

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 50

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, 2024; 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 2023-2024 FISCAL
17 YEAR.
18
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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 2023-2024 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
				2023-2024
31	(1)	N249N DHS DIVISION DIRECTOR	1	GRADE SE02
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)	G004C MANAGING ATTORNEY	1	GRADE GS13
36	(6)	N156N BEHAV HLTH ASST DIR CHILDRENS SVS	1	GRADE GS12



1	(7)	G027N DHS RESEARCH ANALYSIS MANAGER	2	GRADE GS11
2	(8)	G255C DYS ACADEMIC ADMINISTRATOR	1	GRADE GS11
3	(9)	G099C DHS PROGRAM ADMINISTRATOR	6	GRADE GS09
4	(10)	E015C SPECIAL EDUCATION SUPERVISOR	1	GRADE GS09
5	(11)	M008C YOUTH PROGRAM DIRECTOR	1	GRADE GS09
6	(12)	G152C DHS PROGRAM MANAGER	11	GRADE GS08
7	(13)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
8	(14)	M012C YOUTH PROGRAM MANAGER	2	GRADE GS08
9	(15)	G183C DHS PROGRAM COORDINATOR	5	GRADE GS07
10	(16)	G082C DHS/DYS ADMISSIONS EVALUATOR	1	GRADE GS07
11	(17)	E048C EDUCATION & INSTRUCTION SPECIALIST	4	GRADE GS07
12	(18)	E040C STAFF DEVELOPMENT COORDINATOR	3	GRADE GS07
13	(19)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
14	(20)	E044C CERTIFIED BACHELORS TEACHER	3	GRADE GS06
15	(21)	G210C DHS PROGRAM SPECIALIST	6	GRADE GS06
16	(22)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
17	(23)	G180C GRANTS ANALYST	1	GRADE GS06
18	(24)	G214C GRANTS SPECIALIST	1	GRADE GS06
19	(25)	G166C MILITARY PROGRAM COORDINATOR	3	GRADE GS06
20	(26)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
21	(27)	M047C YOUTH SERVICES ADVISOR	10	GRADE GS06
22	(28)	M060C YOUTH PROGRAM COORDINATOR	7	GRADE GS05
23	(29)	C056C ADMINISTRATIVE SPECIALIST III	4	GRADE GS04
24	(30)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
25	(31)	T072C SECURITY OFFICER SUPERVISOR	1	GRADE GS04
26	(32)	T084C PUBLIC SAFETY SECURITY OFFICER	7	GRADE GS03
27	(33)	M070C YOUTH PROGRAM SPECIALIST	<u>6</u>	GRADE GS03
28		MAX. NO. OF EMPLOYEES	100	

29

30 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 31 the Department of Human Services - Division of Youth Services for the 2023-
 32 2024 fiscal year, the following maximum number of part-time or temporary
 33 employees, to be known as "Extra Help", payable from funds appropriated
 34 herein for such purposes: thirty-six (36) temporary or part-time employees,
 35 when needed, at rates of pay not to exceed those provided in the Uniform
 36 Classification and Compensation Act, or its successor, or this act for the

1 appropriate classification.

2

3 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 4 to the Department of Human Services, to be payable from the paying account as
 5 determined by the Chief Fiscal Officer of the State, for personal services
 6 and operating expenses of the Department of Human Services - Division of
 7 Youth Services for the fiscal year ending June 30, 2024, the following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2023-2024</u>
11 (01) REGULAR SALARIES	\$5,045,438
12 (02) EXTRA HELP	41,903
13 (03) PERSONAL SERVICES MATCHING	1,904,383
14 (04) OVERTIME	8,699
15 (05) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	5,112,099
17 (B) CONF. & TRAVEL	91,144
18 (C) PROF. FEES	359,050
19 (D) CAP. OUTLAY	105,000
20 (E) DATA PROC.	<u>0</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$12,667,716</u>

