SERVICES COUNSELOR III	7	GRADE	19
28	(24)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE	19
29	(25)	D128	P C SUPPORT SPECIALIST	1	GRADE	18
30	(26)	D129	DP COORDINATOR	1	GRADE	18
31	(27)	E024	INSTITUTIONAL INSTRUCTOR II	5	GRADE	18
32	(28)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE	18
33	(29)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE	18
34	(30)	M082	SOCIAL SERVICE WORKER III	2	GRADE	18
35	(31)	R134	PLANNING SPECIALIST II	1	GRADE	18
36	(32)	V034	PLANT WAREHOUSE FOREMAN	1	GRADE	18

1	(33)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
2	(34)	T049	SECURITY OFFICER SUPERVISOR	2	GRADE 17
3	(35)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
4	(36)	Y061	JOURNEYMAN PLUMBER	1	GRADE 17
5	(37)	R010	ADMINISTRATIVE ASSISTANT II	8	GRADE 17
6	(38)	M148	YOUTH SERVICES WORKER II	36	GRADE 16
7	(39)	M149	YOUTH SERVICES WORKER I	4	GRADE 15
8	(40)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
9	(41)	L115	LPN II/LPTN II	4	GRADE 15
10	(42)	T047	SECURITY OFFICER III	2	GRADE 15
11	(43)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
12	(44)	K153	SECRETARY II	5	GRADE 13
13	(45)	K155	SECRETARY I	1	GRADE 11
14	(46)	H027	COOK II	1	GRADE 10
15	(47)	W023	RECORDS CENTER OPERATOR II	1	GRADE 10
16	(48)	G191	CLOTHING SHOP OPERATOR	<u>1</u>	GRADE 07
17			MAX. NO. OF EMPLOYEES	164	

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19 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 20 Human Services - Division of Youth Services for the 2005-2007 biennium, the
 21 following maximum number of part-time or temporary employees, to be known as
 22 "Extra Help", payable from funds appropriated herein for such purposes:
 23 thirty-four (34) temporary or part-time employees, when needed, at rates of
 24 pay not to exceed those provided in the Uniform Classification and
 25 Compensation Act, or its successor, or this act for the appropriate
 26 classification.

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28 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 29 the Department of Human Services - Division of Youth Services, to be payable
 30 from the paying account as determined by the Chief Fiscal Officer of the
 31 State, for personal services and operating expenses of the Department of
 32 Human Services - Division of Youth Services for the biennial period ending
 33 June 30, 2007, the following:

34

35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>

1	(01) REGULAR SALARIES	\$ 5,273,831	\$ 5,429,814
2	(02) EXTRA HELP	40,008	40,008
3	(03) PERSONAL SERVICES MATCHING	1,673,704	1,704,413
4	(04) OVERTIME	8,004	8,004
5	(05) MAINT. & GEN. OPERATION		
6	(A) OPER. EXPENSE	1,252,220	1,252,220
7	(B) CONF. & TRAVEL	65,000	65,000
8	(C) PROF. FEES	725,485	725,485
9	(D) CAP. OUTLAY	107,847	107,847
10	(E) DATA PROC.	<u>0</u>	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,146,099</u>	<u>\$ 9,332,791</u>

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 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS	<u>\$ 2,922,729</u>	<u>\$ 2,922,729</u>

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 aids for graduated community based sanctions for juveniles adjudicated delinquent for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) COMMUNITY BASED SANCTIONS	<u>\$ 2,500,000</u>	<u>\$ 2,500,000</u>

SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth

1 Services, to be payable from the Youth Services Fund Account, for the
 2 purchase of services from community based providers by the Department of
 3 Human Services - Division of Youth Services for the biennial period ending
 4 June 30, 2007, the following:

6 ITEM	FISCAL YEARS	
7 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
8 (01) COMMUNITY SERVICES	<u>\$ 38,095,328</u>	<u>\$ 38,073,224</u>

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 10 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There
 11 is hereby appropriated, to the Department of Human Services - Division of
 12 Youth Services, to be payable from the federal funds as designated by the
 13 Chief Fiscal Officer of the State, for federally funded grants of the
 14 Department of Human Services - Division of Youth Services for the biennial
 15 period ending June 30, 2007, the following:

