

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 190

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE  
10 DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH  
11 SERVICES FOR THE FISCAL YEAR ENDING JUNE 30,  
12 2012; AND FOR OTHER PURPOSES.  
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14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES  
16 - DIVISION OF YOUTH SERVICES APPROPRIATION  
17 FOR THE 2011-2012 FISCAL YEAR.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
24 for the Department of Human Services - Division of Youth Services for the  
25 2011-2012 fiscal year, the following maximum number of regular employees.  
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
31	(1) N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
32	(2) N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
33	(3) X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
34	(4) E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
35	(5) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
36	(6) G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123



1	(7)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE C123
2	(8)	E015C	SPECIAL EDUCATION SUPERVISOR	1	GRADE C123
3	(9)	G099C	DHS PROGRAM ADMINISTRATOR	4	GRADE C122
4	(10)	A041C	PROGRAM FISCAL MANAGER	2	GRADE C122
5	(11)	L033C	PSYCHOLOGICAL EXAMINER	1	GRADE C121
6	(12)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
7	(13)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
8	(14)	E026C	EDUCATION & INSTRUCTION COORDINATOR	1	GRADE C120
9	(15)	R021C	BUDGET ANALYST	1	GRADE C119
10	(16)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
11	(17)	D062C	DATABASE ANALYST	2	GRADE C119
12	(18)	G152C	DHS PROGRAM MANAGER	13	GRADE C119
13	(19)	R027C	BUDGET SPECIALIST	1	GRADE C117
14	(20)	G183C	DHS PROGRAM COORDINATOR	8	GRADE C117
15	(21)	G180C	GRANTS ANALYST	7	GRADE C117
16	(22)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
17	(23)	E040C	STAFF DEVELOPMENT COORDINATOR	2	GRADE C117
18	(24)	M047C	YOUTH SERVICES ADVISOR	8	GRADE C116
19	(25)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
20	(26)	G210C	DHS PROGRAM SPECIALIST	11	GRADE C115
21	(27)	R032C	HUMAN RESOURCES PROGRAM REPRESENTATIVE	1	GRADE C115
22	(28)	G214C	GRANTS SPECIALIST	7	GRADE C114
23	(29)	V020C	INVENTORY CONTROL MANAGER	2	GRADE C113
24	(30)	L069C	LICENSED PRACTICAL NURSE	4	GRADE C113
25	(31)	T072C	SECURITY OFFICER SUPERVISOR	2	GRADE C113
26	(32)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112
27	(33)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
28	(34)	M069C	YOUTH SERVICES TECHNICIAN	37	GRADE C112
29	(35)	T084C	PUBLIC SAFETY SECURITY OFFICER	1	GRADE C110
30	(36)	C073C	ADMINISTRATIVE SPECIALIST II	7	GRADE C109
31	(37)	S062C	INSTITUTIONAL BUS DRIVER	1	GRADE C109
32	(38)	A102C	FISCAL SUPPORT TECHNICIAN	2	GRADE C108
33	(39)	C087C	ADMINISTRATIVE SPECIALIST I	2	GRADE C106
34	(40)	C088C	MAIL SERVICES ASSISTANT	1	GRADE C105
35	(41)	S086C	COOK	1	GRADE C104
36	(42)	S087C	INSTITUTIONAL SERVICES ASSISTANT	<u>1</u>	GRADE C103

1 MAX. NO. OF EMPLOYEES 161

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3 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for  
 4 the Department of Human Services - Division of Youth Services for the 2011-  
 5 2012 fiscal year, the following maximum number of part-time or temporary  
 6 employees, to be known as "Extra Help", payable from funds appropriated  
 7 herein for such purposes: thirty-four (34) temporary or part-time employees,  
 8 when needed, at rates of pay not to exceed those provided in the Uniform  
 9 Classification and Compensation Act, or its successor, or this act for the  
 10 appropriate classification.

