

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/19/19

# A Bill

SENATE BILL 100

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, 2020; 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 2019-2020 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 2019-2020 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    |
|      |       |   |           | 2019-2020      |
| 31   | (1)   | N026N DHS DEPUTY DIRECTOR OF DYS          | 1         | GRADE SE01     |
| 32   | (2)   | N080N DHS/DMS ASSISTANT DIRECTOR - FISCAL | 1         | GRADE GS14     |
| 33   | (3)   | N124N DHS/DYS ASSISTANT DIVISION DIRECTOR | 2         | GRADE GS14     |
| 34   | (4)   | G027N DHS RESEARCH ANALYSIS MANAGER       | 1         | GRADE GS11     |
| 35   | (5)   | X007C DHS/DYS ADMIN PROG COMPLIANCE       | 1         | GRADE GS11     |
| 36   | (6)   | G255C DYS ACADEMIC ADMINISTRATOR          | 1         | GRADE GS11     |



|    |      |   |          |            |
|----|------|---|----------|------------|
| 1  | (7)  | E010C DHS/DYS EDUCATION MANAGER           | 1        | GRADE GS10 |
| 2  | (8)  | E016C PUBLIC SCHOOL PROGRAM COORDINATOR   | 1        | GRADE GS10 |
| 3  | (9)  | G099C DHS PROGRAM ADMINISTRATOR           | 6        | GRADE GS09 |
| 4  | (10) | E015C SPECIAL EDUCATION SUPERVISOR        | 1        | GRADE GS09 |
| 5  | (11) | G152C DHS PROGRAM MANAGER                 | 10       | GRADE GS08 |
| 6  | (12) | E026C EDUCATION & INSTRUCTION COORDINATOR | 1        | GRADE GS08 |
| 7  | (13) | X062C QUALITY ASSURANCE COORDINATOR       | 2        | GRADE GS08 |
| 8  | (14) | G183C DHS PROGRAM COORDINATOR             | 5        | GRADE GS07 |
| 9  | (15) | G082C DHS/DYS ADMISSIONS EVALUATOR        | 1        | GRADE GS07 |
| 10 | (16) | E040C STAFF DEVELOPMENT COORDINATOR       | 2        | GRADE GS07 |
| 11 | (17) | G210C DHS PROGRAM SPECIALIST              | 6        | GRADE GS06 |
| 12 | (18) | G180C GRANTS ANALYST                      | 2        | GRADE GS06 |
| 13 | (19) | G214C GRANTS SPECIALIST                   | 2        | GRADE GS06 |
| 14 | (20) | X101C INTERNAL AFFAIRS INVESTIGATOR       | 1        | GRADE GS06 |
| 15 | (21) | B076C RESEARCH PROJECT ANALYST            | 1        | GRADE GS06 |
| 16 | (22) | M047C YOUTH SERVICES ADVISOR              | 9        | GRADE GS06 |
| 17 | (23) | C056C ADMINISTRATIVE SPECIALIST III       | 4        | GRADE GS04 |
| 18 | (24) | V020C INVENTORY CONTROL MANAGER           | 1        | GRADE GS04 |
| 19 | (25) | C043C RECORDS MANAGEMENT ANALYST          | <u>1</u> | GRADE GS04 |
| 20 |      | MAX. NO. OF EMPLOYEES                     | 64       |            |

21

22 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for  
 23 the Department of Human Services - Division of Youth Services for the 2019-  
 24 2020 fiscal year, the following maximum number of part-time or temporary  
 25 employees, to be known as "Extra Help", payable from funds appropriated  
 26 herein for such purposes: thirty-four (34) temporary or part-time employees,  
 27 when needed, at rates of pay not to exceed those provided in the Uniform  
 28 Classification and Compensation Act, or its successor, or this act for the  
 29 appropriate classification.