17 ITEM	FISCAL YEARS	
18 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19 (01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$ 7,464,574</u>	<u>\$ 7,464,574</u>

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 21 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
 23 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The
 24 Department of Human Services shall not contract or pay for community-based
 25 residential programs within any municipality to house unrelated persons who
 26 have been adjudicated delinquent of an act that would constitute a Class A
 27 felony or higher or of a sexual offense or convicted of a Class A felony or
 28 higher or sexual offense until the following conditions have been met:
 29 1. Residents within one thousand (1,000) feet of the proposed location of the
 30 facility shall be notified by mail;
 31 2. A public hearing shall be conducted in the community of the proposed
 32 location of the facility by the contract provider at least ten (10) days in
 33 advance of the contract's effective date. Notice of the hearing shall be
 34 made by mail to each of the residents within 1,000 feet of the proposed
 35 location of the facility. The notification requirement shall not apply to
 36 already existing facilities at already existing locations.

1 Provided further, upon establishment of such facilities within a particular
2 municipality, the contract provider and the Department shall establish and
3 implement a system to receive and respond to complaints and questions from
4 residents of such municipality. In the event the Department and the provider
5 fail to provide satisfactory communication as provided in this section to the
6 residents, such facility may be declared a public nuisance by the
7 municipality.

8 The provisions of this section shall be in effect only from July 1, ~~2003~~
9 2005 through June 30, ~~2005~~ 2007.

10
11 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
13 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
14 Services shall provide funding in an amount not to exceed ~~\$230,000~~ \$240,000
15 for each fiscal year of the biennial period ending June 30, ~~2005~~ 2007 for the
16 Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the
17 Executive Director of the Arkansas Public Defender Commission, the Chief
18 Fiscal Officer of the State shall transfer an amount not to exceed ~~\$230,000~~
19 \$240,000 for each year of the biennial period ending June 30, ~~2005~~ 2007 from
20 an account designated by the Director of the Department of Human Services to
21 the State Central Services Fund as a direct revenue to fund the Juvenile
22 Ombudsman Program.

23
24 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
26 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
27 of the State shall transfer funds in an amount of \$400,000 for each fiscal
28 year of the biennial period ending June 30, ~~2005~~ 2007 from the Department of
29 Human Services – Youth Services Fund Account to the Juvenile Detention
30 Facilities Operating Fund to fund the appropriation to the Department of
31 Finance and Administration – Disbursing Officer for grants for operating
32 expenses of local juvenile detention facilities.

33
34 The amount of the funds transferred in each fiscal year of the biennial
35 period ended June 30, ~~2005~~ 2007 may be adjusted upon request of the Director
36 of the Department of Human Services on a pro-rata basis with any reductions

1 provided in the Revenue Stabilization Law from the July 1 Official Forecast
2 of general revenue funding for the Division of Youth Services.

3
4 *SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
5 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY*
6 *SERVICES. Of the total amount appropriated each fiscal year for Community*
7 *Services in this act, one million seven hundred thousand dollars (\$1,700,000)*
8 *each fiscal year shall be used to provide additional funding for Community*
9 *Based Programs and three hundred thousand dollars (\$300,000) each fiscal year*
10 *shall be used to provide additional funding for Regional Juvenile Programs.*
11 *The additional funding provided by this provision shall supplement and not*
12 *supplant any monies currently funding services in Community Based Programs*
13 *and Regional Juvenile Programs.*

14 *The requirements in this section shall only be implemented in accordance*
15 *with any necessary approval by the Centers for Medicare and Medicaid*
16 *Services, and in the event that additional general revenue funding is*
17 *provided by the General Assembly for these purposes. Should additional*
18 *funding provided for these purposes be insufficient to provide for the*
19 *increases in full, the increases shall be provided to the extent that funding*
20 *is made available.*

21 *The provisions of this section shall be in effect only from July 1, 2005*
22 *through June 30, 2007.*

23
24 *SECTION 12. 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 13. 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 14. 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, 2005 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, 2005 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, 2005.

18
19 */s/ Joint Budget Committee*
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