

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/26/07 H3/27/07

A Bill

HOUSE BILL 1291

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 HEALTH AND HUMAN SERVICES -
12 DIVISION OF AGING AND ADULT SERVICES FOR THE
13 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR
14 OTHER PURPOSES.

Subtitle

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16
17
18 AN ACT FOR THE DEPARTMENT OF HEALTH AND
19 HUMAN SERVICES - DIVISION OF AGING AND
20 ADULT SERVICES APPROPRIATION FOR THE
21 2007-2009 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 Aging and Adult*
28 *Services for the 2007-2009 biennium, the following maximum number of regular*
29 *employees 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*
36 *Restrictions Act (Arkansas Code §21-5-101), or its successor.*



						<i>Maximum Annual</i>	
					<i>Maximum</i>	<i>Salary Rate</i>	
	<i>Item</i>	<i>Class</i>			<i>No. of</i>	<i>Fiscal Years</i>	
	<i>No.</i>	<i>Code</i>	<i>Title</i>		<i>Employees</i>	<i>2007-2008</i>	<i>2008-2009</i>
6	(1)	8868	DHS DEPUTY DIRECTOR ADULT SERVICES		1	\$101,049	\$103,069
7	(2)	8960	AGING & ADULT SVCS ASST DEP DIR		1	\$68,491	\$69,860
8	(3)	8930	AGING & ADULT SVCS ASST DEP DIR		1	\$66,336	\$67,662
9	(4)	L124	PSYCHOLOGIST		1	GRADE 25	
10	(5)	023Z	DHS/DCO ASST CHIEF PRGM ADMR		2	GRADE 25	
11	(6)	040Z	DHS/DCFS AREA MANAGER		2	GRADE 24	
12	(7)	923Z	DHS PRGM ADMINISTRATOR		10	GRADE 23	
13	(8)	M087	DHS/DCFS FIELD MANAGER		5	GRADE 22	
14	(9)	L019	NUTRITIONIST CONSULTANT		1	GRADE 21	
15	(10)	697Z	DHS PRGM MANAGER		4	GRADE 21	
16	(11)	L082	NURSING SERVICES SPECIALIST		3	GRADE 21	
17	(12)	L122	PSYCHOLOGICAL EXAMINER II		1	GRADE 21	
18	(13)	R115	OFFICE ON AGING PROGRAM SUPERVISOR		8	GRADE 21	
19	(14)	R298	AGENCY PROGRAM COORDINATOR		1	GRADE 21	
20	(15)	R266	MANAGEMENT PROJECT ANALYST II		9	GRADE 20	
21	(16)	M088	SOCIAL WORKER II		1	GRADE 20	
22	(17)	M127	SR REHABILITATION COUNSELOR		4	GRADE 20	
23	(18)	Q039	HVACR INSPECTOR SUPERVISOR		1	GRADE 20	
24	(19)	L088	OCCUPATIONAL THERAPIST II		1	GRADE 20	
25	(20)	L070	NURSE II		56	GRADE 20	
26	(21)	L140	SPEECH PATHOLOGIST II		1	GRADE 20	
27	(22)	M005	FAMILY SERVICE WORKER SPECIALIST		34	GRADE 20	
28	(23)	B066	MICROBIOLOGIST II		1	GRADE 20	
29	(24)	L028	DIETICIAN		1	GRADE 19	
30	(25)	M086	SOCIAL WORKER I		3	GRADE 19	
31	(26)	R084	DHS STAFF SUPERVISOR		1	GRADE 19	
32	(27)	M004	FAMILY SERVICE WORKER		7	GRADE 19	
33	(28)	R264	MANAGEMENT PROJECT ANALYST I		2	GRADE 18	
34	(29)	R134	PLANNING SPECIALIST II		1	GRADE 18	
35	(30)	D034	PROGRAMMER ANALYST		1	GRADE 18	
36	(31)	M082	SOCIAL SERVICE WORKER III		3	GRADE 18	

