

ARKANSAS REGISTER

Transmittal Sheet

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Aging, Adult and Behavioral Services

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12/21/2018

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Director

Title

Date



ARKANSAS ALCOHOL AND DRUG ABUSE COORDINATING COUNCIL RULES OF PROCEDURE

ARTICLE 1. MISSION STATEMENT

The Arkansas Alcohol and Drug Abuse Coordinating Council oversees the planning and budgeting of education, prevention, treatment programs and law enforcement services as they relate to the enforcement of Arkansas alcohol and drug law to efficiently and effectively combat the abuse of alcohol and drugs in the state of Arkansas.

ARTICLE 2. BACKGROUND

In 1989, the Arkansas Legislature created the position of Arkansas Drug Director ("the Drug Director") within the Office of the Governor. In addition, the legislature created the Council, specifying that the Drug Director shall serve as the chairman of the Council. In 1995, the legislature reconstituted the Council and transferred both the Highway Safety Program Advisory Council (created by Ark. Code Ann. § 12-6-101) to the Arkansas Alcohol and Drug Abuse Authority (created by Ark. Code Ann. § 20-64-604) to the Council pursuant to a type 3 Transfer as defined in Ark. Code Ann. § 25-2-106. As a result of these transfers, the Council possesses all of the powers and duties of those entities as set forth in these rules. In 2005, the legislature reorganized the Council in accordance with Act 1453.

ARTICLE 3. RESPONSIBILITIES

The Council oversees the spending of state and federal funds on alcohol and drug education, prevention, treatment, and law enforcement. Striving to effectively combat the dangers associated with alcohol and drug abuse, the Council provides the framework for ensuring that federal and state funds are expended in a manner that meets the needs of the local community while consistent with efforts conducted statewide. The Council awards funding each year to local schools, police departments, treatment and prevention centers, and drug task forces, as well as other entities, in an effort to confront the problem of drug and alcohol abuse from every angle: through programs designed to prevent the spread of substance abuse and educate children about the dangers of substance abuse; through programs aimed at treating those with substance abuse problems; and through funds spent to eradicate controlled substances through the work of law enforcement agencies.

ARTICLE 4. MEMBERSHIP

The Council is composed of twenty-seven (27) members, thirteen (13) of whom are administrative officers or their designees, confirmed by gubernatorial appointments, including the Drug Director, the Director of the Division of Aging, Adult, and Behavioral Health Services (DAABHS) of the Department of Human Services, the Director of the Arkansas State Police, the Commissioner of Education, the Director

of the Arkansas Department of Transportation, the Director of the Department of Correction, the Director of the Department of Finance and Administration, the Adjutant General of the Arkansas National Guard, the Attorney General, the Director of the State Crime Laboratory, the Director of the Office of Alcohol Testing of the Department of Health, The Director of the Administrative Office of the Courts, and the Director of the Department of Community Correction,. Other members, appointed by the Governor for three-year terms and who will not serve more than two consecutive terms in the same position, include one (1) police chief, one (1) county sheriff, one (1) drug court judge, one (1) prosecuting attorney, a private citizen not employed by the state or federal government, a director of a publicly funded alcohol and drug abuse treatment program, a school drug counselor, a director of a drug abuse prevention program, a director of a driving while intoxicated program, a health professional, and four (4) members from the state at large who have demonstrated knowledge of, or an interest in, alcohol and drug abuse prevention, at least two (2) of which shall be recovering persons. The United States Attorney for Arkansas or his or her designee shall serve on the council in an advisory capacity. (Ark. Code Ann. § 20-64-1002).

ARTICLE 5. STRUCTURE

Three standing committees have been established to assist in carrying out the responsibilities of the Council as prescribed by law and any other matters referred to them by the Council. They are a Prevention, Education, and Treatment Committee, chaired by the Director of the Division of Aging, Adult, and Behavioral Health Services; a Law Enforcement Committee; and a Policies and Procedures Committee. The Arkansas Drug Director may establish a Joint Action Committee as well as other committees as necessary. Each committee is comprised of Council members assigned to the committee by the Drug Director, who may, at her or his discretion, restructure the membership of each committee on an annual basis.

The Drug Director serves on each committee as a non-voting member. In addition, the chairperson of each committee may not vote on a matter before the committee except in cases of a tie, in which case the chairperson shall cast the deciding vote. A simple majority of committee members constitutes a quorum. When a vote is taken, a simple majority of the members present is sufficient for the committee to act on the matter before it. Recommendations by the respective committees will be forwarded to the Council for action consistent with these rules.