22

23 SECTION 4. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby
 24 appropriated, to the Department of Human Services - Division of Youth
 25 Services, to be payable from the Youth Services Fund Account, for grants and
 26 aid for graduated community based sanctions for juveniles adjudicated
 27 delinquent for the fiscal year ending June 30, 2024, the following:

28

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2023-2024</u>
31 (01) COMMUNITY BASED SANCTIONS	<u>\$2,480,444</u>

32

33 SECTION 5. APPROPRIATION - COMMUNITY SERVICES. There is hereby
 34 appropriated, to the Department of Human Services, to be payable from the
 35 Youth Services Fund Account, for purchase of services from community based
 36 providers by the Department of Human Services - Division of Youth Services

1 for the fiscal year ending June 30, 2024, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2023-2024</u>
5 (01) COMMUNITY SERVICES	<u>\$18,821,100</u>

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7 SECTION 6. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS.

8 There is hereby appropriated, to the Department of Human Services, to be
9 payable from the federal funds as designated by the Chief Fiscal Officer of
10 the State, for federally funded grants of the Department of Human Services -
11 Division of Youth Services for the fiscal year ending June 30, 2024, the
12 following:

13

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2023-2024</u>
16 (01) FEDERAL CHILD AND YOUTH SERVICE GRANTS	<u>\$12,832,942</u>

17

18 SECTION 7. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby
19 appropriated, to the Department of Human Services, to be payable from the
20 Youth Services Fund Account, for the purchase and operation of residential
21 services by the Department of Human Services - Division of Youth Services for
22 the fiscal year ending June 30, 2024, the following:

23

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2023-2024</u>
26 (01) RESIDENTIAL SERVICES	<u>\$33,807,739</u>

27

28 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
30 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
31 Services shall provide funding in an amount not to exceed \$240,000 for the
32 fiscal year ending June 30, ~~2023~~ 2024 for the Juvenile Ombudsman Program
33 described in ACA 16-87-216. Upon request by the Executive Director of the
34 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State
35 shall transfer an amount not to exceed \$240,000 for the fiscal year ending
36 June 30, ~~2023~~ 2024 from an account designated by the Secretary of the

1 Department of Human Services to the State Central Services Fund as a direct
2 revenue to fund the Juvenile Ombudsman Program.

3 The provisions of this section shall be in effect only from July 1, ~~2022~~
4 2023 through June 30, ~~2023~~ 2024.

5

6 SECTION 9. 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 LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
9 of the State shall transfer funds in an amount of \$400,000 for the fiscal
10 year ending June 30, ~~2023~~ 2024 from the Department of Human Services – Youth
11 Services Fund Account to the Juvenile Detention Facilities Operating Fund to
12 fund the appropriation to the Department of Finance and Administration –
13 Disbursing Officer for grants for operating expenses of local juvenile
14 detention facilities.

15 The amount of the funds transferred in the fiscal year ending June 30,
16 ~~2023~~ 2024 may be adjusted upon request of the Secretary of the Department of
17 Human Services on a pro-rata basis with any reductions provided in the
18 Revenue Stabilization Law from the July 1 Official Forecast of general
19 revenue funding for the Division of Youth Services.

20 The provisions of this section shall be in effect only from July 1, ~~2022~~
21 2023 through June 30, ~~2023~~ 2024.

22

23 SECTION 10. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-28-
24 203, concerning the powers and duties of the Division of Youth Services, is
25 amended to add an additional subsection to codify special language in
26 appropriation acts to read as follows:

27 (e)(1) The Division of Youth Services may use the administrative
28 operating account for capital improvements to the physical plant and the
29 purchase of capital equipment by the Mansfield Juvenile Treatment Center
30 operated by the Division of Youth Services.

31 (2) The harvesting of timber is specifically authorized to
32 provide funds:

33 (A) To finance capital improvements to the physical plant;
34 and

35 (B) For the purchase of major capital equipment by the
36 center from which the timber is sold.

1 (3)(A) The Division of Youth Services shall hold funds from the
2 proceeds of the sale of timber harvested from land owned by the Division of
3 Youth Services separately from other Division of Youth Services funds.

