

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S3/20/03 S3/27/03 S4/1/03 S4/15/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

SENATE BILL 178

4

5 By: Joint Budget Committee

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7

8

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HUMAN SERVICES - DIVISION OF YOUTH
12 SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2005; AND FOR OTHER PURPOSES.

14

15

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Subtitle

17 AN ACT FOR THE DEPARTMENT OF HUMAN
18 SERVICES - DIVISION OF YOUTH SERVICES
19 APPROPRIATION FOR THE 2003-2005
20 BIENNIUM.

21

22

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

24

25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Human Services - Division of Youth Services for the 2003-2005
27 biennium, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.

36



					Maximum Annual	
				Maximum	Salary Rate	
	Item	Class		No. of	Fiscal Years	
	No.	Code	Title	Employees	2003-2004	2004-2005
5	(1)	8910	DHS DEPUTY DIRECTOR OF DYS	1	\$93,533	\$95,693
6	(2)	9236	DHS ASST DIR DIV YOUTH SERVICES	1	\$78,811	\$80,709
7	(3)	9757	DHS ASSISTANT DIRECTOR	2	\$77,912	\$79,793
8	(4)	017Z	DHS/DYS ADMIN PROG COMPLIANCE	1	GRADE	26
9	(5)	187Z	DHS/DCFS ADMR INDIV & FAMILY SVCS	1	GRADE	24
10	(6)	403Z	YOUTH SERVICES CENTER SUPT	1	GRADE	24
11	(7)	434Z	DHS INSTITUTION OPERATIONS MANAGER	2	GRADE	24
12	(8)	897Z	DHS INSTITUTION PROGRAM MANAGER	2	GRADE	23
13	(9)	923Z	DHS PRGM ADMINISTRATOR	8	GRADE	23
14	(10)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
15	(11)	A088	DHS FINANCIAL SECTION MANAGER	1	GRADE	22
16	(12)	E051	TRAINING PROJECT MANAGER	1	GRADE	22
17	(13)	697Z	DHS PRGM MANAGER	16	GRADE	21
18	(14)	892Z	DHS INSTITUTION BUSINESS MANAGER	1	GRADE	21
19	(15)	A251	SR AUDITOR	1	GRADE	21
20	(16)	E114	STAFF DEVELOPMENT COORDINATOR	3	GRADE	20
21	(17)	M088	SOCIAL WORKER II	3	GRADE	20
22	(18)	R145	DHS PROGRAM COORDINATOR	4	GRADE	20
23	(19)	R266	MANAGEMENT PROJECT ANALYST II	5	GRADE	20
24	(20)	E076	VOCATIONAL INSTRUCTOR III	1	GRADE	19
25	(21)	M138	YOUTH SERVICES COUNSELOR III	7	GRADE	19
26	(22)	R084	DHS STAFF SUPERVISOR	3	GRADE	19
27	(23)	R150	RESEARCH PROJECT ANALYST	1	GRADE	19
28	(24)	R168	GRANTS COORDINATOR II	15	GRADE	19
29	(25)	D128	P C SUPPORT SPECIALIST	1	GRADE	18
30	(26)	D129	DP COORDINATOR	1	GRADE	18
31	(27)	E024	INSTITUTIONAL INSTRUCTOR II	5	GRADE	18
32	(28)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE	18
33	(29)	M082	SOCIAL SERVICE WORKER III	2	GRADE	18
34	(30)	R134	PLANNING SPECIALIST II	2	GRADE	18
35	(31)	R264	MANAGEMENT PROJECT ANALYST I	3	GRADE	18
36	(32)	V034	PLANT WAREHOUSE FOREMAN	1	GRADE	18