A. Prevention, Education, and Treatment Committee

(1) Responsibilities.

The Prevention, Education, and Treatment Committee is responsible for recommending awards of state and federal funding to state and local agencies, schools, and private non-profit groups in the areas of prevention, education, and treatment of alcohol and drug abuse.

(2) Procedures.

All applications considered for funding by the Prevention, Education, and Treatment Committee are available through DAABHS and are to be submitted in accordance with DAABHS's rules and regulations, while funding consideration of competitive contract proposals must abide by state procurement procedures. DAABHS shall not forward a competitive grant/contract and/or

continuation request to the Committee unless it has met (1) technical review to assure compliance with grant/contract requirements and (2) program review to assure the proposed project is sound and appropriate to the DAABHS strategic plan. Upon receipt of the forwarded applications, the Prevention, Education, and Treatment Committee will review the applications and interview all applicants to determine which applications will be recommended for further funding consideration by the Council. Upon receipt of the committee's recommendation, the Council may take any action it deems necessary with respect to the recommendation, including, but not limited to, voting to accept all of the committee's recommendations, requesting additional information, or delaying a decision until such time as the Council determines to be appropriate.

(3) Unused or returned funds.

All funds awarded but not used by a grantee/contractor returned to DAABHS shall be available for redistribution in accordance with the Procedures stated in A. (2) above, providing that such reissue fits within the time limitation of the original funding source.

B. Law Enforcement Committee

(1) Responsibilities.

The primary responsibilities of the Law Enforcement Committee are developing funding strategies and overseeing awards of the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program from the U.S. Department of Justice, the State Drug Crime Enforcement and Prosecution Grant Fund, and the Special State Asset Forfeiture Funds. In addition, the committee reviews requests from units of state and local government including cities, counties, state agencies, prosecuting attorneys, circuit judges, and various law enforcement agencies, municipalities, and drug task forces for funding from recovered grant funds administered by the Council. The Law Enforcement Committee is also responsible for providing recommendations to the Council for the awarding of state and federal funds for drug interdiction, eradication, education, rehabilitation, and drug courts.

(2) Procedures.

Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program:

In each state, the Governor or other Chief Executive Officer designates a state agency (State Administering Agency, or SAA) to apply for and administer these funds. The SAA for Arkansas is the Department of Finance and Administration Office of Intergovernmental Services (IGS). As the SAA for Arkansas, IGS is responsible for:

- Coordination of JAG funds among state and local justice initiatives.
- Preparation and submission of the state JAG application.
- Administration of JAG funds including establishing funding priorities; distributing funds, monitoring subrecipients' compliance with all JAG special conditions and provisions; and providing ongoing assistance to subrecipients.

- Submission of financial reports, programmatic reports, performance measures, and subgrant information.

After receipt of award by the SAA from the U.S. Department of Justice, a Notice of Funds Available will be sent by the Office of Intergovernmental Services, Department of Finance and Administration to the Drug Director, all mayors, chiefs of police, county judges, sheriffs, circuit, district, and municipal judges, prosecutors, and all state agencies that have a law enforcement function. The Notice will contain a due date for submission of applications. If the due date falls on a weekend, the due date will be the Monday following the due date, unless that Monday is a State or Federal holiday, in which case the due date will be the Tuesday following the original due date. All applications must be received by the close of business, 4:30 PM, on the due date in order to be considered for funding. In the event of extraordinary circumstances, a late filing may be accepted by approval of the Administrator of IGS upon showing by the applicant that unexpected circumstances beyond the control of the applicant agency prevent a timely filing.

Upon receipt, IGS will review all applications and make recommendations based on funding priorities, availability of funds, grant program restrictions, and federal grant management regulations. The individual project descriptions, budgets, budget narratives, the IGS funding recommendations, and overall grant program budget will be sent by IGS to the Law Enforcement Committee for review by each of the committee members and then by the committee as a whole. The applying law enforcement agency, upon request by the Law Enforcement Committee or the Council, may be required to appear before the Law Enforcement Committee or the Council to support its application. Federal grant management issues of supplanting, unallowable costs to federal funding, unavailability of federal funding or impermissible federal program uses are to be determined by the State Administering Agency, IGS. The committee will forward its recommendations for funding to the Council. Upon receipt of the committee's recommendations, the Council may take any action it deems appropriate with respect to the recommendations, including, but not limited to, voting to accept the committee's recommendations, requesting additional information, or delaying a decision until such time as the Council determines to be appropriate. IGS will notify applicants of the Council's decision, as well as any right to seek reconsideration. Any applicant who has been denied funding by the Council must notify the Drug Director and the Office of Intergovernmental Services, Arkansas Department of Finance and Administration, in writing of the intent to seek reconsideration no later than ten (10) business days of receiving notification. The party requesting reconsideration will submit written materials supporting the request. Parties desiring reconsideration may request the opportunity to present oral arguments before the Council. After the request for reconsideration has been presented, the Council may either refer the request back to the committee for reconsideration or take any other action it deems necessary, including not reconsidering the request for funding. If the applicant is referred back to committee, the request for reconsideration will be reviewed and resubmitted to the Council for final decision.

