

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

# A Bill

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

16  
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  
36 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				
6	(1)	8910	DHS DEPUTY DIRECTOR OF DYS	1	\$102,426	\$104,474
7	(2)	9236	DHS ASST DIR DIV YOUTH SERVICES	1	\$86,613	\$88,345
8	(3)	9757	DHS ASSISTANT DIRECTOR	1	\$85,643	\$87,355
9	(4)	8947	DHS ASST DEP DIR GENERAL ACCOUNTING	1	\$75,259	\$76,764
10	(5)	017Z	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE 26	
11	(6)	403Z	YOUTH SERVICES CENTER SUPT	1	GRADE 24	
12	(7)	434Z	DHS INSTITUTION OPERATIONS MANAGER	2	GRADE 24	
13	(8)	R080	STATISTICAL ANALYSIS MANAGER	1	GRADE 24	
14	(9)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE 23	
15	(10)	923Z	DHS PRGM ADMINISTRATOR	7	GRADE 23	
16	(11)	E051	TRAINING PROJECT MANAGER	1	GRADE 22	
17	(12)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE 22	
18	(13)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
19	(14)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE 21	
20	(15)	697Z	DHS PRGM MANAGER	15	GRADE 21	
21	(16)	A251	SR AUDITOR	1	GRADE 21	
22	(17)	E114	STAFF DEVELOPMENT COORDINATOR	2	GRADE 20	
23	(18)	M088	SOCIAL WORKER II	2	GRADE 20	
24	(19)	R145	DHS PROGRAM COORDINATOR	4	GRADE 20	
25	(20)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE 20	
26	(21)	R084	DHS STAFF SUPERVISOR	3	GRADE 19	
27	(22)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
28	(23)	R168	GRANTS COORDINATOR II	14	GRADE 19	
29	(24)	M138	YOUTH SERVICES COUNSELOR III	7	GRADE 19	
30	(25)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE 19	
31	(26)	D128	P C SUPPORT SPECIALIST	1	GRADE 18	
32	(27)	D129	DP COORDINATOR	1	GRADE 18	
33	(28)	E024	INSTITUTIONAL INSTRUCTOR II	5	GRADE 18	
34	(29)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
35	(30)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18	
36	(31)	M082	SOCIAL SERVICE WORKER III	2	GRADE 18	

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

20

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.

29

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:

36

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	1,427,220	1,427,220
(B) CONF. & TRAVEL	65,000	65,000
(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>\$ 9,690,487</u>	<u>\$ 9,822,622</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 \$ 2,542,500 \$ 2,585,723

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:

9

10 ITEM	FISCAL YEARS	
11 NO.	2007-2008	2008-2009
12 (01) COMMUNITY SERVICES	\$ 12,229,231	\$ 12,437,128

13

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:

20

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

24

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:

31

32 ITEM	FISCAL YEARS	
33 NO.	2007-2008	2008-2009
34 (01) RESIDENTIAL SERVICES	\$ 25,808,415	\$ 25,808,415

35

36 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
 2 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The  
 3 Department of Health and Human Services shall not contract or pay for  
 4 community-based residential programs within any municipality to house  
 5 unrelated persons who have been adjudicated delinquent of an act that would  
 6 constitute a Class A felony or higher or of a sexual offense or convicted of  
 7 a Class A felony or higher or sexual offense until the following conditions  
 8 have been met:

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

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

24 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 25 2007 through June 30, ~~2007~~ 2009.

27 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 29 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Health and  
 30 Human Services shall provide funding in an amount not to exceed \$240,000 for  
 31 each fiscal year of the biennial period ending June 30, ~~2007~~ 2009 for the  
 32 Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the  
 33 Executive Director of the Arkansas Public Defender Commission, the Chief  
 34 Fiscal Officer of the State shall transfer an amount not to exceed \$240,000  
 35 for each year of the biennial period ending June 30, ~~2007~~ 2009 from an  
 36 account designated by the Director of the Department of Health and Human

1 Services to the State Central Services Fund as a direct revenue to fund the  
2 Juvenile Ombudsman Program.

3  
4 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
6 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
7 of the State shall transfer funds in an amount of \$400,000 for each fiscal  
8 year of the biennial period ending June 30, ~~2007~~ 2009 from the Department of  
9 Health and Human Services – Youth Services Fund Account to the Juvenile  
10 Detention Facilities Operating Fund to fund the appropriation to the  
11 Department of Finance and Administration – Disbursing Officer for grants for  
12 operating expenses of local juvenile detention facilities.

13  
14 The amount of the funds transferred in each fiscal year of the biennial  
15 period ended June 30, ~~2007~~ 2009 may be adjusted upon request of the Director  
16 of the Department of Health and Human Services on a pro-rata basis with any  
17 reductions provided in the Revenue Stabilization Law from the July 1 Official  
18 Forecast of general revenue funding for the Division of Youth Services.

