

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

SENATE BILL 87

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH SERVICES APPROPRIATION FOR THE 2012-2013 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Human Services - Division of Youth Services for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE N909
(2)	N124N	DHS/DYS ASSISTANT DIVISION DIRECTOR	3	GRADE N904
(3)	X007C	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE C127
(4)	E010C	DHS/DYS EDUCATION MANAGER	2	GRADE C125
(5)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
(6)	G082C	DHS/DYS ADMISSIONS EVALUATOR	1	GRADE C123



(7)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE C123
(8)	E015C	SPECIAL EDUCATION SUPERVISOR	1	GRADE C123
(9)	G099C	DHS PROGRAM ADMINISTRATOR	4	GRADE C122
(10)	A041C	PROGRAM FISCAL MANAGER	2	GRADE C122
(11)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
(12)	A045C	STATISTICAL ANALYSIS MANAGER	1	GRADE C121
(13)	E026C	EDUCATION & INSTRUCTION COORDINATOR	1	GRADE C120
(14)	R021C	BUDGET ANALYST	1	GRADE C119
(15)	D062C	DATABASE ANALYST	2	GRADE C119
(16)	G152C	DHS PROGRAM MANAGER	11	GRADE C119
(17)	R027C	BUDGET SPECIALIST	1	GRADE C117
(18)	G183C	DHS PROGRAM COORDINATOR	8	GRADE C117
(19)	G180C	GRANTS ANALYST	7	GRADE C117
(20)	X101C	INTERNAL AFFAIRS INVESTIGATOR	3	GRADE C117
(21)	E040C	STAFF DEVELOPMENT COORDINATOR	2	GRADE C117
(22)	M047C	YOUTH SERVICES ADVISOR	7	GRADE C116
(23)	G210C	DHS PROGRAM SPECIALIST	8	GRADE C115
(24)	R032C	HUMAN RESOURCES PROGRAM REPRESENTATIVE	1	GRADE C115
(25)	G214C	GRANTS SPECIALIST	4	GRADE C114
(26)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
(27)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
(28)	C073C	ADMINISTRATIVE SPECIALIST II	2	GRADE C109
(29)	A102C	FISCAL SUPPORT TECHNICIAN	1	GRADE C108
(30)	C088C	MAIL SERVICES ASSISTANT	<u>1</u>	GRADE C105
		MAX. NO. OF EMPLOYEES	88	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Division of Youth Services for the 2012-2013 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-four (34) 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 - Division of Youth 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, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$5,954,518
(02) EXTRA HELP	40,008
(03) PERSONAL SERVICES MATCHING	2,012,394
(04) OVERTIME	8,004
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	3,012,380
(B) CONF. & TRAVEL	89,000
(C) PROF. FEES	352,192
(D) CAP. OUTLAY	167,064
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$11,635,560</u></u>

SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the Juvenile Accountability Incentive Block Grant Trust Fund, for grant payments of the Juvenile Accountability Incentive Block Grant of the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) JUVENILE ACCOUNTABILITY INCENTIVE GRANTS	<u><u>\$1,970,215</u></u>

SECTION 5. 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, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) COMMUNITY BASED SANCTIONS	<u>\$2,500,000</u>

SECTION 6. APPROPRIATION - COMMUNITY 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 of services from community based providers by the Department of Human Services - Division of Youth Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) COMMUNITY SERVICES	<u>\$20,502,140</u>

SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS. There is hereby appropriated, to the Department of Human Services - Division of Youth 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 - Division of Youth Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) FEDERAL CHILD & YOUTH SERVICE GRANTS	<u>\$5,623,293</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, 2013, the following:

ITEM	FISCAL YEAR
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NO.	2012-2013
(01) RESIDENTIAL SERVICES	<u>\$30,326,648</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, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 10. 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, ~~2011~~ 2013 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the Executive Director of the Arkansas Public Defender Commission, the Chief Fiscal Officer of the State

shall transfer an amount not to exceed \$240,000 for the fiscal year ending June 30, ~~2011~~ 2013 from an account designated by the Director of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer of the State shall transfer funds in an amount of \$400,000 for the fiscal year ending June 30, ~~2011~~ 2013 from the Department of Human Services – Youth Services Fund Account to the Juvenile Detention Facilities Operating Fund to fund the appropriation to the Department of Finance and Administration – Disbursing Officer for grants for operating expenses of local juvenile detention facilities.

The amount of the funds transferred in the fiscal year ending June 30, ~~2011~~ 2013 may be adjusted upon request of the Director of the Department of Human Services on a pro-rata basis with any reductions provided in the Revenue Stabilization Law from the July 1 Official Forecast of general revenue funding for the Division of Youth Services.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Youth Services is authorized to use the administrative operating account for capital improvements to the physical plant and for the purchase of capital equipment by the Mansfield Youth Services Facility operated by the Department of Human Services, Division of Youth Services. The funds shall be held by the Department of Human Services, Division of Youth Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Youth Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plant and for the purchase of major capital equipment by the Mansfield Facility from which the timber is sold.

The Division of Youth Services shall report all income derived from the sale of timber to the Chief Fiscal Officer of the State and the Arkansas

Legislative Council. Any contracts initiated for the harvesting and sale of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

There is hereby established for the Division of Youth Services - Contingent Educational Services Positions for the ~~2010-2011~~ 2012-2013 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS - EDUCATIONAL SERVICES

ITEM	CLASS	MAXIMUM NO. OF	MAXIMUM ANNUAL
			SALARY RATE FISCAL YEAR

NO.	CODE	TITLE	EMPLOYEES	2010-2011 <u>2012-2013</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	34	GRADE C111
GRAND TOTAL CONTINGENT EMPLOYEES			120	

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

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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, 2012 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, 2012 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, 2012.