

**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: S3/23/07 S3/27/07 S3/28/07*

# A Bill

SENATE BILL 221

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 YOUTH SERVICES FOR THE BIENNIAL  
13 PERIOD ENDING JUNE 30, 2009; AND FOR OTHER  
14 PURPOSES.

## Subtitle

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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.  
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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	Maximum Annual	
				No. of	Salary Rate	
	Item	Class			Fiscal Years	
	No.	Code	Title	Employees	2007-2008	2008-2009
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	2	GRADE 26	
11	(6)	434Z	DHS INSTITUTION OPERATIONS MANAGER	2	GRADE 24	
12	(7)	R080	STATISTICAL ANALYSIS MANAGER	1	GRADE 24	
13	(8)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE 23	
14	(9)	923Z	DHS PRGM ADMINISTRATOR	8	GRADE 23	
15	(10)	E051	TRAINING PROJECT MANAGER	1	GRADE 22	
16	(11)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE 22	
17	(12)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
18	(13)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE 21	
19	(14)	697Z	DHS PRGM MANAGER	14	GRADE 21	
20	(15)	A251	SR AUDITOR	1	GRADE 21	
21	(16)	E114	STAFF DEVELOPMENT COORDINATOR	2	GRADE 20	
22	(17)	M088	SOCIAL WORKER II	2	GRADE 20	
23	(18)	R145	DHS PROGRAM COORDINATOR	4	GRADE 20	
24	(19)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE 20	
25	(20)	R084	DHS STAFF SUPERVISOR	3	GRADE 19	
26	(21)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19	
27	(22)	R168	GRANTS COORDINATOR II	14	GRADE 19	
28	(23)	M138	YOUTH SERVICES COUNSELOR III	7	GRADE 19	
29	(24)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE 19	
30	(25)	D128	P C SUPPORT SPECIALIST	1	GRADE 18	
31	(26)	D129	DP COORDINATOR	1	GRADE 18	
32	(27)	E024	INSTITUTIONAL INSTRUCTOR II	5	GRADE 18	
33	(28)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
34	(29)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE 18	
35	(30)	M082	SOCIAL SERVICE WORKER III	2	GRADE 18	
36	(31)	R134	PLANNING SPECIALIST II	1	GRADE 18	

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

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20 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the  
 21 Department of Health and Human Services - Division of Youth Services for the  
 22 2007-2009 biennium, the following maximum number of part-time or temporary  
 23 employees, to be known as "Extra Help", payable from funds appropriated  
 24 herein for such purposes: thirty-four (34) temporary or part-time employees,  
 25 when needed, at rates of pay not to exceed those provided in the Uniform  
 26 Classification and Compensation Act, or its successor, or this act for the  
 27 appropriate classification.

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29 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 30 the Department of Health and Human Services - Division of Youth Services, to  
 31 be payable from the paying account as determined by the Chief Fiscal Officer  
 32 of the State, for personal services and operating expenses of the Department  
 33 of Health and Human Services - Division of Youth Services for the biennial  
 34 period ending June 30, 2009, the following:

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36 ITEM FISCAL YEARS

NO.		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	2,220,832	2,220,832
(B)	CONF. & TRAVEL	89,000	89,000
(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>\$ 10,508,099</u>	<u>\$ 10,640,234</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
(01) COMMUNITY BASED SANCTIONS	<u>\$ 2,500,000</u>	<u>\$ 2,500,000</u>

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 2 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
 3 appropriated, to the Department of Health and Human Services - Division of  
 4 Youth Services, to be payable from the Youth Services Fund Account, for the  
 5 purchase of services from community based providers by the Department of  
 6 Health and Human Services - Division of Youth Services for the biennial  
 7 period ending June 30, 2009, the following:

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ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) COMMUNITY SERVICES	<u>\$ 12,024,809</u>	<u>\$ 12,024,809</u>

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 13 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There  
 14 is hereby appropriated, to the Department of Health and Human Services -  
 15 Division of Youth Services, to be payable from the federal funds as  
 16 designated by the Chief Fiscal Officer of the State, for federally funded  
 17 grants of the Department of Health and Human Services - Division of Youth  
 18 Services for the biennial period ending June 30, 2009, the following:

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ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$ 9,611,623</u>	<u>\$ 9,611,623</u>