1	(32) R190 PERSONNEL OFFICER II	1	GRADE 17
2	(33) R010 ADMINISTRATIVE ASSISTANT II	8	GRADE 17
3	(34) M079 SOCIAL SERVICE WORKER I	1	GRADE 15
4	(35) R009 ADMINISTRATIVE ASSISTANT I	4	GRADE 15
5	(36) K153 SECRETARY II	<u>5</u>	GRADE 13
6	MAX. NO. OF EMPLOYEES	187	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Health and Human Services - Division of Aging and Adult Services for the 2007-2009 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 - OPERATIONS. There is hereby appropriated, to the Department of Health and 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 Health and Human Services - Division of Aging and Adult Services for the biennial period ending June 30, 2009, the following:

ITEM	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 6,600,249	\$ 6,730,235
(02) EXTRA HELP	140,868	140,868
(03) PERSONAL SERVICES MATCHING	2,100,221	2,129,744
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	2,864,218	2,864,218
(B) CONF. & TRAVEL	98,250	98,250
(C) PROF. FEES	665,833	665,833
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) COMMUNITY BASED CARE	116,552	116,552
(06) NURSING HOME CARE ALTERNATIVES	5,965,039	5,965,039

1	(07) NUTRITION PROGRAMS	10,422,230	10,422,230
2	(08) OLDER WORKER PROGRAM	1,132,006	1,132,006
3	(09) PROJECT GRANTS	14,251,245	14,251,245
4	(10) RETIRED & SENIOR VOLUNTEER PROGRAM	75,000	75,000
5	(11) SENIOR CITIZEN CENTERS	<u>5,000,000</u>	<u>5,000,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 49,431,711</u>	<u>\$ 49,591,220</u>

7
 8 SECTION 4. APPROPRIATION - MEALS ON WHEELS. There is hereby appropriated,
 9 to the Department of Health and Human Services - Division of Aging and Adult
 10 Services, to be payable from the Aging and Adult Services Fund Account, for
 11 the Meals on Wheels Program and transportation services for the elderly of
 12 the Department of Health and Human Services - Division of Aging and Adult
 13 Services for the biennial period ending June 30, 2009, the following:
 14

15	ITEM	FISCAL YEARS	
16	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
17	(01) TRANSPORTATION SERVICES	<u>\$ 3,500,000</u>	<u>\$ 3,500,000</u>

18
 19 SECTION 5. APPROPRIATION - ARKANSAS SENIOR OLYMPICS. There is hereby
 20 appropriated, to the Department of Health and Human Services - Division of
 21 Aging and Adult Services, to be payable from the Aging and Adult Services
 22 Fund Account, for matching funds for the Arkansas Senior Olympics of the
 23 Department of Health and Human Services - Division of Aging and Adult
 24 Services for the biennial period ending June 30, 2009, the following:
 25

26	ITEM	FISCAL YEARS	
27	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
28	(01) STATE MATCH	<u>\$ 70,000</u>	<u>\$ 70,000</u>

29
 30 SECTION 6. APPROPRIATION - MS. SENIOR PAGEANT. There is hereby
 31 appropriated, to the Department of Health and Human Services - Division of
 32 Aging and Adult Services, to be payable from the Aging and Adult Services
 33 Fund Account, for expenses of the Ms. Senior Pageant by the Department of
 34 Health and Human Services - Division of Aging and Adult Services for the
 35 biennial period ending June 30, 2009, the following:
 36

1	<i>ITEM</i>	<i>FISCAL YEARS</i>	
2	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
3	(01) MS. SENIOR PAGEANT EXPENSES	<u>\$ 20,000</u>	<u>\$ 20,000</u>
4			

5 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
 7 ADULT SERVICES - CARRY FORWARD. Any unexpended balance of funds and
 8 appropriation authorized for elderly transportation including the Meals on
 9 Wheels Program which remains at the close of the fiscal year ending June 30,
 10 ~~2005~~ 2007 or June 30, ~~2006~~ 2008 or both, shall be carried forward into the
 11 next fiscal year, there to be used for the same purpose.

