

Stricken language will be deleted and underlined language will be added.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/15/21

A Bill

SENATE BILL 41

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, 2022; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH SERVICES APPROPRIATION FOR THE 2021-2022 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 2021-2022 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum	Maximum Annual
			No. of Employees	Salary Rate Fiscal Year 2021-2022
(1)	N026N	DHS DEPUTY DIRECTOR OF DYS	1	GRADE SE01
(2)	L001C	PSYCHOLOGIST SUPERVISOR	1	GRADE MP04
(3)	L038C	REGISTERED NURSE	2	GRADE MP01
(4)	N080N	DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	GRADE GS14
(5)	N128N	DHS ASST DIR QUALITY ASSURANCE	1	GRADE GS13
(6)	G004C	MANAGING ATTORNEY	1	GRADE GS13



(7)	N156N BEHAV HLTH ASST DIR CHILDRENS SVS	1	GRADE GS12
(8)	G027N DHS RESEARCH ANALYSIS MANAGER	2	GRADE GS11
(9)	G255C DYS ACADEMIC ADMINISTRATOR	1	GRADE GS11
(10)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	1	GRADE GS10
(11)	G099C DHS PROGRAM ADMINISTRATOR	6	GRADE GS09
(12)	E015C SPECIAL EDUCATION SUPERVISOR	1	GRADE GS09
(13)	M008C YOUTH PROGRAM DIRECTOR	1	GRADE GS09
(14)	G152C DHS PROGRAM MANAGER	10	GRADE GS08
(15)	X062C QUALITY ASSURANCE COORDINATOR	2	GRADE GS08
(16)	M012C YOUTH PROGRAM MANAGER	2	GRADE GS08
(17)	G183C DHS PROGRAM COORDINATOR	5	GRADE GS07
(18)	G082C DHS/DYS ADMISSIONS EVALUATOR	1	GRADE GS07
(19)	E048C EDUCATION & INSTRUCTION SPECIALIST	4	GRADE GS07
(20)	E040C STAFF DEVELOPMENT COORDINATOR	3	GRADE GS07
(21)	C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
(22)	E044C CERTIFIED BACHELORS TEACHER	4	GRADE GS06
(23)	G210C DHS PROGRAM SPECIALIST	6	GRADE GS06
(24)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
(25)	G180C GRANTS ANALYST	2	GRADE GS06
(26)	G214C GRANTS SPECIALIST	1	GRADE GS06
(27)	X101C INTERNAL AFFAIRS INVESTIGATOR	1	GRADE GS06
(28)	G166C MILITARY PROGRAM COORDINATOR	3	GRADE GS06
(29)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
(30)	M047C YOUTH SERVICES ADVISOR	10	GRADE GS06
(31)	M060C YOUTH PROGRAM COORDINATOR	6	GRADE GS05
(32)	C056C ADMINISTRATIVE SPECIALIST III	4	GRADE GS04
(33)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
(34)	C043C RECORDS MANAGEMENT ANALYST	1	GRADE GS04
(35)	T072C SECURITY OFFICER SUPERVISOR	1	GRADE GS04
(36)	M084C BEHAV HLTH AIDE	1	GRADE GS03
(37)	T084C PUBLIC SAFETY SECURITY OFFICER	7	GRADE GS03
(38)	M070C YOUTH PROGRAM SPECIALIST	<u>6</u>	GRADE GS03
	MAX. NO. OF EMPLOYEES	103	

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 NO.	FISCAL YEAR 2021-2022
(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 NO.	FISCAL YEAR 2021-2022
(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 NO.	FISCAL YEAR 2021-2022
(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 NO.	FISCAL YEAR 2021-2022
(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 NO.	FISCAL YEAR 2021-2022
(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

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, ~~2021~~ 2022 from an account designated by the ~~Director~~ Secretary of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

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

SECTION 9. 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, ~~2021~~ 2022 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, ~~2021~~ 2022 may be adjusted upon request of the ~~Director~~ Secretary 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.

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

SECTION 10. 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 or Joint Budget Committee. Any contracts initiated for the harvesting and sale of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the Department of Human Services - Division of Youth Services cannot continue to contract with private provider(s) for residential juvenile services, educational services, therapeutic services, and/or medical services and deems it necessary to utilize Department staff to provide all or parts of the required services above, the Department 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 residential services positions contained in this Act and to make the appropriate transfers from any line item authorized in the RESIDENTIAL SERVICES appropriation of this Act to any line item authorized in the OPERATIONS appropriation of this Act. If it has been determined that the Department of Human Services - Division of Youth Services cannot continue to operate one or more of the various service components of a Residential Facility for residential juvenile services, educational services, therapeutic services, and/or medical services and deems it necessary to utilize a contract with private provider(s), the Department 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 make the appropriate transfers from any line item authorized in the OPERATIONS

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

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

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS. There is hereby established for the Department of Human Services - Division of Youth Services - Contingent Residential Services Positions, the following maximum number of positions 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. Requests to use positions will be based upon the non-contracted services for residential juvenile services, educational services, therapeutic services, and/or medical services. If at such time a category(s) of services are contracted with private provider(s), identified positions associated with such service(s) shall be returned to the contingency pool. In order to ensure required staffing levels, Extra Help positions authorized herein are specifically exempt from limitation of hours, either by Act or regulation.

CONTINGENT POSITIONS - RESIDENTIAL SERVICES

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

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

SECTION 13. 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 14. 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 15. 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, 2021 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, 2021 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, 2021.

/s/ Joint Budget Committee