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 24 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby  
 25 appropriated, to the Department of Health and Human Services - Division of  
 26 Youth Services, to be payable from the Youth Services Fund Account, for the  
 27 purchase and operation of residential services by the Department of Health  
 28 and Human Services - Division of Youth Services for the biennial period  
 29 ending June 30, 2009, the following:

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ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
(01) RESIDENTIAL SERVICES	<u>\$ 24,990,803</u>	<u>\$ 24,990,803</u>

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 35 SECTION 9. APPROPRIATION - COMMUNITY BASED PROGRAMS. There is hereby  
 36 appropriated, to the Department of Health and Human Services - Division of

1 Youth Services, to be payable from the General Improvement Fund or its  
2 successor fund or fund accounts, for community based programs and juvenile  
3 delinquency prevention, the sum of.....\$200,000.  
4

5 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
7 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The  
8 Department of Health and Human Services shall not contract or pay for  
9 community-based residential programs within any municipality to house  
10 unrelated persons who have been adjudicated delinquent of an act that would  
11 constitute a Class A felony or higher or of a sexual offense or convicted of  
12 a Class A felony or higher or sexual offense until the following conditions  
13 have been met:

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

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

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

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32 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
34 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Health and  
35 Human Services shall provide funding in an amount not to exceed \$240,000 for  
36 each fiscal year of the biennial period ending June 30, ~~2007~~ 2009 for the

1 Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the  
2 Executive Director of the Arkansas Public Defender Commission, the Chief  
3 Fiscal Officer of the State shall transfer an amount not to exceed \$240,000  
4 for each year of the biennial period ending June 30, ~~2007~~ 2009 from an  
5 account designated by the Director of the Department of Health and Human  
6 Services to the State Central Services Fund as a direct revenue to fund the  
7 Juvenile Ombudsman Program.

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

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

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25 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
27 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
28 Division of Youth Services is authorized to use the administrative operating  
29 account for capital improvements to the physical plant and for the purchase  
30 of capital equipment by the Mansfield Youth Services Facility operated by the  
31 Department of Health and Human Services, Division of Youth Services. The  
32 funds shall be held by the Department of Health and Human Services, Division  
33 of Youth Services from the proceeds of the sale of timber that may be  
34 harvested from land owned by the Division of Youth Services. All funds  
35 deposited and all expenses shall be tracked separately. The harvesting of  
36 timber is specifically authorized to provide funds to finance capital

1 improvements to the physical plant, and for the purchase of major capital  
2 equipment by the Mansfield Facility from which the timber is sold.

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4 The Division of Youth Services shall report all income derived from the sale  
5 of timber to the Chief Fiscal Officer of the State and the Arkansas  
6 Legislative Council. Any contracts initiated for the harvesting and sale of  
7 timber shall be submitted to the Review Subcommittee of the Arkansas  
8 Legislative Council for prior review. All expenditures of funds derived from  
9 the sale of timber will be expended in accordance with relevant state  
10 purchasing laws.

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

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

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23 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
24 by this act shall be limited to the appropriation for such agency and funds  
25 made available by law for the support of such appropriations; and the  
26 restrictions of the State Procurement Law, the General Accounting and  
27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
28 Procedures and Restrictions Act, or their successors, and other fiscal  
29 control laws of this State, where applicable, and regulations promulgated by  
30 the Department of Finance and Administration, as authorized by law, shall be  
31 strictly complied with in disbursement of said funds.

32  
33 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General Assembly  
34 that any funds disbursed under the authority of the appropriations contained  
35 in this act shall be in compliance with the stated reasons for which this act  
36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by  
2 the Department of Finance and Administration, letters, or summarized oral  
3 testimony in the official minutes of the Arkansas Legislative Council or  
4 Joint Budget Committee which relate to its passage and adoption.

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6 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General  
7 Assembly, that the Constitution of the State of Arkansas prohibits the  
8 appropriation of funds for more than a two (2) year period; that the  
9 effectiveness of this Act on July 1, 2007 is essential to the operation of  
10 the agency for which the appropriations in this Act are provided, and that in  
11 the event of an extension of the Regular Session, the delay in the effective  
12 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
13 proper administration and provision of essential governmental programs.  
14 Therefore, an emergency is hereby declared to exist and this Act being  
15 necessary for the immediate preservation of the public peace, health and  
16 safety shall be in full force and effect from and after July 1, 2007.

17  
18 */s/ Joint Budget Committee*  
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