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12 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 13 to the Department of Human Services - Division of Youth Services, to be  
 14 payable from the paying account as determined by the Chief Fiscal Officer of  
 15 the State, for personal services and operating expenses of the Department of  
 16 Human Services - Division of Youth Services for the fiscal year ending June  
 17 30, 2012, the following:

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19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2011-2012</u>
21 (01) REGULAR SALARIES	\$5,892,932
22 (02) EXTRA HELP	40,008
23 (03) PERSONAL SERVICES MATCHING	1,999,736
24 (04) OVERTIME	8,004
25 (05) MAINT. & GEN. OPERATION	
26 (A) OPER. EXPENSE	3,012,380
27 (B) CONF. & TRAVEL	89,000
28 (C) PROF. FEES	352,192
29 (D) CAP. OUTLAY	167,064
30 (E) DATA PROC.	<u>0</u>
31 TOTAL AMOUNT APPROPRIATED	<u>\$11,561,316</u>

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33 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK  
 34 GRANT. There is hereby appropriated, to the Department of Human Services -  
 35 Division of Youth Services, to be payable from the Juvenile Accountability  
 36 Incentive Block Grant Trust Fund, for grant payments of the Juvenile

1 Accountability Incentive Block Grant of the Department of Human Services -  
 2 Division of Youth Services for the fiscal year ending June 30, 2012, the  
 3 following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS	<u>\$1,970,215</u>

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 9 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby  
 10 appropriated, to the Department of Human Services - Division of Youth  
 11 Services, to be payable from the Youth Services Fund Account, for grants and  
 12 aid for graduated community based sanctions for juveniles adjudicated  
 13 delinquent for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) COMMUNITY BASED SANCTIONS	<u>\$2,500,000</u>

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 19 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
 20 appropriated, to the Department of Human Services - Division of Youth  
 21 Services, to be payable from the Youth Services Fund Account, for the  
 22 purchase of services from community based providers by the Department of  
 23 Human Services - Division of Youth Services for the fiscal year ending June  
 24 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) COMMUNITY SERVICES	<u>\$20,502,140</u>

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 30 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS.  
 31 There is hereby appropriated, to the Department of Human Services - Division  
 32 of Youth Services, to be payable from the federal funds as designated by the  
 33 Chief Fiscal Officer of the State, for federally funded grants of the  
 34 Department of Human Services - Division of Youth Services for the fiscal year  
 35 ending June 30, 2012, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2011-2012</u>
3	(01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$5,623,293</u>

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5 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby  
 6 appropriated, to the Department of Human Services - Division of Youth  
 7 Services, to be payable from the Youth Services Fund Account, for the  
 8 purchase and operation of residential services by the Department of Human  
 9 Services - Division of Youth Services for the fiscal year ending June 30,  
 10 2012, the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) RESIDENTIAL SERVICES	<u>\$30,326,648</u>

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

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

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

32 Provided further, upon establishment of such facilities within a  
 33 particular municipality, the contract provider and the Department shall  
 34 establish and implement a system to receive and respond to complaints and  
 35 questions from residents of such municipality. In the event the Department  
 36 and the provider fail to provide satisfactory communication as provided in

1 this section to the residents, such facility may be declared a public  
2 nuisance by the municipality.

3 The provisions of this section shall be in effect only from July 1, ~~2010~~  
4 2011 through June 30, ~~2011~~ 2012.

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6 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
8 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human  
9 Services shall provide funding in an amount not to exceed \$240,000 for the  
10 fiscal year ending June 30, ~~2011~~ 2012 for the Juvenile Ombudsman Program  
11 described in ACA 16-87-216. Upon request by the Executive Director of the  
12 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State  
13 shall transfer an amount not to exceed \$240,000 for the fiscal year ending  
14 June 30, ~~2011~~ 2012 from an account designated by the Director of the  
15 Department of Human Services to the State Central Services Fund as a direct  
16 revenue to fund the Juvenile Ombudsman Program.

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18 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
20 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
21 of the State shall transfer funds in an amount of \$400,000 for the fiscal  
22 year ending June 30, ~~2011~~ 2012 from the Department of Human Services – Youth  
23 Services Fund Account to the Juvenile Detention Facilities Operating Fund to  
24 fund the appropriation to the Department of Finance and Administration –  
25 Disbursing Officer for grants for operating expenses of local juvenile  
26 detention facilities.

27 The amount of the funds transferred in the fiscal year ending June 30,  
28 ~~2011~~ 2012 may be adjusted upon request of the Director of the Department of  
29 Human Services on a pro-rata basis with any reductions provided in the  
30 Revenue Stabilization Law from the July 1 Official Forecast of general  
31 revenue funding for the Division of Youth Services.