1	(33)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
2	(34)	R010	ADMINISTRATIVE ASSISTANT II	9	GRADE 17
3	(35)	T049	SECURITY OFFICER SUPERVISOR	2	GRADE 17
4	(36)	V030	INVENTORY CONTROL MANAGER	1	GRADE 17
5	(37)	Y061	JOURNEYMAN PLUMBER	1	GRADE 17
6	(38)	M148	YOUTH SERVICES WORKER II	36	GRADE 16
7	(39)	L115	LPN II/LPTN II	4	GRADE 15
8	(40)	M149	YOUTH SERVICES WORKER I	4	GRADE 15
9	(41)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
10	(42)	T047	SECURITY OFFICER III	2	GRADE 15
11	(43)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
12	(44)	K153	SECRETARY II	5	GRADE 13
13	(45)	K155	SECRETARY I	1	GRADE 11
14	(46)	H027	COOK II	1	GRADE 10
15	(47)	W023	RECORDS CENTER OPERATOR II	1	GRADE 10
16	(48)	G191	CLOTHING SHOP OPERATOR	<u>1</u>	GRADE 07
17			MAX. NO. OF EMPLOYEES	172	

18

19 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 20 Human Services - Division of Youth Services for the 2003-2005 biennium, the
 21 following maximum number of part-time or temporary employees, to be known as
 22 "Extra Help", payable from funds appropriated herein for such purposes:
 23 thirty-four (34) temporary or part-time employees, when needed, at rates of
 24 pay not to exceed those provided in the Uniform Classification and
 25 Compensation Act, or its successor, or this act for the appropriate
 26 classification.

27

28 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated,
 29 to be payable from the funds and fund accounts as set out herein, to the
 30 Department of Human Services - Division of Youth Services for the biennial
 31 period ending June 30, 2005, the following:

32

33 (a) For the Administration Program, the sum of \$8,976,302 for the 2003-2004
 34 fiscal year and \$9,143,052 for the 2004-2005 fiscal year.

35 (1) Program Description. The Administration Program plans, develops,
 36 coordinates, and implements all administrative support activities for the

1 Division of Youth Services.

2

3 (2) Appropriation payable from:	FISCAL YEARS	
4	<u>2003-2004</u>	<u>2004-2005</u>
5 (A) General Revenue:		
6 Youth Services Fund Account	\$ <u>7,055,006</u>	\$ <u>7,155,205</u>
7 TOTAL General Revenue	\$ 7,055,006	\$ 7,155,205
8 (B) Federal Funds as designated by		
9 the Chief Fiscal Officer of the		
10 State	\$ 521,831	\$ 527,982
11 (3) Performance Targets:		
12 (A) <i>Percent of agency administrative</i>		
13 <i>costs as a percent of total</i>		
14 <i>agency costs.</i>	18	18
15 (A1) <i>Percent of agency administrative</i>		
16 <i>positions as a percent of total</i>		
17 <i>agency positions.</i>	84	84
18 (B) Percent of information		
19 technology cost as a percent of		
20 overall agency budget.	1	1
21 (C) Increase in federal revenues		
22 compared to SFY 02 base.	600,000	800,000
23 (D) Percent of scheduled contracts		
24 monitored for contract		
25 performance and physical plant		
26 inspections compared to total.	92	94
27 (E) Percent of serious incidents		
28 investigated within approved time		
29 frames.	96	97
30 (F) Percent of juveniles who receive		
31 placement based on individualized		
32 treatment plan within 30 days of		
33 assessment.	80	85
34 (G) Statewide Juvenile Justice		
35 conference hosted annually.	1	1
36 (H) Number of repeat audit findings.	0	0

1	(I) Number performance targets met		
2	for agency.	90	91
3	(J) Number of legacy systems.	3	3

4

5 SECTION 4. APPROPRIATION - RESIDENTIAL SERVICES. There is hereby
 6 appropriated, to be payable from the funds and fund accounts as set out
 7 herein, to the Department of Human Services - Division of Youth Services for
 8 the biennial period ending June 30, 2005, the following:

9

10 (a) For the Residential Services Program, the sum of \$27,142,288 for the
 11 2003-2004 fiscal year and \$27,967,288 for the 2004-2005 fiscal year.

12 (1) Program Description. The Residential Services programs support
 13 programs for juveniles committed to DYS needing a secure and/or specialized
 14 treatment environment.

