

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 99

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
10 SERVICES - DIVISION OF YOUTH SERVICES FOR THE FISCAL
11 YEAR ENDING JUNE 30, 2016; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN
15 SERVICES - DIVISION OF YOUTH SERVICES
16 APPROPRIATION FOR THE 2015-2016 FISCAL
17 YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
24 for the Department of Human Services - Division of Youth Services for the
25 2015-2016 fiscal year, the following maximum number of regular employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2015-2016
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) G255C	DYS ACADEMIC ADMINISTRATOR	1	GRADE C126
35	(5) E010C	DHS/DYS EDUCATION MANAGER	1	GRADE C125
36	(6) D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124



1	(7)	G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123
2	(8)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE C123
3	(9)	E015C	SPECIAL EDUCATION SUPERVISOR	1	GRADE C123
4	(10)	G099C	DHS PROGRAM ADMINISTRATOR	5	GRADE C122
5	(11)	A041C	PROGRAM FISCAL MANAGER	3	GRADE C122
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)	D062C	DATABASE ANALYST	2	GRADE C119
11	(17)	G152C	DHS PROGRAM MANAGER	11	GRADE C119
12	(18)	X062C	QUALITY ASSURANCE COORDINATOR	3	GRADE C119
13	(19)	R027C	BUDGET SPECIALIST	1	GRADE C117
14	(20)	D071C	COMPUTER SUPPORT ANALYST	1	GRADE C117
15	(21)	G183C	DHS PROGRAM COORDINATOR	8	GRADE C117
16	(22)	G180C	GRANTS ANALYST	5	GRADE C117
17	(23)	X101C	INTERNAL AFFAIRS INVESTIGATOR	1	GRADE C117
18	(24)	B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
19	(25)	E040C	STAFF DEVELOPMENT COORDINATOR	2	GRADE C117
20	(26)	M047C	YOUTH SERVICES ADVISOR	8	GRADE C116
21	(27)	D079C	COMPUTER SUPPORT TECHNICIAN	2	GRADE C115
22	(28)	G210C	DHS PROGRAM SPECIALIST	6	GRADE C115
23	(29)	V015C	PURCHASING SPECIALIST	1	GRADE C115
24	(30)	G214C	GRANTS SPECIALIST	3	GRADE C114
25	(31)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
26	(32)	C043C	RECORDS MANAGEMENT ANALYST	1	GRADE C113
27	(33)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
28	(34)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
29	(35)	A102C	FISCAL SUPPORT TECHNICIAN	<u>1</u>	GRADE C108
30			MAX. NO. OF EMPLOYEES	90	

31

32 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 33 the Department of Human Services - Division of Youth Services for the 2015-
 34 2016 fiscal year, the following maximum number of part-time or temporary
 35 employees, to be known as "Extra Help", payable from funds appropriated
 36 herein for such purposes: thirty-four (34) temporary or part-time employees,

1 when needed, at rates of pay not to exceed those provided in the Uniform
 2 Classification and Compensation Act, or its successor, or this act for the
 3 appropriate classification.

4
 5 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 6 to the Department of Human Services - Division of Youth Services, to be
 7 payable from the paying account as determined by the Chief Fiscal Officer of
 8 the State, for personal services and operating expenses of the Department of
 9 Human Services - Division of Youth Services for the fiscal year ending June
 10 30, 2016, the following:

12 ITEM	FISCAL YEAR
13 <u>NO.</u>	<u>2015-2016</u>
14 (01) REGULAR SALARIES	\$3,648,965
15 (02) EXTRA HELP	40,008
16 (03) PERSONAL SERVICES MATCHING	1,296,814
17 (04) OVERTIME	8,004
18 (05) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	3,013,339
20 (B) CONF. & TRAVEL	114,500
21 (C) PROF. FEES	354,050
22 (D) CAP. OUTLAY	105,000
23 (E) DATA PROC.	0
24 (06) STATEWIDE PREVENTION/INTERVENTION	
25 YOUTH DEV SERVICES	<u>2,000,000</u>
26 TOTAL AMOUNT APPROPRIATED	<u>\$10,580,680</u>

27
 28 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK
 29 GRANT. There is hereby appropriated, to the Department of Human Services -
 30 Division of Youth Services, to be payable from the Juvenile Accountability
 31 Incentive Block Grant Trust Fund, for grant payments of the Juvenile
 32 Accountability Incentive Block Grant of the Department of Human Services -
 33 Division of Youth Services for the fiscal year ending June 30, 2016, the
 34 following:

36 ITEM	FISCAL YEAR
---------	-------------

1	<u>NO.</u>	<u>2015-2016</u>
2	(01) JUVENILE ACCOUNTABILITY INCENTIVE	
3	GRANTS	<u>\$1,671,520</u>

4

5 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. 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 grants and

8 aid for graduated community based sanctions for juveniles adjudicated

9 delinquent for the fiscal year ending June 30, 2016, the following:

10		
11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2015-2016</u>
13	(01) COMMUNITY BASED SANCTIONS	<u>\$2,550,000</u>

14

15 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby

16 appropriated, to the Department of Human Services - Division of Youth

17 Services, to be payable from the Youth Services Fund Account, for the

18 purchase of services from community based providers by the Department of

19 Human Services - Division of Youth Services for the fiscal year ending June

20 30, 2016, the following:

21		
22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2015-2016</u>
24	(01) COMMUNITY SERVICES	<u>\$20,150,017</u>

25

26 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS.