State Drug Crime Enforcement and Prosecution Grant Fund Program:

The Department of Finance and Administration Office of Intergovernmental Services (IGS) administers these funds in accordance with guidelines established by the Arkansas Alcohol and Drug Abuse Coordinating Council. (Ref: Arkansas Alcohol and Drug Abuse Coordinating Council

The Department of Finance and Administration Office of Intergovernmental Services (IGS) administers these funds in accordance with guidelines established by the Arkansas Alcohol and Drug Abuse Coordinating Council. (Ref: Arkansas Alcohol and Drug Abuse Coordinating Council Rules of Procedure: State Drug Crime Enforcement and Prosecution Grant Fund, revised June 2018.)

Special State Assets Forfeiture Fund Grant Program:

The Department of Finance and Administration Office of Intergovernmental Services (IGS) administers these funds in accordance with guidelines established by the Arkansas Drug Director's Office. (Ref: Office of the State Drug Director Rules of Procedure: Special State Assets Forfeiture Fund, revised June 2018.).

(3) Unused or Recovered Funds.

When the Office of Intergovernmental Services, Department of Finance and Administration, determines that unused or recovered funds are available, they shall notify the Council of the availability of such funds, the approximate amount available, and the deadline for applying for such funds. All grant funds which are not used by the grantees or which are returned by the grantees shall be awarded in accordance with the Procedures state in B. (2) above.

C. Joint Committee Action.

The Prevention, Education, and Treatment Committee and the Law Enforcement Committee shall meet jointly on matters including, but not limited to, the Residential Substance Abuse Treatment for State Prisoners Program, and shall make recommendations for funding to the Council which shall make the final funding decision.

D. Policies and Procedures Committee.

The Policies and Procedures Committee reviews and recommends, as needed, revisions to the rules of procedure that govern the operations of the Council. Any recommendations by the committee will be forwarded to the Council, and any action taken by the Council will be consistent with the provisions of the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201, et seq.

ARTICLE 6. MEETINGS

A. Schedule. The Council meets monthly or at such time(s) as the Drug Director deems necessary. An agenda including the location of the meeting will be provided to each member of the Council prior to the meeting. Dates, times, and locations of all meetings will be posted on www.arkansas.gov in accordance with Act 1302 of 2009.

B. Attendance. The Council will adhere to Ark. Code Ann. § 25-16-804 regarding member absences.

C. Agenda. The Drug Director or her/his designee presides over each meeting and determines the business to be conducted at the meeting, including any reports or recommendations from the respective committees, appeals, and any other business pertinent to the Council.

D. Quorum and Voting. A simple majority of Council members constitutes a quorum. When a vote is taken, a simple majority of the members present is sufficient for the Council to act on the matter before it. The Drug Director shall not vote except in cases of a tie, in which case the Drug Director shall cast the deciding vote. The thirteen state administrative officers of the Council may designate one voting designee. Should they choose to exercise this option, written notification will be sent to the Drug Director.

E. Conflicts of Interest. No member may cast a vote, either in committee or in a meeting of the Council or both, with respect to any item of business in which the member has a conflict of interest. A conflict of interest includes, but is not limited to, situations in which a member has either a financial interest in or holds any position of control of any organization, public or private, that is seeking funding from the Council. In the event a conflict of interest exists, the member with the conflict must abstain from discussion and voting on the matter involving the conflict, but the member may respond to any factual question posed by another member of the Council.

F. Appeals from DAABHS action. In addition to its other business, the Council shall also serve as a board of review for action taken by DAABHS with respect to matters including, but not limited to, the licensing of alcohol and/or drug abuse treatment programs. Appeals taken from adverse action by DAABHS must comply with the policies and procedures of DAABHS. Once such an action by DAABHS is appealed to the Council, the Council may act on the matter, or it may refer the matter to the Prevention, Education, and Treatment Committee for its recommendation. The director of DAABHS shall abstain from discussion and voting, either in committee or in a meeting of the Council or both, with respect to any such action, but the director may respond to any factual questions posed by another member of the Council.