12
 13 Any carry forward of unexpended balance of appropriation and/or funding as
 14 authorized herein, may be carried forward under the following conditions:

15
 16 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
 17 its reason(s) for the need to carry forward said appropriation and/or funding
 18 to the Department of Finance and Administration Office of Budget;

19
 20 (2) The Department of Finance and Administration Office of Budget shall
 21 report to the Arkansas Legislative Council all amounts carried forward from
 22 the first fiscal year of the biennium to the second fiscal year of the
 23 biennium by the September Arkansas Legislative Council or Joint Budget
 24 Committee meeting in the second fiscal year of the biennial period which
 25 report shall include the name of the Agency, Board, Commission or Institution
 26 and the amount of the appropriation and/or funding carried forward from the
 27 first fiscal year to the second fiscal year, the program name or line item,
 28 the funding source of that appropriation and a copy of the written request
 29 set forth in (1) above;

30
 31 (3) Each Agency, Board, Commission or Institution shall provide a written
 32 report to the Arkansas Legislative Council or Joint Budget Committee
 33 containing all information set forth in item (2) above, along with a written
 34 statement as to the current status of the project, contract, purpose etc. for
 35 which the carry forward was originally requested no later than thirty (30)
 36 days prior to the time the Agency, Board, Commission or Institution presents

1 its budget request to the Arkansas Legislative Council/Joint Budget
2 Committee; and

3
4 (4) Thereupon, the Department of Finance and Administration shall include
5 all information obtained in item (3) above in the biennial budget manuals
6 and/or a statement of non-compliance by the Agency, Board, Commission or
7 Institution.

8
9 The provisions of this section shall be in effect only from July 1, ~~2005~~
10 2007 through June 30, ~~2007~~ 2009.

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

20 The provisions of this section shall be in effect only from July 1, ~~2005~~
21 2007 through June 30, ~~2007~~ 2009.

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

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 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGING AND
35 ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations
36 for state and federal funding contained herein for the Division of Aging and

1 Adult Services and that are distributed under grant or contract methodologies
2 may be disbursed by the Department of Health and Human Services in the same
3 manner as authorized under federal regulations for the disbursement of Title
4 III Older Americans Act funds. Otherwise, all disbursements shall comply
5 with the provisions of this Act.

6 The provisions of this section shall be in effect only from July 1, 2005
7 2007 through June 30, ~~2007~~ 2009.

8

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.

17 The provisions of this section shall be in effect only from July 1, 2005
18 2007 through June 30, ~~2007~~ 2009.

19

20 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENIOR
22 CITIZEN CENTERS. The ~~five million dollars (\$5,000,000) appropriated~~
23 appropriation each fiscal year in this act for Senior Citizen Centers shall
24 be distributed in the same manner as the funding formula requirements set out
25 in the federal Older Americans Act funding law. The additional funding
26 provided by this provision shall supplement and not supplant any monies
27 currently funding services for Senior Citizen Centers.

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

35 The provisions of this section shall be in effect only from July 1, 2005
36 2007 through June 30, ~~2007~~ 2009.

1
2 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
3 by this act shall be limited to the appropriation for such agency and funds
4 made available by law for the support of such appropriations; and the
5 restrictions of the State Procurement Law, the General Accounting and
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
7 Procedures and Restrictions Act, or their successors, and other fiscal
8 control laws of this State, where applicable, and regulations promulgated by
9 the Department of Finance and Administration, as authorized by law, shall be
10 strictly complied with in disbursement of said funds.

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

20
21 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
22 Assembly, that the Constitution of the State of Arkansas prohibits the
23 appropriation of funds for more than a two (2) year period; that the
24 effectiveness of this Act on July 1, 2007 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the Regular Session, the delay in the effective
27 date of this Act beyond July 1, 2007 could work irreparable harm upon the
28 proper administration and provision of essential governmental programs.
29 Therefore, an emergency is hereby declared to exist and this Act being
30 necessary for the immediate preservation of the public peace, health and
31 safety shall be in full force and effect from and after July 1, 2007.

32
33 /s/ Joint Budget Committee
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