4 (B) All funds deposited from timber sales and all expenses
5 paid through timber sales shall be tracked separately from other Division of
6 Youth Services deposits and payments.

7 (4) All expenditures of funds derived from the sale of timber
8 shall be expended in accordance with relevant state purchasing laws.

9 (5)(A) The Division of Youth Services shall report all income
10 derived from the sale of timber to the Chief Fiscal Officer of the State and
11 the Legislative Council or, if the General Assembly is in session, the Joint
12 Budget Committee.

13 (B) A contract initiated for the harvesting and sale of
14 timber shall be submitted to the Review Subcommittee of the Legislative
15 Council or, if the General Assembly is in session, the Review/PEER
16 Subcommittee of the Joint Budget Committee for prior review.

17
18 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the
21 Department of Human Services - Division of Youth Services cannot continue to
22 contract with private provider(s) for residential juvenile services,
23 educational services, therapeutic services, and/or medical services and deems
24 it necessary to utilize Department staff to provide all or parts of the
25 required services above, the Department is authorized to seek the approval of
26 the Chief Fiscal Officer of the State, the Governor and the Arkansas
27 Legislative Council or Joint Budget Committee to utilize the contingent
28 residential services positions contained in this Act and to make the
29 appropriate transfers from any line item authorized in the RESIDENTIAL
30 SERVICES appropriation of this Act to any line item authorized in the
31 OPERATIONS appropriation of this Act. If it has been determined that the
32 Department of Human Services - Division of Youth Services cannot continue to
33 operate one or more of the various service components of a Residential
34 Facility for residential juvenile services, educational services, therapeutic
35 services, and/or medical services and deems it necessary to utilize a
36 contract with private provider(s), the Department is authorized to seek the

1 approval of the Chief Fiscal Officer of the State, the Governor and the
2 Arkansas Legislative Council or Joint Budget Committee to make the
3 appropriate transfers from any line item authorized in the OPERATIONS
4 appropriation of this Act to any line item authorized in the RESIDENTIAL
5 SERVICES appropriation of this Act.

6 The provisions of this section shall be in effect only from July 1,
7 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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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. EXTRA
11 HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS. There is hereby
12 established for the Department of Human Services - Division of Youth Services
13 - Contingent Residential Services Positions, the following maximum number of
14 positions whose salaries shall be governed by the provisions of the Uniform
15 Classification and Compensation Act (Arkansas Code § 21-5-201 et seq.), or
16 its successor, and all laws amendatory thereto. Requests to use positions
17 will be based upon the non-contracted services for residential juvenile
18 services, educational services, therapeutic services, and/or medical
19 services. If at such time a category(s) of services are contracted with
20 private provider(s), identified positions associated with such service(s)
21 shall be returned to the contingency pool. In order to ensure required
22 staffing levels, Extra Help positions authorized herein are specifically
23 exempt from limitation of hours, either by Act or regulation.

24

25 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

31

32 The provisions of this section shall be in effect through June 30, ~~2023~~
33 2024.

34

35 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
36 authorized by this act shall be limited to the appropriation for such agency

1 and funds made available by law for the support of such appropriations; and
2 the restrictions of the State Procurement Law, the General Accounting and
3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
4 Procedures and Restrictions Act, or their successors, and other fiscal
5 control laws of this State, where applicable, and regulations promulgated by
6 the Department of Finance and Administration, as authorized by law, shall be
7 strictly complied with in disbursement of said funds.

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

17
18 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly, that the Constitution of the State of Arkansas prohibits
20 the appropriation of funds for more than a one (1) year period; that the
21 effectiveness of this Act on July 1, 2023 is essential to the operation of
22 the agency for which the appropriations in this Act are provided, and that in
23 the event of an extension of the legislative session, the delay in the
24 effective date of this Act beyond July 1, 2023 could work irreparable harm
25 upon the proper administration and provision of essential governmental
26 programs. Therefore, an emergency is hereby declared to exist and this Act
27 being necessary for the immediate preservation of the public peace, health
28 and safety shall be in full force and effect from and after July 1, 2023.