If the matter is referred to the Prevention, Education, and Treatment Committee, the committee shall consider the matter and shall forward its recommendation to the Council. Upon receipt of the recommendation, the Council shall act on the recommendation in accordance with the provisions of this Article. Members of the Prevention, Education, and Treatment Committee shall abstain from discussion and voting within the full Council deliberations. Committee members may, however, answer factual questions from other members.

ARTICLE 7. APPEALS FROM ACTION BY THE COUNCIL

Decisions by the Council are final. Federal grant management issues of supplanting, unallowable costs to federal funding, unavailability of federal funding or impermissible federal program uses are to be determined by the State Administering Agency. These determinations shall be reported to the Council. Those decisions that meet the definition of "adjudication" under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201, et seq., may be appealed in accordance with the Arkansas Administrative Procedure Act.

ARTICLE 8. GENERAL INFORMATION

Any questions concerning the Council should be directed to the attention of the Office of the Drug Director in care of the Governor's Office. Petitions for declaratory orders as to the applicability of any rule, statute, or order enforced by the Council shall be directed to the Office of the Drug Director and shall be considered at the next meeting of the Council following receipt of such petition. All funds awarded by the Council are subject to evaluation and review by the Council within its discretion to ensure that all funds awarded are spent in a manner consistent with the mission of the Council as set forth herein.



ARKANSAS ALCOHOL AND DRUG ABUSE COORDINATING COUNCIL

RULES OF PROCEDURE

STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FUND

Statutory Authority: A.C.A. §12-17-102, et seq

Necessity and Functions: Development and promulgation of criteria for the grant applications and awards process for the special revenue funds deposited in the State Drug Crime Enforcement and Prosecution Grant Fund.

CONTENTS

Introduction.....	2
Section I: Source of Funds.....	2
Section II: Laws and Policies Affecting Grant Awards.....	2
Section III: Grant Specifications and Application Process	4
Section IV: Policies Affecting Funding.....	5

INTRODUCTION

Arkansas Code Annotated §12-17-102 created a special revenue fund known as the State Drug Crime Enforcement and Prosecution Grant Fund (DCF). This fund consists of revenues generated under A.C.A. §12-17-106 and any moneys authorized by the General Assembly. The funds are to be used for the funding of state grant awards to multijurisdictional drug crime task forces for the investigation and prosecution of drug crimes within the State of Arkansas.

A.C.A. §12-17-104 authorizes and directs the Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC) to develop and promulgate rules which set our criteria for the grant application and award process. They shall review all grant applications under this chapter; determine which application or applicants should receive grant awards under this chapter; and retain oversight of all grant expenditures under this chapter.

These rules establish the procedures to be used in implementing the above statute.

SECTION I: SOURCE OF FUNDS

The State Drug Crime Enforcement and Prosecution Grant Fund (DCF) consists of revenues obtained under A.C.A. §12-17-106 and includes:

- 1) The sum of all special assessments levied against individuals convicted of felony or misdemeanor offenses which are determined by district or circuit courts to be drug crimes as defined in A.C.A. §12-17-101 (1).
- 2) Any moneys authorized by the General Assembly.

SECTION II: LAWS AND POLICIES AFFECTING GRANT AWARDS

- 1) Determination of Awards

The AADACC will select all recipients funded through the DCF (A.C.A. §12-17-104).

- 2) Eligible Recipients

Multi-jurisdictional drug crime task forces are the only eligible recipients of grants awarded from the DCF. A multi-jurisdictional drug crime task force (DTF) is defined in A.C.A. §12-17-101 (4) as an association consisting of a minimum of two (2) law enforcement agencies and one (1) prosecuting attorney acting by agreement to jointly investigate and prosecute drug crimes in a defined geographic area or judicial district.

- 3) Requirement for Local Matching Funds

Grantees must contribute local matching funds equaling at least twenty percent (20%) of the total grant award (A.C.A. §12-17-105 (a)). The source of these matching funds must be from county or municipal general revenue appropriations or authorized drug control fund disbursements of any participating DTF award (A.C.A. §12-17-105 (b)). Local match may be satisfied by a cash match, an in-kind match, or a combination of the two, and must be directly dedicated to the goals of the project. Allowable items for in-kind match are

determined by the Department of Finance and Administration Office of Intergovernmental Services (IGS) and will be listed on applications. Local match may not be satisfied from any federal funding source.

