

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 41

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, 2022; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT FOR THE DEPARTMENT OF HUMAN  
15 SERVICES - DIVISION OF YOUTH SERVICES  
16 APPROPRIATION FOR THE 2021-2022 FISCAL  
17 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 2021-2022 fiscal year, the following maximum number of regular employees.  
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2021-2022
31	(1)	N026N DHS DEPUTY DIRECTOR OF DYS	1	GRADE SE01
32	(2)	L001C PSYCHOLOGIST SUPERVISOR	1	GRADE MP04
33	(3)	L038C REGISTERED NURSE	2	GRADE MP01
34	(4)	N080N DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	GRADE GS14
35	(5)	N128N DHS ASST DIR QUALITY ASSURANCE	1	GRADE GS13
36	(6)	G004C MANAGING ATTORNEY	1	GRADE GS13



1	(7)	N156N BEHAV HLTH ASST DIR CHILDRENS SVS	1	GRADE GS12
2	(8)	G027N DHS RESEARCH ANALYSIS MANAGER	2	GRADE GS11
3	(9)	G255C DYS ACADEMIC ADMINISTRATOR	1	GRADE GS11
4	(10)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	1	GRADE GS10
5	(11)	G099C DHS PROGRAM ADMINISTRATOR	6	GRADE GS09
6	(12)	E015C SPECIAL EDUCATION SUPERVISOR	1	GRADE GS09
7	(13)	M008C YOUTH PROGRAM DIRECTOR	1	GRADE GS09
8	(14)	G152C DHS PROGRAM MANAGER	10	GRADE GS08
9	(15)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
10	(16)	M012C YOUTH PROGRAM MANAGER	2	GRADE GS08
11	(17)	G183C DHS PROGRAM COORDINATOR	5	GRADE GS07
12	(18)	G082C DHS/DYS ADMISSIONS EVALUATOR	1	GRADE GS07
13	(19)	E048C EDUCATION & INSTRUCTION SPECIALIST	4	GRADE GS07
14	(20)	E040C STAFF DEVELOPMENT COORDINATOR	3	GRADE GS07
15	(21)	C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
16	(22)	E044C CERTIFIED BACHELORS TEACHER	4	GRADE GS06
17	(23)	G210C DHS PROGRAM SPECIALIST	6	GRADE GS06
18	(24)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
19	(25)	G180C GRANTS ANALYST	2	GRADE GS06
20	(26)	G214C GRANTS SPECIALIST	1	GRADE GS06
21	(27)	X101C INTERNAL AFFAIRS INVESTIGATOR	1	GRADE GS06
22	(28)	G166C MILITARY PROGRAM COORDINATOR	3	GRADE GS06
23	(29)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
24	(30)	M047C YOUTH SERVICES ADVISOR	10	GRADE GS06
25	(31)	M060C YOUTH PROGRAM COORDINATOR	6	GRADE GS05
26	(32)	C056C ADMINISTRATIVE SPECIALIST III	4	GRADE GS04
27	(33)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
28	(34)	C043C RECORDS MANAGEMENT ANALYST	1	GRADE GS04
29	(35)	T072C SECURITY OFFICER SUPERVISOR	1	GRADE GS04
30	(36)	M084C BEHAV HLTH AIDE	1	GRADE GS03
31	(37)	T084C PUBLIC SAFETY SECURITY OFFICER	9	GRADE GS03
32	(38)	M070C YOUTH PROGRAM SPECIALIST	<u>7</u>	GRADE GS03
33		MAX. NO. OF EMPLOYEES	107	

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SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Division of Youth Services for the 2021-

2022 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: thirty-six (36) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) REGULAR SALARIES	\$4,984,613
(02) EXTRA HELP	41,903
(03) PERSONAL SERVICES MATCHING	1,769,260
(04) OVERTIME	8,699
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	5,112,099
(B) CONF. & TRAVEL	91,144
(C) PROF. FEES	359,050
(D) CAP. OUTLAY	105,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$12,471,768</u>

SECTION 4. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby appropriated, to the Department of 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 fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) COMMUNITY BASED SANCTIONS	<u>\$2,480,444</u>

SECTION 5. APPROPRIATION - COMMUNITY SERVICES. There is hereby appropriated, to the Department of Human Services, to be payable from the Youth Services Fund Account, for purchase of services from community based providers by the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) COMMUNITY SERVICES	<u>\$18,821,100</u>

SECTION 6. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There is hereby appropriated, to the Department of Human Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for federally funded grants of the Department of Human Services for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) FEDERAL CHILD AND YOUTH SERVICE GRANTS	<u>\$5,832,942</u>

SECTION 7. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby appropriated, to the Department of Human 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, 2022, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) RESIDENTIAL SERVICES	<u>\$28,012,244</u>

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human Services shall provide funding in an amount not to exceed \$240,000 for the fiscal year ending June 30, ~~2021~~ 2022 for the Juvenile Ombudsman Program

1 described in ACA 16-87-216. Upon request by the Executive Director of the  
2 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State  
3 shall transfer an amount not to exceed \$240,000 for the fiscal year ending  
4 June 30, ~~2021~~ 2022 from an account designated by the ~~Director~~ Secretary of  
5 the Department of Human Services to the State Central Services Fund as a  
6 direct revenue to fund the Juvenile Ombudsman Program.

7 The provisions of this section shall be in effect only from July 1, ~~2020~~  
8 2021 through June 30, ~~2021~~ 2022.

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10 SECTION 9. 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 LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
13 of the State shall transfer funds in an amount of \$400,000 for the fiscal  
14 year ending June 30, ~~2021~~ 2022 from the Department of Human Services – Youth  
15 Services Fund Account to the Juvenile Detention Facilities Operating Fund to  
16 fund the appropriation to the Department of Finance and Administration –  
17 Disbursing Officer for grants for operating expenses of local juvenile  
18 detention facilities.

