

**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: S3/9/05 S4/5/05 S4/7/05 S4/11/05*

2 85th General Assembly

# A Bill

3 Regular Session, 2005

SENATE BILL 245

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  
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.

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## Subtitle

17 AN ACT FOR THE DEPARTMENT OF HUMAN  
18 SERVICES - DIVISION OF YOUTH SERVICES  
19 APPROPRIATION FOR THE 2005-2007  
20 BIENNIUM.

21

22

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

24

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	

18

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.

27

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>

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13 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT.

14 There is hereby appropriated, to the Department of Human Services - Division  
 15 of Youth Services, to be payable from the Juvenile Accountability Incentive  
 16 Block Grant Trust Fund, for grant payments of the Juvenile Accountability  
 17 Incentive Block Grant of the Department of Human Services - Division of Youth  
 18 Services for the biennial period ending June 30, 2007, the following:

19

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

24

25 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby  
 26 appropriated, to the Department of Human Services - Division of Youth  
 27 Services, to be payable from the Youth Services Fund Account, for grants and  
 28 aids for graduated community based sanctions for juveniles adjudicated  
 29 delinquent for the biennial period ending June 30, 2007, the following:

30

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

34

35 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
 36 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:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) COMMUNITY SERVICES	<u>\$ 12,024,809</u>	<u>\$ 12,024,809</u>

9  
 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:

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

16  
 17 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby  
 18 appropriated, to the Department of Human Services - Division of Youth  
 19 Services, to be payable from the Youth Services Fund Account, for the  
 20 purchase and operation of residential services by the Department of Human  
 21 Services - Division of Youth Services for the biennial period ending June 30,  
 22 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) RESIDENTIAL SERVICES	<u>\$ 26,070,519</u>	<u>\$ 26,048,415</u>

23  
 24 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
 26 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The  
 27 Department of Human Services shall not contract or pay for community-based  
 28 residential programs within any municipality to house unrelated persons who  
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1 have been adjudicated delinquent of an act that would constitute a Class A  
2 felony or higher or of a sexual offense or convicted of a Class A felony or  
3 higher or sexual offense until the following conditions have been met:

4 1. Residents within one thousand (1,000) feet of the proposed location of the  
5 facility shall be notified by mail;

6 2. A public hearing shall be conducted in the community of the proposed  
7 location of the facility by the contract provider at least ten (10) days in  
8 advance of the contract's effective date. Notice of the hearing shall be  
9 made by mail to each of the residents within 1,000 feet of the proposed  
10 location of the facility. The notification requirement shall not apply to  
11 already existing facilities at already existing locations.

12 Provided further, upon establishment of such facilities within a particular  
13 municipality, the contract provider and the Department shall establish and  
14 implement a system to receive and respond to complaints and questions from  
15 residents of such municipality. In the event the Department and the provider  
16 fail to provide satisfactory communication as provided in this section to the  
17 residents, such facility may be declared a public nuisance by the  
18 municipality.

19 The provisions of this section shall be in effect only from July 1, ~~2003~~  
20 2005 through June 30, ~~2005~~ 2007.

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

34  
35 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

1 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
2 of the State shall transfer funds in an amount of \$400,000 for each fiscal  
3 year of the biennial period ending June 30, ~~2005~~ 2007 from the Department of  
4 Human Services – Youth Services Fund Account to the Juvenile Detention  
5 Facilities Operating Fund to fund the appropriation to the Department of  
6 Finance and Administration – Disbursing Officer for grants for operating  
7 expenses of local juvenile detention facilities.

8  
9 The amount of the funds transferred in each fiscal year of the biennial  
10 period ended June 30, ~~2005~~ 2007 may be adjusted upon request of the Director  
11 of the Department of Human Services on a pro-rata basis with any reductions  
12 provided in the Revenue Stabilization Law from the July 1 Official Forecast  
13 of general revenue funding for the Division of Youth Services.

14  
15 *SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
16 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY*  
17 *SERVICES. Of the total amount appropriated each fiscal year for Community*  
18 *Services in this act, one million seven hundred thousand dollars (\$1,700,000)*  
19 *each fiscal year shall be used to provide additional funding for Community*  
20 *Based Programs and three hundred thousand dollars (\$300,000) each fiscal year*  
21 *shall be used to provide additional funding for Regional Juvenile Programs.*  
22 *The additional funding provided by this provision shall supplement and not*  
23 *supplant any monies currently funding services in Community Based Programs*  
24 *and Regional Juvenile Programs.*

25 *The requirements in this section shall only be implemented in accordance*  
26 *with any necessary approval by the Centers for Medicare and Medicaid*  
27 *Services, and in the event that additional general revenue funding is*  
28 *provided by the General Assembly for these purposes. Should additional*  
29 *funding provided for these purposes be insufficient to provide for the*  
30 *increases in full, the increases shall be provided to the extent that funding*  
31 *is made available.*

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

34  
35 *SECTION 13. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds authorized  
36 by this act shall be limited to the appropriation for such agency and funds

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

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

17  
18 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General  
19 Assembly, that the Constitution of the State of Arkansas prohibits the  
20 appropriation of funds for more than a two (2) year period; that the  
21 effectiveness of this Act on July 1, 2005 is essential to the operation of  
22 the agency for which the appropriations in this Act are provided, and that in  
23 the event of an extension of the Regular Session, the delay in the effective  
24 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
25 proper administration and provision of essential governmental programs.  
26 Therefore, an emergency is hereby declared to exist and this Act being  
27 necessary for the immediate preservation of the public peace, health and  
28 safety shall be in full force and effect from and after July 1, 2005.

29  
30 /s/ Joint Budget Committee  
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