4) Uses of Grant Awards

In general, grant awards are to be used for investigation and prosecution of drug crimes within the State of Arkansas (A.C.A §12-17-102 (a)). Grant awards must be used specifically for salaries, personal services matching, overtime, maintenance and general operations, evidential purchases of controlled substances or information, informant and witness compensation, rent, utilities, telecommunications, fuel, vehicle maintenance and repair, in-state training, and travel expenses (A.C.A §12-17-107 (a)). Grant awards may also be used for capital outlay or equipment purchases not exceeding one thousand five hundred dollars (\$1,500) per item (A.C.A §12-17-107 (c)). Each grant award will provide for accounting and fiscal officer services (A.C.A §12-17-107 (b)).

5) Criteria for Awarding of Grants

The AADACC will award grants from the DCF in a fair and equitable manner, and in a manner that it believes will best facilitate and enhance drug crime investigation and prosecution in the State of Arkansas. Criteria used in selecting recipients or amounts awarded may include, but are not limited to, the following:

- A. Productivity of the applying DTF, in a time period determined by the AADACC, as evaluated by analysis of any number of the following:
 - (1) Number of drug crime arrests;
 - (2) Number of convictions, including convictions arising from plea bargains, resulting from drug crime arrests;
 - (3) Sum of drug amounts seized;
 - (4) Previous and/or current funding levels;
 - (5) Staffing and resource levels;
 - (6) Population base served;
 - (7) Square mileage of jurisdictional area served; and
 - (8) Performance related to previous allocations of Edward Byrne Memorial Justice Assistance Grants and/or Special State Assets Forfeiture Funds.
- B. Justification of need as contained in the application.
- C. Measurability of goals and objectives contained in the application.
- D. Achievability of goals and objectives contained in the application.
- E. Percentage level of local matching funds.
- F. Any additional criteria subsequently determined by the AADACC.

6) Award Amounts

The AADACC will determine the amount of each grant award, and it may elect to award an amount equal to, or lower than, the amount requested by the applying DTF.

7) Unexpected and/or Unallocated Revenues

Unexpected and/or unallocated revenues that become available during the fiscal year may be allocated to eligible recipients through a supplemental and competitive grant process.

SECTION III: GRANT SPECIFICATIONS AND APPLICATION PROCESS

1) Requests for Proposals

- a. IGS is responsible for:
 - i. Coordination of DCF funds with the AADACC and the DTF recipients in accordance with statute;
 - ii. Preparation and dissemination of requests for proposals (RFP) for DTFs and the AADACC;
 - iii. Receipt and review of applications from DTFs; and
 - iv. Administration of DCF funds including distributing monies, monitoring sub-recipients, compliance with all state and federal laws and requirements, providing financial reports to the AADACC.
- b. A Notice of Funds Available (the RFP) will be sent by IGS to the Drug Director and all DTF authorized officials. In addition, IGS will post the notice on the appropriate State of Arkansas website. The Notice will contain a due date for submission of applications and a list of all required documents. All applications and supporting documentation must be received by the close of business, 4:30 PM, on the due date in order to be considered for funding. In the event of extraordinary circumstances (e.g., inclement weather), a late filing may be accepted by approval of the Administrator of IGS upon showing by the applicant that unexpected circumstances beyond the control of the applicant agency prevented a timely filing. Late application denial decisions by IGS cannot be appealed.
- c. Upon receipt, IGS will review all applications and make recommendations regarding applicants' requests based on funding priorities and other criteria, availability of funds, statutory and grant program restrictions, and grant management requirements. Grant management issues of unavailability of funding or impermissible program uses are to be determined by IGS and cannot be appealed.
- d. Grant funds may not be used to supplant State or local funds. All applicants must certify that grant monies will not be used to replace state or local funds that would, in the absence of such State or Federal assistance, be made available for the same purpose. Issues of supplanting expenditures cannot be appealed.
- e. The individual project descriptions, budgets, budget narratives, the IGS funding recommendations, and overall grant program budget will be sent by IGS to the authorized AADACC subcommittee for review by each of the subcommittee members and then by the AADACC as a whole.
- f. The applying DTF agency, upon request by the AADACC subcommittee or the AADACC, may be required to appear before the AADACC subcommittee or the

AADACC to support its application. The AADACC subcommittee will forward its recommendations for funding to the AADACC. Upon receipt of the subcommittee's recommendations, the AADACC may take any action it deems appropriate with respect to the recommendations, including, but not limited to, voting to accept the subcommittee's recommendations, requesting additional information, or delaying a decision until such time as the AADACC determines to be appropriate.