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33 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
35 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
36 Division of Youth Services is authorized to use the administrative operating

1 account for capital improvements to the physical plant and for the purchase  
 2 of capital equipment by the Mansfield Youth Services Facility operated by the  
 3 Department of Human Services, Division of Youth Services. The funds shall be  
 4 held by the Department of Human Services, Division of Youth Services from the  
 5 proceeds of the sale of timber that may be harvested from land owned by the  
 6 Division of Youth Services. All funds deposited and all expenses shall be  
 7 tracked separately. The harvesting of timber is specifically authorized to  
 8 provide funds to finance capital improvements to the physical plant and for  
 9 the purchase of major capital equipment by the Mansfield Facility from which  
 10 the timber is sold.

11 The Division of Youth Services shall report all income derived from the  
 12 sale of timber to the Chief Fiscal Officer of the State and the Arkansas  
 13 Legislative Council. Any contracts initiated for the harvesting and sale of  
 14 timber shall be submitted to the Review Subcommittee of the Arkansas  
 15 Legislative Council for prior review. All expenditures of funds derived from  
 16 the sale of timber will be expended in accordance with relevant state  
 17 purchasing laws.

18 The provisions of this section shall be in effect only from July 1, ~~2010~~  
 19 2011 through June 30, ~~2011~~ 2012.

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 21 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR  
 23 SALARIES - CONTINGENT EDUCATIONAL SERVICES POSITIONS. If it has been  
 24 determined by the Director of the Department of Human Services that the  
 25 Division of Youth Services cannot continue a contract with a private provider  
 26 for educational services and deems it necessary to utilize Division staff to  
 27 provide the required educational services, the Division is authorized, to  
 28 seek the approval of the Chief Fiscal Officer of the State, the Governor and  
 29 the Arkansas Legislative Council or Joint Budget Committee, to utilize the  
 30 contingent educational services positions contained in this Act and to make  
 31 the appropriate transfers from the Residential Services Appropriation line  
 32 item contained in this Act to Regular Salaries, Personal Services Matching,  
 33 and various Maintenance and General Operations classifications.

34 There is hereby established for the Division of Youth Services -  
 35 Contingent Educational Services Positions for the ~~2010-2011~~ 2011-2012 fiscal  
 36 year, the following maximum number of regular employees whose salaries shall

1 be governed by the provisions of the Uniform Classification and Compensation  
 2 Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws  
 3 amendatory thereto. Provided, however, that any position to which a specific  
 4 maximum annual salary is set out herein in dollars, shall be exempt from the  
 5 provisions of said Uniform Classification and Compensation Act. All persons  
 6 occupying positions authorized herein are hereby governed by the provisions  
 7 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-  
 8 101), or its successor.

9 CONTINGENT POSITIONS - EDUCATIONAL SERVICES

				MAXIMUM ANNUAL	
				MAXIMUM	SALARY RATE
ITEM	CLASS			NO. OF	FISCAL YEAR
NO.	CODE	TITLE		EMPLOYEES	<del>2010-2011</del>
					<u>2011-2012</u>
15	(01)	E004C	SCHOOL PRINCIPAL	1	GRADE C126
16	(02)	E017C	ASSISTANT PRINCIPAL	2	GRADE C123
17	(03)	E035C	CERTIFIED MASTERS TEACHER	80	GRADE C119
18	(04)	E032C	EDUCATIONAL COUNSELOR	3	GRADE C119
19	(05)	C058C	EDUCATION PARAPROFESSIONAL	34	GRADE C111
20	GRAND TOTAL CONTINGENT EMPLOYEES			120	

21 If the Division requests continuation of a "Contingent Educational  
 22 Services Position" position(s) as established herein during the next fiscal  
 23 year, the position(s) must be requested as a new position(s) in the  
 24 Division's budget request.

25 The provisions of this section shall be in effect only from July 1, ~~2010~~  
 26 2011 through June 30, ~~2011~~ 2012.

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 28 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
 29 authorized by this act shall be limited to the appropriation for such agency  
 30 and funds made available by law for the support of such appropriations; and  
 31 the restrictions of the State Procurement Law, the General Accounting and  
 32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 33 Procedures and Restrictions Act, or their successors, and other fiscal  
 34 control laws of this State, where applicable, and regulations promulgated by  
 35 the Department of Finance and Administration, as authorized by law, shall be  
 36 strictly complied with in disbursement of said funds.

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SECTION 15. 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 16. 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 one (1) year period; that the effectiveness of this Act on July 1, 2011 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 legislative session, the delay in the effective date of this Act beyond July 1, 2011 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, 2011.