15	(2) Appropriation payable from:	FISCAL YEARS	
16		<u>2003-2004</u>	<u>2004-2005</u>
17	(A) General Revenue:		
18	Youth Services Fund Account	\$ <u>22,910,246</u>	\$ <u>23,735,246</u>
19	TOTAL General Revenue	\$ 22,910,246	\$ 23,735,246
20	(B) Federal Funds as designated by		
21	the Chief Fiscal Officer of the		
22	State	\$ 1,432,586	\$ 1,432,586
23	(C) Other Funds	\$ 799,456	\$ 799,456

24 (3) Performance Targets:

25	(A) Number of escapes from		
26	Alexander.	0	0
27	(B) Number of founded physical abuse		
28	cases for Alexander program		
29	annually	0	0
30	(C) Number of founded sexual abuse		
31	cases for Alexander program		
32	annually.	0	0
33	(D) Number of unduplicated juveniles		
34	that are placed at the Alexander		
35	Youth Services Center.	720	715
36	(E) Number of juvenile deaths at		

1	Alexander Youth Services Center		
2	annually.	0	0
3	(F) Number of escapes from SOP		
4	programs.	0	0
5	(G) Number of founded physical abuse		
6	cases for SOP programs annually.	0	0
7	(H) Number of founded sexual abuse		
8	cases for SOP programs annually.	0	0
9	(I) Number of unduplicated juveniles		
10	that are placed in SOP programs		
11	annually.	445	450
12	(J) Number of juvenile deaths in SOP		
13	programs annually.	0	0
14	(K) Number of escapes from		
15	Alternative programs annually.	15	10
16	(L) Number of founded physical abuse		
17	cases for Alternative programs		
18	annually.	0	0
19	(M) Number of founded sexual abuse		
20	cases in Alternative placement		
21	programs annually.	0	0
22	(N) Number of unduplicated juveniles		
23	that are placed in Alternative		
24	programs annually.	440	450
25	(O) Number of juvenile deaths in		
26	Alternative programs annually.	0	0
27	(P) Average cost per juvenile served		
28	through residential programs for		
29	committed youth - Alexander.	7,133	7,133
30	(Q) Average cost per juvenile served		
31	through residential programs for		
32	committed youth - SOPs.	14,394	14,394
33	(R) Average cost per juvenile served		
34	through residential programs for		
35	committed youth - Alternative		
36	Placements.	19,417	19,417

1	(S) Number of targeted programs that		
2	have achieved ACA accreditation.	3	4
3	(T) Percentage increase in youth who		
4	remain crime free for one year		
5	following discharge.	0	2
6	(U) Percentage increase in youth		
7	with improved academic		
8	performance especially in the		
9	areas of reading and math.	0	2

10

11 SECTION 5. APPROPRIATION - COMMUNITY SERVICES. There is hereby
 12 appropriated, to be payable from the funds and fund accounts as set out
 13 herein, to the Department of Human Services - Division of Youth Services for
 14 the biennial period ending June 30, 2005, the following:

15

16 (a) For the Community Services Program, the sum of \$27,275,721 for the 2003-
 17 2004 fiscal year and \$28,338,221 for the 2004-2005 fiscal year.

18 (1) Program Description. The Community Services programs provide a wide
 19 range of non-residential programs for juveniles considered low risk and for
 20 juveniles transferred from a DYS residential program to aftercare.

21 (2) Appropriation payable from:

FISCAL YEARS

		<u>2003-2004</u>	<u>2004-2005</u>
22			
23	(A) General Revenue:		
24	Youth Services Fund Account	\$ <u>12,446,987</u>	\$ <u>13,509,487</u>
25	TOTAL General Revenue	\$ 12,446,987	\$ 13,509,487
26	(B) Federal Funds as designated by		
27	the Chief Fiscal Officer of the		
28	State	\$ 10,567,800	\$ 11,630,490
29	(C) Other Funds	\$ 5,331,305	\$ 1,066,749

30 (3) Performance Targets:

31 (A) Unduplicated number of juveniles
 32 under the Juvenile Justice
 33 Delinquency Program (JJDP) each
 34 year. 2,398 2,398