- g. IGS will notify applicants of the AADACC subcommittee hearing date, and the AADACC's final decision, as well as any right to seek reconsideration. Any applicant who has been denied funding by the AADACC must notify the Drug Director and IGS in writing of the intent to seek reconsideration no later than ten (10) business days of receiving notification. The party requesting reconsideration will submit written materials supporting the request to both the Drug Director and IGS. Parties desiring reconsideration may request the opportunity to present oral arguments before the AADACC. After the request for reconsideration has been presented, the AADACC may either refer the request back to the subcommittee for reconsideration or take any other action it deems necessary, including not to reconsider the request for funding. Should the applicant be referred back to the subcommittee, the request for reconsideration will be reviewed and resubmitted to the AADACC for a final decision.

2) Unused or Recovered Funds

When IGS determines that unused or recovered funds are available, they shall notify the AADACC of the availability of such funds, the approximate amount available, and the deadline for applying for such funds. All grant funds which are not used by the grantees or which are returned by the grantees shall be awarded in accordance with the procedures stated above.

3) Equal Opportunity

All programs must furnish assurance of compliance with applicable civil rights laws and regulations.

4) Freedom of Information Act

Proposals submitted in response to any RFP are subject to the provisions of the Freedom of Information Act.

SECTION IV: POLICIES AFFECTING FUNDING

A Memorandum of Understanding will be signed by the Chair of the AADACC, the Chair of the Law Enforcement Committee of the AADACC, the Prosecutor Coordinator, the Administrator of the

Department of Finance and Administration, and the President of the Arkansas Prosecuting Attorneys Association for the purpose of managing the grant funds.

1) Recipients

The AADACC will make funds available through grants. DTF agencies are the only eligible recipients. The AADACC will not award an application that is not consistent with its funding plan.

2) Sanctions

The AADACC reserves the right to suspend or reduce the funding, terminate the grant, or impose other sanctions on a grantee for reasons which include, but are not limited to:

- A. Poor performance of the grantee in fulfilling its obligations. Evidence of poor performance includes but is not limited to:
 - (1) Failure to comply with standards as contained in the funding agreements;
 - (2) Failure to produce documentation or information requested by the Drug Director or other evaluators designated by the Drug Director;
 - (3) Failure to comply with the goals and strategies set forth in the application; and
 - (4) Failure to timely submit required reports in the proper format and with proper documentation.
- B. Failure to adhere to the requirements in the agreement, standard conditions, or special conditions.
- C. Filing a false certification in the application, report(s), or other document(s).

3) Modifications

In extraordinary circumstances, the AADACC may elect to allow modification of the budget. All requests for modification must be provided in writing to IGS. IGS will present such requests to the AADACC subcommittee for review and recommendation to the AADACC. Upon approval by the AADACC, IGS will make the necessary changes to the underlying DTF award.



Office of the Drug Director

Rules of Procedure

Special State Assets Forfeiture Fund

Statutory Authority: *Arkansas Code Annotated § 5-64-505*

Necessity and Functions: Establishment of rules and regulations for a procedure for proper investment, use, and disposition of state moneys deposited into the Special State Assets Forfeiture Fund.

Pages Filed: 1 through 10

Kirk Lane
State Drug Director

Table of Contents

Introduction	3
Section I. Source of Funds.....	4
Section II. Policies Affecting Funds.....	4
1. Approval	4
2. Funding Purpose Areas.....	4
3. Unexpected and/or Unallocated Revenues.....	4
Section III. Grant Specifications and Application Process	5
1. Eligible Applicants	5
2. Request for Proposals.....	5
3. Processing	6
4. Equal Opportunity.....	6
5. Freedom of Information Act.....	6
6. Evaluation of Applications.....	6
7. Notice of Grant Award.	6
8. Acceptance or Denial of Grant Award.....	6
Section IV. Grant Financial Provisions.....	6
1. Policies Affecting Funding.....	6
2. Payment Method.....	7
3. Requests for Reconsideration.....	7

Introduction

Arkansas Code Annotated Section 20-64-1001 creates the position of Arkansas Drug Director, appointed by the Governor, and placed within the Department of Human Services, Division of Behavioral Health Services, and authorizes the Drug Director to establish and enforce rules and regulations regarding the management of the Special State Assets Forfeiture Fund, created in ACA 5-64-505.

Arkansas Code Annotated Section 5-64-505 (i) (3) (D) (i) provides:

The Arkansas Drug Director shall establish through rules and regulations a procedure for proper investment, use, and disposition of moneys deposited in the Special State Assets Forfeiture Fund in accordance with the intent and purposes of this chapter.