19  
20 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
22 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
23 Division of Youth Services is authorized to use the administrative operating  
24 account for capital improvements to the physical plant and for the purchase  
25 of capital equipment by the Mansfield Youth Services Facility operated by the  
26 Department of Health and Human Services, Division of Youth Services. The  
27 funds shall be held by the Department of Health and Human Services, Division  
28 of Youth Services from the proceeds of the sale of timber that may be  
29 harvested from land owned by the Division of Youth Services. All funds  
30 deposited and all expenses shall be tracked separately. The harvesting of  
31 timber is specifically authorized to provide funds to finance capital  
32 improvements to the physical plant, and for the purchase of major capital  
33 equipment by the Mansfield Facility from which the timber is sold.

34  
35 The Division of Youth Services shall report all income derived from the sale  
36 of timber to the Chief Fiscal Officer of the State and the Arkansas

1 Legislative Council. Any contracts initiated for the harvesting and sale of  
 2 timber shall be submitted to the Review Subcommittee of the Arkansas  
 3 Legislative Council for prior review. All expenditures of funds derived from  
 4 the sale of timber will be expended in accordance with relevant state  
 5 purchasing laws.

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

9  
 10 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
 12 TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal  
 13 Officer of the State shall transfer on his or her books and those of the  
 14 State Treasurer and Auditor of State the balance in the Juvenile Detention  
 15 Facilities Revolving Loan Fund to the Budget Stabilization Trust Fund and  
 16 Arkansas Code §19-5-1035 is hereby repealed.

17  
 18 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
 20 SERVICES – GRANT/CONTRACT CHANGE LEVEL GUIDELINES.

21 (a) Community-based youth services providers and their contracted provider  
 22 network provide an array of treatment, care and support services to youth in  
 23 a community environment. The Arkansas General Assembly recognizes the value  
 24 of community-based programs in the delivery of services to provide treatment,  
 25 care and support for delinquent youth as an alternative to more restrictive  
 26 settings.

27  
 28 (b) Due to the ongoing Classification Study commissioned by the 85th General  
 29 Assembly, it was determined by an Executive Policy Statement by the Governor,  
 30 for preparation of 2007-2009 Biennial Budget Requests, that no pay plan  
 31 increases for state employees be included in agency requests. Therefore, an  
 32 eighty-five percent (85%) of two percent (2%) Base Level funding increase  
 33 authorized in this subsection is deemed necessary due to the non-  
 34 establishment of a pay plan policy for state employees for the 2007-2009  
 35 Biennium. The eighty-five percent (85%) of two percent (2%) Base Level  
 36 funding increase shall be applied over and above the 2007 fiscal year



1 budgeted amounts in the Community Based Sanctions and Community Services  
2 community-based service provider appropriation line items authorized in this  
3 act. The two percent (2%) used in the calculation of the Base Level funding  
4 increase is derived from the percentage increase utilized by the state to  
5 compute Base Level Regular Salaries each fiscal year of the 2005-2007  
6 biennium for state employees earning between twenty thousand dollars  
7 (\$20,000) to fifty thousand dollars (\$50,000).

8  
9 (c) There is hereby established for the following line items in this act, as  
10 set out herein, the following base level amounts to be made available by the  
11 Department of Health and Human Services, there to be used as provided by law  
12 for the biennial period ending June 30, 2009, the following:

<u>Item</u>	<u>Base Level</u>		
	<u>Fiscal Years</u>		
<u>No.</u>	<u>Line Item</u>	<u>2007-08</u>	<u>2008-09</u>
<u>(01)</u>	<u>Community Based Sanctions</u>	<u>\$2,542,500</u>	<u>\$2,585,723</u>
<u>(02)</u>	<u>Community Services</u>	<u>\$12,229,231</u>	<u>\$12,437,128</u>
	<u>Total Base Level Amount</u>	<u>\$14,771,731</u>	<u>\$15,022,851</u>

21 (d) The annual Base Level funding increases in the community-based service  
22 line items listed in subsections (b) and (c) of this section is to provide  
23 annual base level adjustments for services in community-based programs.

24  
25 (e) Upon a determination by the Department of Health and Human Services that  
26 the amount of available funding in the Youth Services Fund Account or the  
27 paying account as determined by the Chief Fiscal Officer of the State is  
28 insufficient to provide for the projected expenditures from the fund account  
29 or paying account during the fiscal year, the Department shall identify  
30 proposed spending reductions and appropriation and funds transfers necessary  
31 to eliminate the projected shortfall while minimizing the loss of federal  
32 matching funds; and shall simultaneously notify affected providers and the  
33 State Chief Fiscal Officer of any proposed remedial action. Nothing in this  
34 section shall be construed to alter or eliminate any review or approval  
35 process required by law or to prevent the Department from taking steps that  
36 are necessary to avoid violation of §19-2-104, Title 19, Chapter 4, or the

1 State Treasury Management Law.

2  
3 (f) Notwithstanding any law pertaining to the Reallocation of Resources or  
4 Transfer Authority for the Department of Health and Human Services or any law  
5 to the contrary, no funds appropriated for non-profit community-based  
6 services licensed by the Division of Youth Services shall be transferred from  
7 the line items listed in subsections (b) and (c) of this section except to  
8 remedy, in whole or in part, a projected shortfall of appropriation, funding,  
9 or both.