19 The amount of the funds transferred in the fiscal year ending June 30,  
20 ~~2021~~ 2022 may be adjusted upon request of the ~~Director~~ Secretary of the  
21 Department of Human Services on a pro-rata basis with any reductions provided  
22 in the Revenue Stabilization Law from the July 1 Official Forecast of general  
23 revenue funding for the Division of Youth Services.

24 The provisions of this section shall be in effect only from July 1, ~~2020~~  
25 2021 through June 30, ~~2021~~ 2022.

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27 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
29 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
30 Division of Youth Services is authorized to use the administrative operating  
31 account for capital improvements to the physical plant and for the purchase  
32 of capital equipment by the Mansfield Youth Services Facility operated by the  
33 Department of Human Services, Division of Youth Services. The funds shall be  
34 held by the Department of Human Services, Division of Youth Services from the  
35 proceeds of the sale of timber that may be harvested from land owned by the  
36 Division of Youth Services. All funds deposited and all expenses shall be

1 tracked separately. The harvesting of timber is specifically authorized to  
2 provide funds to finance capital improvements to the physical plant and for  
3 the purchase of major capital equipment by the Mansfield Facility from which  
4 the timber is sold.

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

12 The provisions of this section shall be in effect only from July 1, ~~2020~~  
13 2021 through June 30, ~~2021~~ 2022.

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15 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

17 RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the  
18 Department of Human Services - Division of Youth Services cannot continue to  
19 contract with private provider(s) for residential juvenile services,  
20 educational services, therapeutic services, and/or medical services and deems  
21 it necessary to utilize Department staff to provide all or parts of the  
22 required services above, the Department is authorized to seek the approval of  
23 the Chief Fiscal Officer of the State, the Governor and the Arkansas  
24 Legislative Council or Joint Budget Committee to utilize the contingent  
25 residential services positions contained in this Act and to make the  
26 appropriate transfers from any line item authorized in the RESIDENTIAL  
27 SERVICES appropriation of this Act to any line item authorized in the  
28 OPERATIONS appropriation of this Act. If it has been determined that the  
29 Department of Human Services - Division of Youth Services cannot continue to  
30 operate one or more of the various service components of a Residential  
31 Facility for residential juvenile services, educational services, therapeutic  
32 services, and/or medical services and deems it necessary to utilize a  
33 contract with private provider(s), the Department is authorized to seek the  
34 approval of the Chief Fiscal Officer of the State, the Governor and the  
35 Arkansas Legislative Council or Joint Budget Committee to make the  
36 appropriate transfers from any line item authorized in the OPERATIONS

1 appropriation of this Act to any line item authorized in the RESIDENTIAL  
 2 SERVICES appropriation of this Act.

3 The provisions of this section shall be in effect only from July 1,  
 4 ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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 6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA  
 8 HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS. There is hereby  
 9 established for the Department of Human Services - Division of Youth Services  
 10 - Contingent Residential Services Positions, the following maximum number of  
 11 positions whose salaries shall be governed by the provisions of the Uniform  
 12 Classification and Compensation Act (Arkansas Code § 21-5-201 et seq.), or  
 13 its successor, and all laws amendatory thereto. Requests to use positions  
 14 will be based upon the non-contracted services for residential juvenile  
 15 services, educational services, therapeutic services, and/or medical  
 16 services. If at such time a category(s) of services are contracted with  
 17 private provider(s), identified positions associated with such service(s)  
 18 shall be returned to the contingency pool. In order to ensure required  
 19 staffing levels, Extra Help positions authorized herein are specifically  
 20 exempt from limitation of hours, either by Act or regulation.

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 22 CONTINGENT POSITIONS - RESIDENTIAL SERVICES

			MAXIMUM
ITEM	CLASS		NO. OF
NO.	CODE	TITLE	EMPLOYEES
(01)	9999	EXTRA HELP	<u>320</u>
GRAND TOTAL CONTINGENT POSITIONS			320

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 29 The provisions of this section shall be in effect through June 30, ~~2021~~  
 30 2022.

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 32 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
 33 authorized by this act shall be limited to the appropriation for such agency  
 34 and funds made available by law for the support of such appropriations; and  
 35 the restrictions of the State Procurement Law, the General Accounting and  
 36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

1 Procedures and Restrictions Act, or their successors, and other fiscal  
2 control laws of this State, where applicable, and regulations promulgated by  
3 the Department of Finance and Administration, as authorized by law, shall be  
4 strictly complied with in disbursement of said funds.

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6 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General  
7 Assembly that any funds disbursed under the authority of the appropriations  
8 contained in this act shall be in compliance with the stated reasons for  
9 which this act was adopted, as evidenced by the Agency Requests, Executive  
10 Recommendations and Legislative Recommendations contained in the budget  
11 manuals prepared by the Department of Finance and Administration, letters, or  
12 summarized oral testimony in the official minutes of the Arkansas Legislative  
13 Council or Joint Budget Committee which relate to its passage and adoption.

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15 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly, that the Constitution of the State of Arkansas prohibits  
17 the appropriation of funds for more than a one (1) year period; that the  
18 effectiveness of this Act on July 1, 2021 is essential to the operation of  
19 the agency for which the appropriations in this Act are provided, and that in  
20 the event of an extension of the legislative session, the delay in the  
21 effective date of this Act beyond July 1, 2021 could work irreparable harm  
22 upon the proper administration and provision of essential governmental  
23 programs. Therefore, an emergency is hereby declared to exist and this Act  
24 being necessary for the immediate preservation of the public peace, health  
25 and safety shall be in full force and effect from and after July 1, 2021.