Arkansas Code Annotated Section 5-64-505 (i) (3) (D) (ii) provides:

State moneys in the Special State Assets Forfeiture Fund shall be distributed by the Arkansas Alcohol and Drug Abuse Coordinating Council and shall be distributed for drug interdiction, eradication, education, rehabilitation, the State Crime Laboratory, and Drug Courts.

These rules establish the procedures to be used in implementing the above statute.

Section I. Source of Funds

This fund will consist of revenues obtained under subdivision (i) (l) (B) (iv) of 5-64-505 and any other revenues as may be provided by law.

Section II. Policies Affecting Funds

1. Approval

The Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC) will determine all expenditures from the fund. In addition to proposals based on RFPs, the AADACC may receive recommendations from any of its committees or members for use of monies in the fund and may also receive petitions for funding from any eligible entity. All applications, recommendations or requests may be assigned to any committee of the AADACC for review by its Chair.

2. Funding Purpose Areas

- A. Programs which request expansion of their services and/or which have demonstrated full obligation of existing funds for the following purposes:
 - i. Drug interdiction
 - ii. Drug eradication
 - iii. Drug education
 - iv. Drug rehabilitation
 - v. State Crime Laboratory
 - vi. Drug courts
- B. Start-up programs which provide a sustainability plan adjudged by the Committee as likely to be effective for purpose areas as indicated in Section II (A) (i -vi).

3. Unexpected and/or Unallocated Revenues

Unexpected and/or unallocated revenues that become available during the fiscal year may be allocated, through a supplemental and competitive grant process, to ongoing or start-up programs and/or activities.

Section III. Grant Specifications and Application Process

1. Eligible Applicants

- A. State Government Agencies
- B. Local Government Agencies
- C. Non Profit Entities
- D. For Profit Entities

2. Requests for Proposals

- i. The Office of Intergovernmental Services, Department of Finance and Administration, will provide the Drug Director and the AADACC with the account balance of the Special State Assets Forfeiture Fund on a monthly basis in order for the determination of issuance of Requests for Proposals.
- B. The Office of the Drug Director, upon recommendation of the AADACC, will determine the frequency, duration, and timeframe concerning the issuance of Requests for Proposals, and will make these available to all eligible entities.
- C. Sections of Requests for Proposals may include, but are not limited to, the following items:
 - i. applicant information,
 - ii. statement of need,
 - iii. budget narrative,
 - iv. budget proposal,
 - v. project description/narrative,
 - vi. project plan,
 - vii. project goals, and
 - viii. project objectives.
- D. Applications must be made and signed by an authorized agency representative.
- E. Additional requirements for proposals may be developed by the AADACC and/or the Office of the Drug Director at any time. Specifications included in Requests for Proposals will include precise instructions concerning all application requirements, including any requirements developed subsequent to the enactment of these Rules of Procedure.

3. Funding Recommendations from Council Members

- i. Any of the Council's committees or members may make a recommendation for use of Special State Assets Forfeiture Fund monies within the program areas outlined in Section II (A) (i -vi).
- ii. The committee or council member making the recommendation will provide documentation of need which includes problem statement, program plan, anticipated outcome, detailed budget and letter(s) of support.

4. Petitions for Funding

- A. Any eligible applicant may come before the AADACC or an assigned committee to present a request for funding within the program areas outlined in Section II (A) (i -vi).
- B. Applications must be made and signed by an authorized agency representative.
- C. Applicants will provide documentation of need which includes problem statement, program plan, anticipated outcome, detailed budget and letter(s) of support.

5. Processing

A. Processing Applications in response to an RFP:

Applications must be received by the Office of the Drug Director by the deadline designated in the specifications, and must include sufficient copies of the application as designated in the specifications in order to receive consideration for funding.

Applications will be reviewed by the AADACC or by the appropriate AADACC committee in its next regularly scheduled meeting. The AADACC may elect to interview applicants prior to, or in the course of, its meeting.

B. Funding Recommendations from Council Members:

Recommendations from Council Members, including all supporting documentation, will be submitted to the Office of the Drug Director at least one week prior to the AADACC's regularly scheduled meeting. Recommendations will be reviewed by the AADACC or by the appropriate AADACC committee in its next regularly scheduled meeting

C. Petitions for Funding:

Petitions for funding, including all supporting documentation, will be submitted to the Office of the Drug Director. The Drug Director will place the petition on the agenda to be reviewed by the AADACC or by the appropriate AADACC committee. Petitioners will receive notice of the date, time, and place of the Council or Committee meeting in which the petition will be considered. The AADACC may elect to interview petitioners prior to, or in the course of, its meeting.