27 There is hereby appropriated, to the Department of Human Services - Division

28 of Youth Services, to be payable from the federal funds as designated by the

29 Chief Fiscal Officer of the State, for federally funded grants of the

30 Department of Human Services - Division of Youth Services for the fiscal year

31 ending June 30, 2016, the following:

32		
33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2015-2016</u>
35	(01) FEDERAL CHILD & YOUTH SERVICE	
36	GRANTS	<u>\$6,262,546</u>

SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Youth Services Fund Account, for the purchase and operation of residential services by the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) RESIDENTIAL SERVICES	<u>\$29,291,690</u>

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

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2014~~

1 2015 through June 30, ~~2015~~ 2016.

2
3 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
5 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
6 Services shall provide funding in an amount not to exceed \$240,000 for the
7 fiscal year ending June 30, ~~2015~~ 2016 for the Juvenile Ombudsman Program
8 described in ACA 16-87-216. Upon request by the Executive Director of the
9 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State
10 shall transfer an amount not to exceed \$240,000 for the fiscal year ending
11 June 30, ~~2015~~ 2016 from an account designated by the Director of the
12 Department of Human Services to the State Central Services Fund as a direct
13 revenue to fund the Juvenile Ombudsman Program.

14 The provisions of this section shall be in effect only from July 1,
15 2015 through June 30, 2016.

16
17 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
19 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
20 of the State shall transfer funds in an amount of \$400,000 for the fiscal
21 year ending June 30, ~~2015~~ 2016 from the Department of Human Services – Youth
22 Services Fund Account to the Juvenile Detention Facilities Operating Fund to
23 fund the appropriation to the Department of Finance and Administration –
24 Disbursing Officer for grants for operating expenses of local juvenile
25 detention facilities.

26 The amount of the funds transferred in the fiscal year ending June 30,
27 ~~2015~~ 2016 may be adjusted upon request of the Director of the Department of
28 Human Services on a pro-rata basis with any reductions provided in the
29 Revenue Stabilization Law from the July 1 Official Forecast of general
30 revenue funding for the Division of Youth Services.

31 The provisions of this section shall be in effect only from July 1,
32 2015 through June 30, 2016.

33
34 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
36 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The

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

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

19 The provisions of this section shall be in effect only from July 1, ~~2014~~
20 2015 through June 30, ~~2015~~ 2016.

21

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

35 There is hereby established for the Division of Youth Services -
36 Contingent Educational Services Positions for the ~~2014-2015~~ 2015-2016 fiscal

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

10 CONTINGENT POSITIONS - EDUCATIONAL SERVICES

				MAXIMUM ANNUAL	
				MAXIMUM	SALARY RATE
ITEM	CLASS			NO. OF	FISCAL YEAR
NO.	CODE	TITLE		EMPLOYEES	2014-2015 <u>2015-2016</u>
(01)	E004C	SCHOOL PRINCIPAL		1	GRADE C126
(02)	E017C	ASSISTANT PRINCIPAL		2	GRADE C123
(03)	E035C	CERTIFIED MASTERS TEACHER		80	GRADE C119
(04)	E032C	EDUCATIONAL COUNSELOR		3	GRADE C119
(05)	C058C	EDUCATION PARAPROFESSIONAL		<u>34</u>	GRADE C111
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, ~~2014~~
 26 2015 through June 30, ~~2015~~ 2016.

27
 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.

1
2 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General
3 Assembly that any funds disbursed under the authority of the appropriations
4 contained in this act shall be in compliance with the stated reasons for
5 which this act was adopted, as evidenced by the Agency Requests, Executive
6 Recommendations and Legislative Recommendations contained in the budget
7 manuals prepared by the Department of Finance and Administration, letters, or
8 summarized oral testimony in the official minutes of the Arkansas Legislative
9 Council or Joint Budget Committee which relate to its passage and adoption.
10

11 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2015 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the legislative session, the delay in the
17 effective date of this Act beyond July 1, 2015 could work irreparable harm
18 upon the proper administration and provision of essential governmental
19 programs. Therefore, an emergency is hereby declared to exist and this Act
20 being necessary for the immediate preservation of the public peace, health
21 and safety shall be in full force and effect from and after July 1, 2015.
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36