30

31 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 32 to the Department of Human Services - Division of Youth Services, to be  
 33 payable from the paying account as determined by the Chief Fiscal Officer of  
 34 the State, for personal services and operating expenses of the Department of  
 35 Human Services - Division of Youth Services for the fiscal year ending June  
 36 30, 2020, the following:

|    |                                 |                           |
|----|---------------------------------|---------------------------|
| 1  |                                 |                           |
| 2  | ITEM                            | FISCAL YEAR               |
| 3  | <u>NO.</u>                      | <u>2019-2020</u>          |
| 4  | (01) REGULAR SALARIES           | \$3,117,007               |
| 5  | (02) EXTRA HELP                 | 40,008                    |
| 6  | (03) PERSONAL SERVICES MATCHING | 1,058,943                 |
| 7  | (04) OVERTIME                   | 8,004                     |
| 8  | (05) MAINT. & GEN. OPERATION    |                           |
| 9  | (A) OPER. EXPENSE               | 4,603,006                 |
| 10 | (B) CONF. & TRAVEL              | 91,000                    |
| 11 | (C) PROF. FEES                  | 354,050                   |
| 12 | (D) CAP. OUTLAY                 | 105,000                   |
| 13 | (E) DATA PROC.                  | <u>0</u>                  |
| 14 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$9,377,018</u></u> |

15

16 SECTION 4. APPROPRIATION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK

17 GRANT. There is hereby appropriated, to the Department of Human Services -

18 Division of Youth Services, to be payable from the Juvenile Accountability

19 Incentive Block Grant Trust Fund, for grant payments of the Juvenile

20 Accountability Incentive Block Grant of the Department of Human Services -

21 Division of Youth Services for the fiscal year ending June 30, 2020, the

22 following:

|    |  |                       |
|----|--|-----------------------|
| 23 |  |                       |
| 24 | ITEM                                   | FISCAL YEAR           |
| 25 | <u>NO.</u>                             | <u>2019-2020</u>      |
| 26 | (01) JUVENILE ACCOUNTABILITY INCENTIVE |                       |
| 27 | GRANTS                                 | <u><u>\$1,000</u></u> |

28

29 SECTION 5. APPROPRIATION - COMMUNITY BASED SANCTIONS. There is hereby

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

31 Services, to be payable from the Youth Services Fund Account, for grants and

32 aid for graduated community based sanctions for juveniles adjudicated

33 delinquent for the fiscal year ending June 30, 2020, the following:

|    |            |                  |
|----|------------|------------------|
| 34 |            |                  |
| 35 | ITEM       | FISCAL YEAR      |
| 36 | <u>NO.</u> | <u>2019-2020</u> |

1 (01) COMMUNITY BASED SANCTIONS \$2,480,444

2

3 SECTION 6. APPROPRIATION - COMMUNITY SERVICES. There is hereby  
4 appropriated, to the Department of Human Services - Division of Youth  
5 Services, to be payable from the Youth Services Fund Account, for purchase of  
6 services from community based providers by the Department of Human Services -  
7 Division of Youth Services for the fiscal year ending June 30, 2020, the  
8 following:

9

| 10 ITEM                    | FISCAL YEAR         |
|----------------------------|---------------------|
| 11 <u>NO.</u>              | <u>2019-2020</u>    |
| 12 (01) COMMUNITY SERVICES | <u>\$17,821,100</u> |

13

14 SECTION 7. APPROPRIATION - FEDERAL CHILD AND YOUTH SERVICE GRANTS.  
15 There is hereby appropriated, to the Department of Human Services - Division  
16 of Youth Services, to be payable from the federal funds as designated by the  
17 Chief Fiscal Officer of the State, for federally funded grants of the  
18 Department of Human Services - Division of Youth Services for the fiscal year  
19 ending June 30, 2020, the following:

20

| 21 ITEM  | FISCAL YEAR        |
|--|--------------------|
| 22 <u>NO.</u>                                  | <u>2019-2020</u>   |
| 23 (01) FEDERAL CHILD AND YOUTH SERVICE GRANTS | <u>\$5,082,942</u> |