6. Evaluation for Funding

A. Evaluation of Applications in response to an RFP:

The Drug Director and the AADACC will use a grant award instrument to determine recipients. Applicants will be provided specific information concerning the methodology of scoring of applications in all Requests for Proposals. The Drug Director and the AADACC will make evaluations of program proposals in accordance with the criteria set forth in the specifications of the Request for Proposals. Each application will have a maximum total possible point score of one-hundred (100), with specific point value maximums set for each criterion by the Office of the Drug Director and the AADACC. Applicant proposals will be ranked by score, and those receiving the highest scores will be considered for funding, contingent on the amount available for award. The AADACC reserves the right to reduce, in part or whole, any budget proposal it deems to be excessive and/or inconsistent with program proposal criteria.

B. Evaluation of Funding Recommendations from Council Members:

The Drug Director and the AADACC (or its appropriate committee) will make evaluations of program recommendations based on the documentation provided and may be evidence-based or impact-based. The AADACC will determine through majority vote whether the recommendation will receive funding and will also determine the level of funding.

C. Evaluation of Petitions for Funding:

The Drug Director and the AADACC (or its appropriate committee) will make evaluations of program funding requests based on the documentation provided and may be evidence-based or impact-based. The AADACC will determine through majority vote whether the recommendation will receive funding and will also determine the level of funding.

7) Notice of Award

Upon approval by the Arkansas Alcohol and Drug Abuse Coordinating Council, minutes of the Council meeting and other appropriate documentation will be prepared and sent to DF&A IGS by the Office of the Drug Director for processing. The Notice of Grant Award will be prepared and sent to recipients by the Office of the Drug Director within ten business days of DF&A notification that the funds are being processed.

8. Acceptance or Denial of Grant Award

Applicants which are offered awards may elect to accept or decline them. For those applicants that accept awards, a grant award agreement will be signed and returned by the applicant by an authorized agency representative within ten (10) business days.

9. Equal Opportunity

All programs must furnish assurance of compliance with applicable civil rights laws and regulations.

10. Freedom of Information Act

Proposals submitted in response to any RFP are subject to the provisions of the Freedom of Information Act.

Section IV. Grant Financial Provisions

1. Policies Affecting Funding

The AADACC will make funds available through grants and interagency agreements.

- A. The AADACC will not award an application that is not consistent with its funding plan.
- B. Allocation of funds will be determined by the AADACC. An award of financial assistance to an eligible recipient is to be expended in accordance with the approved application, including amendments and in accordance with the approved budget. The AADACC reserves the right to reduce the funding, terminate the grant, or impose other sanctions on a grantee for reasons which include, but are not limited to:
 - (1) Poor performance of the grantee in fulfilling its obligations. Evidence of poor performance includes but is not limited to:
 - a) Failure to comply with standards as contained in the funding agreements.
 - b) Failure to produce documentation or information requested by the Drug Director or other evaluators designated by the Drug Director.
 - c) Failure to comply with the goal and strategies set forth in the application; and
 - (2) Failure to timely submit required reports in the proper format and with proper documentation.
 - (3) Failure to adhere to the requirements in the agreement, standard condition, or special conditions.
 - (4) Filing a false certification in the application, report(s), or other document(s).
 - (5) Failure to comply with provisions of *ACA 5-64-505 (f)* as certified by Division of Legislative Audit to the AADACC.

2. Modifications

In extraordinary circumstances, the Drug Director and/or the AADACC may elect to allow modification of the budget or other areas of the grant award agreement. All requests for modification must be provided in writing to the Drug Director and approved by the Drug Director or the AADACC prior to obligation of funds. Modification requests in excess of \$5000 (five thousand dollars) will be presented to the appropriate AADACC committee for review and recommendation to the AADACC. Upon approval by the Drug Director or the AADACC, documentation will be submitted to DF&A IGS for necessary changes to the underlying award.

3. Payment Method

All payments will be made through the Office of Intergovernmental Services, Department of Finance and Administration, as directed by the Arkansas Alcohol and Drug Abuse Coordinating Council.

4. Requests for Reconsideration

Any applicant who has been denied funding by the Arkansas Alcohol and Drug Abuse Coordinating Council must notify the Drug Director in writing of the intent to seek reconsideration no later than ten (10) business days of notification. The party requesting reconsideration will submit written

materials supporting the request. Parties desiring reconsideration may request the opportunity to present oral arguments before the Council. After the request for reconsideration has been presented, the Council may either refer the request back to any of the Council's committees for reconsideration or take any other action it deems necessary. If the request for reconsideration is referred back to committee, the request and accompanying documentation will be reviewed by the committee and resubmitted to the Council for final determination.