

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 278

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 FISCAL YEAR ENDING JUNE 30,  
13 2010; 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 2009-2010 FISCAL  
19 YEAR.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
26 the Department of Human Services - Division of Youth Services for the 2009-  
27 2010 fiscal year, the following maximum number of regular employees whose  
28 salaries shall be governed by the provisions of the Uniform Classification  
29 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
30 and all laws amendatory thereto. Provided, however, that any position to  
31 which a specific maximum annual salary is set out herein in dollars, shall be  
32 exempt from the provisions of said Uniform Classification and Compensation  
33 Act. All persons occupying positions authorized herein are hereby governed  
34 by the provisions of the Regular Salaries Procedures and Restrictions Act  
35 (Arkansas Code §21-5-101), or its successor.  
36



				Maximum	Maximum Annual
				No. of	Salary Rate
	Item	Class		Employees	Fiscal Year
	No.	Code	Title		2009-2010
5	(1)	N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
6	(2)	N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
7	(3)	X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
8	(4)	E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
9	(5)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
10	(6)	G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123
11	(7)	G099C	DHS PROGRAM ADMINISTRATOR	9	GRADE C122
12	(8)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
13	(9)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
14	(10)	R021C	BUDGET ANALYST	1	GRADE C119
15	(11)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
16	(12)	D062C	DATABASE ANALYST	2	GRADE C119
17	(13)	G152C	DHS PROGRAM MANAGER	13	GRADE C119
18	(14)	R027C	BUDGET SPECIALIST	1	GRADE C117
19	(15)	G183C	DHS PROGRAM COORDINATOR	10	GRADE C117
20	(16)	G180C	GRANTS ANALYST	8	GRADE C117
21	(17)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
22	(18)	M047C	YOUTH SERVICES ADVISOR	9	GRADE C116
23	(19)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
24	(20)	G210C	DHS PROGRAM SPECIALIST	10	GRADE C115
25	(21)	R032C	HUMAN RESOURCES PROGRAM REP	1	GRADE C115
26	(22)	S031C	SKILLED TRADESMAN	1	GRADE C115
27	(23)	G214C	GRANTS SPECIALIST	7	GRADE C114
28	(24)	V020C	INVENTORY CONTROL MANAGER	2	GRADE C113
29	(25)	L069C	LICENSED PRACTICAL NURSE	4	GRADE C113
30	(26)	T072C	SECURITY OFFICER SUPERVISOR	2	GRADE C113
31	(27)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112
32	(28)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
33	(29)	M069C	YOUTH SERVICES TECHNICIAN	37	GRADE C112
34	(30)	T084C	PUBLIC SAFETY SECURITY OFFICER	1	GRADE C110
35	(31)	C073C	ADMINISTRATIVE SPECIALIST II	8	GRADE C109
36	(32)	S062C	INSTITUTIONAL BUS DRIVER	1	GRADE C109

1	(33) C087C ADMINISTRATIVE SPECIALIST I	1	GRADE C106
2	(34) S086C COOK	1	GRADE C104
3	(35) S087C INSTITUTIONAL SERVICES ASSISTANT	<u>1</u>	GRADE C103
4	MAX. NO. OF EMPLOYEES	159	

5

6 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the  
 7 Department of Human Services - Division of Youth Services for the 2009-2010  
 8 fiscal year, the following maximum number of part-time or temporary  
 9 employees, to be known as "Extra Help", payable from funds appropriated  
 10 herein for such purposes: thirty-four (34) temporary or part-time employees,  
 11 when needed, at rates of pay not to exceed those provided in the Uniform  
 12 Classification and Compensation Act, or its successor, or this act for the  
 13 appropriate classification.

14

15 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 16 the Department of Human Services - Division of Youth Services, to be payable  
 17 from the paying account as determined by the Chief Fiscal Officer of the  
 18 State, for personal services and operating expenses of the Department of  
 19 Human Services - Division of Youth Services for the fiscal year ending June  
 20 30, 2010, the following:

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2009-2010</u>
24	(01) REGULAR SALARIES	\$ 5,796,268
25	(02) EXTRA HELP	40,008
26	(03) PERSONAL SERVICES MATCHING	1,936,222
27	(04) OVERTIME	8,004
28	(05) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	2,966,258
30	(B) CONF. & TRAVEL	89,000
31	(C) PROF. FEES	312,192
32	(D) CAP. OUTLAY	0
33	(E) DATA PROC.	<u>0</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,147,952</u>

35

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

1 There is hereby appropriated, to the Department of Human Services - Division  
2 of Youth Services, to be payable from the Juvenile Accountability Incentive  
3 Block Grant Trust Fund, for grant payments of the Juvenile Accountability  
4 Incentive Block Grant of the Department of Human Services - Division of Youth  
5 Services for the fiscal year ending June 30, 2010, the following:

6

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2009-2010</u>
9 (01) JUVENILE ACCOUNTABILITY INCENTIVE	
10 GRANTS	\$ <u>2,188,456</u>

11

12 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby  
13 appropriated, to the Department of Human Services - Division of Youth  
14 Services, to be payable from the Youth Services Fund Account, for grants and  
15 aid for graduated community based sanctions for juveniles adjudicated  
16 delinquent for the fiscal year ending June 30, 2010, the following:

17

18 ITEM	FISCAL YEAR
19 <u>NO.</u>	<u>2009-2010</u>
20 (01) COMMUNITY BASED SANCTIONS	\$ <u>2,500,000</u>

21

22 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
23 appropriated, to the Department of Human Services - Division of Youth  
24 Services, to be payable from the Youth Services Fund Account, for the  
25 purchase of services from community based providers by the Department of  
26 Human Services - Division of Youth Services for the fiscal year ending June  
27 30, 2010, the following:

28

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2009-2010</u>
31 (01) COMMUNITY SERVICES	\$ <u>19,675,113</u>

32

33 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There  
34 is hereby appropriated, to the Department of Human Services - Division of  
35 Youth Services, to be payable from the federal funds as designated by the  
36 Chief Fiscal Officer of the State, for federally funded grants of the

1 Department of Human Services - Division of Youth Services for the fiscal year  
2 ending June 30, 2010, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2009-2010</u>
6 (01) FEDERAL CHILD & YOUTH SERVICE GRANTS	\$ <u>6,260,348</u>

7  
8 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby  
9 appropriated, to the Department of Human Services - Division of Youth  
10 Services, to be payable from the Youth Services Fund Account, for the  
11 purchase and operation of residential services by the Department of Human  
12 Services - Division of Youth Services for the fiscal year ending June 30,  
13 2010, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2009-2010</u>
17 (01) RESIDENTIAL SERVICES	\$ <u>33,381,132</u>

18  
19 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
21 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The  
22 Department of ~~Health and~~ Human Services shall not contract or pay for  
23 community-based residential programs within any municipality to house  
24 unrelated persons who have been adjudicated delinquent of an act that would  
25 constitute a Class A felony or higher or of a sexual offense or convicted of  
26 a Class A felony or higher or sexual offense until the following conditions  
27 have been met:

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

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

36 Provided further, upon establishment of such facilities within a

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

7 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 8 2009 through June 30, ~~2009~~ 2010.

9  
 10 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 12 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of ~~Health and~~  
 13 Human Services shall provide funding in an amount not to exceed \$240,000 for  
 14 the fiscal year ending June 30, ~~2009~~ 2010 for the Juvenile Ombudsman Program  
 15 described in ACA 16-87-216. Upon request by the Executive Director of the  
 16 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State  
 17 shall transfer an amount not to exceed \$240,000 for the fiscal year ending  
 18 June 30, ~~2009~~ 2010 from an account designated by the Director of the  
 19 Department of ~~Health and~~ Human Services to the State Central Services Fund as  
 20 a direct revenue to fund the Juvenile Ombudsman Program.

21  
 22 SECTION 11. 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 LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
 25 of the State shall transfer funds in an amount of \$400,000 for the fiscal  
 26 year ending June 30, ~~2009~~ 2010 from the Department of ~~Health and~~ Human  
 27 Services – Youth Services Fund Account to the Juvenile Detention Facilities  
 28 Operating Fund to fund the appropriation to the Department of Finance and  
 29 Administration – Disbursing Officer for grants for operating expenses of  
 30 local juvenile detention facilities.

31 The amount of the funds transferred in the fiscal year ending June 30,  
 32 ~~2009~~ 2010 may be adjusted upon request of the Director of the Department of  
 33 ~~Health and~~ Human Services on a pro-rata basis with any reductions provided in  
 34 the Revenue Stabilization Law from the July 1 Official Forecast of general  
 35 revenue funding for the Division of Youth Services.

36

1 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
3 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
4 Division of Youth Services is authorized to use the administrative operating  
5 account for capital improvements to the physical plant and for the purchase  
6 of capital equipment by the Mansfield Youth Services Facility operated by the  
7 Department of ~~Health and~~ Human Services, Division of Youth Services. The  
8 funds shall be held by the Department of ~~Health and~~ Human Services, Division  
9 of Youth Services from the proceeds of the sale of timber that may be  
10 harvested from land owned by the Division of Youth Services. All funds  
11 deposited and all expenses shall be tracked separately. The harvesting of  
12 timber is specifically authorized to provide funds to finance capital  
13 improvements to the physical plant and for the purchase of major capital  
14 equipment by the Mansfield Facility from which the timber is sold.  
15 The Division of Youth Services shall report all income derived from the sale  
16 of timber to the Chief Fiscal Officer of the State and the Arkansas  
17 Legislative Council. Any contracts initiated for the harvesting and sale of  
18 timber shall be submitted to the Review Subcommittee of the Arkansas  
19 Legislative Council for prior review. All expenditures of funds derived from  
20 the sale of timber will be expended in accordance with relevant state  
21 purchasing laws.

22 The provisions of this section shall be in effect only from July 1,  
23 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

24

25 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
26 by this act shall be limited to the appropriation for such agency and funds  
27 made available by law for the support of such appropriations; and the  
28 restrictions of the State Procurement Law, the General Accounting and  
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
30 Procedures and Restrictions Act, or their successors, and other fiscal  
31 control laws of this State, where applicable, and regulations promulgated by  
32 the Department of Finance and Administration, as authorized by law, shall be  
33 strictly complied with in disbursement of said funds.

34

35 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly  
36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act  
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
3 and Legislative Recommendations contained in the budget manuals prepared by  
4 the Department of Finance and Administration, letters, or summarized oral  
5 testimony in the official minutes of the Arkansas Legislative Council or  
6 Joint Budget Committee which relate to its passage and adoption.

7  
8 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General  
9 Assembly, that the Constitution of the State of Arkansas prohibits the  
10 appropriation of funds for more than a one (1) year period; that the  
11 effectiveness of this Act on July 1, 2009 is essential to the operation of  
12 the agency for which the appropriations in this Act are provided, and that in  
13 the event of an extension of the Regular Session, the delay in the effective  
14 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
15 proper administration and provision of essential governmental programs.  
16 Therefore, an emergency is hereby declared to exist and this Act being  
17 necessary for the immediate preservation of the public peace, health and  
18 safety shall be in full force and effect from and after July 1, 2009.