24

25 SECTION 8. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby  
26 appropriated, to the Department of Human Services - Division of Youth  
27 Services, to be payable from the Youth Services Fund Account, for the  
28 purchase and operation of residential services by the Department of Human  
29 Services - Division of Youth Services for the fiscal year ending June 30,  
30 2020, the following:

31

| 32 ITEM                      | FISCAL YEAR         |
|------------------------------|---------------------|
| 33 <u>NO.</u>                | <u>2019-2020</u>    |
| 34 (01) RESIDENTIAL SERVICES | <u>\$29,762,244</u> |

35

36 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
2 OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human  
3 Services shall provide funding in an amount not to exceed \$240,000 for the  
4 fiscal year ending June 30, ~~2019~~ 2020 for the Juvenile Ombudsman Program  
5 described in ACA 16-87-216. Upon request by the Executive Director of the  
6 Arkansas Public Defender Commission, the Chief Fiscal Officer of the State  
7 shall transfer an amount not to exceed \$240,000 for the fiscal year ending  
8 June 30, ~~2019~~ 2020 from an account designated by the Director of the  
9 Department of Human Services to the State Central Services Fund as a direct  
10 revenue to fund the Juvenile Ombudsman Program.

11 The provisions of this section shall be in effect only from July 1, ~~2018~~  
12 2019 through June 30, ~~2019~~ 2020.

13

14 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
16 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer  
17 of the State shall transfer funds in an amount of \$400,000 for the fiscal  
18 year ending June 30, ~~2019~~ 2020 from the Department of Human Services – Youth  
19 Services Fund Account to the Juvenile Detention Facilities Operating Fund to  
20 fund the appropriation to the Department of Finance and Administration –  
21 Disbursing Officer for grants for operating expenses of local juvenile  
22 detention facilities.

23 The amount of the funds transferred in the fiscal year ending June 30,  
24 ~~2019~~ 2020 may be adjusted upon request of the Director of the Department of  
25 Human Services on a pro-rata basis with any reductions provided in the  
26 Revenue Stabilization Law from the July 1 Official Forecast of general  
27 revenue funding for the Division of Youth Services.

28 The provisions of this section shall be in effect only from July 1, ~~2018~~  
29 2019 through June 30, ~~2019~~ 2020.

30

31 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH  
33 SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The  
34 Division of Youth Services is authorized to use the administrative operating  
35 account for capital improvements to the physical plant and for the purchase  
36 of capital equipment by the Mansfield Youth Services Facility operated by the

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

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

16 The provisions of this section shall be in effect only from July 1, ~~2018~~  
17 2019 through June 30, ~~2019~~ 2020.

18

19 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

1 contract with private provider(s), the Department is authorized to seek the  
 2 approval of the Chief Fiscal Officer of the State, the Governor and the  
 3 Arkansas Legislative Council or Joint Budget Committee to make the  
 4 appropriate transfers from any line item authorized in the OPERATIONS  
 5 appropriation of this Act to any line item authorized in the RESIDENTIAL  
 6 SERVICES appropriation of this Act.

7 The provisions of this section shall be in effect only from July 1,  
 8 2019 through June 30, 2020.

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

25  
 26 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        |         |

32  
 33 The provisions of this section shall be in effect through June 30, ~~2019~~  
 34 2020.

35  
 36 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

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

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

18  
19 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the  
20 General Assembly, that the Constitution of the State of Arkansas prohibits  
21 the appropriation of funds for more than a one (1) year period; that the  
22 effectiveness of this Act on July 1, 2019 is essential to the operation of  
23 the agency for which the appropriations in this Act are provided, and that in  
24 the event of an extension of the legislative session, the delay in the  
25 effective date of this Act beyond July 1, 2019 could work irreparable harm  
26 upon the proper administration and provision of essential governmental  
27 programs. Therefore, an emergency is hereby declared to exist and this Act  
28 being necessary for the immediate preservation of the public peace, health  
29 and safety shall be in full force and effect from and after July 1, 2019.

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31  
32 /s/ Joint Budget Committee

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35 APPROVED: 4/8/19