35 (B) Unduplicated number of juveniles
 36 under the Juvenile Accountability

1	Incentive Block Grant (JAIBG)		
2	each year	3,842	3,842
3	(C) Number of juveniles served		
4	through community based programs.	10,500	10,700
5	(D) Average cost per juvenile served		
6	through community based programs.	1,666	1,833
7	(E) Percentage increase in youth who		
8	remain crime free for one year		
9	following case closure.	0	2
10	(F) Unduplicated number of juveniles		
11	receiving sanction services.	400	425
12	(G) Percent of juveniles released		
13	from physical custody who receive		
14	Aftercare services.	85	87

15

16 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YOUTH
 18 SERVICES - COMMUNITY-BASED RESIDENTIAL PROGRAMS - RESTRICTIONS. The
 19 Department of Human Services shall not contract or pay for community-based
 20 residential programs within any municipality to house unrelated persons who
 21 have been adjudicated delinquent of an act that would constitute a Class A
 22 felony or higher or of a sexual offense or convicted of a Class A felony or
 23 higher or sexual offense until the following conditions have been met:

- 24 1. Residents within one thousand (1,000) feet of the proposed location of the
 25 facility shall be notified by mail;
- 26 2. A public hearing shall be conducted in the community of the proposed
 27 location of the facility by the contract provider at least ten (10) days in
 28 advance of the contract's effective date. Notice of the hearing shall be
 29 made by mail to each of the residents within 1,000 feet of the proposed
 30 location of the facility. The notification requirement shall not apply to
 31 already existing facilities at already existing locations.

32 Provided further, upon establishment of such facilities within a
 33 particular municipality, the contract provider and the Department shall
 34 establish and implement a system to receive and respond to complaints and
 35 questions from residents of such municipality. In the event the Department
 36 and the provider fail to provide satisfactory communication as provided in

1 this section to the residents, such facility may be declared a public
2 nuisance by the municipality.

3 The provisions of this section shall be in effect only from ~~July 1, 2001~~
4 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

5
6 SECTION 7. 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 THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human
9 Services shall provide funding in an amount not to exceed ~~\$300,000~~ \$230,000
10 for each fiscal year of the biennial period ending ~~June 30, 2003~~ June 30,
11 2005 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon
12 request by the Executive Director of the Arkansas Public Defender Commission,
13 the Chief Fiscal Officer of the State shall transfer an amount not to exceed
14 ~~\$300,000~~ \$230,000 for each year of the biennial period ending ~~June 30, 2003~~
15 June 30, 2005 from an account designated by the Director of the Department of
16 Human Services to the State Central Services Fund as a direct revenue to fund
17 the Juvenile Ombudsman Program.

18
19 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
21 OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer
22 of the State shall transfer funds in an amount of \$400,000 for each fiscal
23 year of the biennial period ending ~~June 30, 2003~~ June 30, 2005 from the
24 Department of Human Services – Youth Services Fund Account to the Juvenile
25 Detention Facilities Operating Fund to fund the appropriation to the
26 Department of Finance and Administration – Disbursing Officer for grants for
27 operating expenses of local juvenile detention facilities.

28
29 The amount of the funds transferred in each fiscal year of the biennial
30 period ended ~~June 30, 2003~~ June 30, 2005 may be adjusted upon request of the
31 Director of the Department of Human Services on a pro-rata basis with any
32 reductions provided in the Revenue Stabilization Law from the July 1 Official
33 Forecast of general revenue funding for the Division of Youth Services.

34
35 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
36 by this act shall be limited to the appropriation for such agency and funds

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

17
18 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a two (2) year period; that the
21 effectiveness of this Act on July 1, 2003 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 Regular Session, the delay in the effective
24 date of this Act beyond July 1, 2003 could work irreparable harm upon the
25 proper administration and provision of essential governmental programs.
26 Therefore, an emergency is hereby declared to exist and this Act being
27 necessary for the immediate preservation of the public peace, health and
28 safety shall be in full force and effect from and after July 1, 2003.

29
30 /s/ Joint Budget Committee
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