10  
11 (g) The Arkansas General Assembly recommends that by July 1, 2007, the  
12 Division of Youth Services submit a report to the Senate Children and Youth  
13 and House Aging, Children and Youth, Legislative and Military Affairs  
14 Committees on the feasibility and benefits of licensing community based youth  
15 service providers.

16  
17 The provisions of this section shall be in effect only from July 1, 2007  
18 through June 30, 2009.

19  
20 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY-  
22 FORWARD - COMMUNITY BASED PROVIDERS. Any unexpended balance of appropriation  
23 authorized for Community Based Sanctions and Community Services remaining on  
24 June 30, 2008 shall be carried forward and made available during the fiscal  
25 year ending June 30, 2009, there to be used for the same purposes.

26  
27 Any carry forward of unexpended balance of appropriation and/or funding as  
28 authorized herein, may be carried forward under the following conditions:

29  
30 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
31 its reason(s) for the need to carry forward said appropriation and/or funding  
32 to the Department of Finance and Administration Office of Budget;

33  
34 (2) The Department of Finance and Administration Office of Budget shall  
35 report to the Arkansas Legislative Council all amounts carried forward from  
36 the first fiscal year of the biennium to the second fiscal year of the

1 biennium by the September Arkansas Legislative Council or Joint Budget  
2 Committee meeting in the second fiscal year of the biennial period which  
3 report shall include the name of the Agency, Board, Commission or Institution  
4 and the amount of the appropriation and/or funding carried forward from the  
5 first fiscal year to the second fiscal year, the program name or line item,  
6 the funding source of that appropriation and a copy of the written request  
7 set forth in (1) above;

8  
9 (3) Each Agency, Board, Commission or Institution shall provide a written  
10 report to the Arkansas Legislative Council or Joint Budget Committee  
11 containing all information set forth in item (2) above, along with a written  
12 statement as to the current status of the project, contract, purpose etc. for  
13 which the carry forward was originally requested no later than thirty (30)  
14 days prior to the time the Agency, Board, Commission or Institution presents  
15 its budget request to the Arkansas Legislative Council/Joint Budget  
16 Committee; and

17  
18 (4) Thereupon, the Department of Finance and Administration shall include all  
19 information obtained in item (3) above in the biennial budget manuals and/or  
20 a statement of non-compliance by the Agency, Board, Commission or  
21 Institution.

22  
23 The provisions of this section shall be in effect only from July 1, 2007  
24 through June 30, 2009.

25  
26 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDS  
28 CARRY-FORWARD PROVISION. Notwithstanding any law pertaining to the transfer  
29 of year-end fund balances or any law to the contrary, any obligated general  
30 revenue funds which remain in the Youth Services Fund Account or the paying  
31 account as determined by the Chief Fiscal Officer of the State, or both,  
32 allocated for the Community Based Sanctions and Community Services line item  
33 programs at the end of a fiscal year shall remain in the Youth Services Fund  
34 Account or the paying account as determined by the Chief Fiscal Officer of  
35 the State, or both, and made available in the following fiscal year for the  
36 same purposes to satisfy such legal and contractual obligations that have

1 been entered into prior to the end of the fiscal year.

2  
3 Any carry forward of unexpended balance of appropriation and/or funding as  
4 authorized herein, may be carried forward under the following conditions:

5  
6 (1) Prior to June 30, 2008 the Agency shall by written statement set forth  
7 its reason(s) for the need to carry forward said appropriation and/or funding  
8 to the Department of Finance and Administration Office of Budget;

9  
10 (2) The Department of Finance and Administration Office of Budget shall  
11 report to the Arkansas Legislative Council all amounts carried forward from  
12 the first fiscal year of the biennium to the second fiscal year of the  
13 biennium by the September Arkansas Legislative Council or Joint Budget  
14 Committee meeting in the second fiscal year of the biennial period which  
15 report shall include the name of the Agency, Board, Commission or Institution  
16 and the amount of the appropriation and/or funding carried forward from the  
17 first fiscal year to the second fiscal year, the program name or line item,  
18 the funding source of that appropriation and a copy of the written request  
19 set forth in (1) above;

20  
21 (3) Each Agency, Board, Commission or Institution shall provide a written  
22 report to the Arkansas Legislative Council or Joint Budget Committee  
23 containing all information set forth in item (2) above, along with a written  
24 statement as to the current status of the project, contract, purpose etc. for  
25 which the carry forward was originally requested no later than thirty (30)  
26 days prior to the time the Agency, Board, Commission or Institution presents  
27 its budget request to the Arkansas Legislative Council/Joint Budget  
28 Committee; and

29  
30 (4) Thereupon, the Department of Finance and Administration shall include all  
31 information obtained in item (3) above in the biennial budget manuals and/or  
32 a statement of non-compliance by the Agency, Board, Commission or  
33 Institution.

34  
35 The provisions of this section shall be in effect only from July 1, 2007  
36 through June 30, 2009.

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SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

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

SECTION 19. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.