

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 Enrolled: H3/8/07 H3/15/07 H3/16/07 H3/28/07*

2 86th General Assembly

# A Bill

3 Regular Session, 2007

HOUSE BILL 1375

4

5 By: Joint Budget Committee

6

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 COMMUNITY CORRECTION FOR THE  
12 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR  
13 OTHER PURPOSES.

14

15

16

## Subtitle

17 AN ACT FOR THE DEPARTMENT OF COMMUNITY  
18 CORRECTION APPROPRIATION FOR THE  
19 2007-2009 BIENNIUM.

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21

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

23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the  
25 Department of Community Correction for the 2007-2009 biennium, the following  
26 maximum number of regular employees whose salaries shall be governed by the  
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
29 Provided, however, that any position to which a specific maximum annual  
30 salary is set out herein in dollars, shall be exempt from the provisions of  
31 said Uniform Classification and Compensation Act. All persons occupying  
32 positions authorized herein are hereby governed by the provisions of the  
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
34 or its successor.

35

36

Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2007-2008	2008-2009
4	(1)	8052	COMMUNITY PUNISHMENT DIRECTOR	1	\$94,296	\$96,181
5	(2)	8053	DCC CHIEF DEPUTY DIRECTOR	1	\$81,388	\$83,015
6	(3)	9355	DEPUTY DIR ADMIN SRVCS	1	\$73,570	\$75,041
7	(4)	9324	DEPUTY DIR PAROLE/PROBATION SERVICE	1	\$73,561	\$75,032
8	(5)	8801	DCC DEP DIRECTOR RESIDENTIAL SVCS	1	\$73,291	\$74,756
9	(6)	8905	COMMUNITY PUNISHMENT PROGRAM ADMR	5	\$63,060	\$64,321
10	(7)	827Z	DP CENTER MANAGER	1	GRADE	26
11	(8)	102Z	CORRECTIONAL WARDEN	6	GRADE	26
12	(9)	R170	ATTORNEY SPECIALIST	1	GRADE	25
13	(10)	110Z	A&D ABUSE PREV ASST DEP DIR/PRG DEV	1	GRADE	24
14	(11)	055Z	DP MANAGER	1	GRADE	23
15	(12)	091Z	ASST WARDEN	6	GRADE	23
16	(13)	N334	COR ASST TO THE DIR/PUB RELATIONS	1	GRADE	23
17	(14)	T015	PAROLE/PROBATION AREA MANAGER	19	GRADE	23
18	(15)	T014	CHIEF SECURITY OFFICER	5	GRADE	22
19	(16)	909Z	PROGRAM SUPPORT MANAGER	3	GRADE	22
20	(17)	E051	TRAINING PROJECT MANAGER	1	GRADE	22
21	(18)	D123	APPLICATIONS & SYSTEMS ANALYST	3	GRADE	21
22	(19)	A008	ACCOUNTING SUPERVISOR II	1	GRADE	21
23	(20)	D036	SR PROGRAMMER/ANALYST	1	GRADE	21
24	(21)	T076	DCC PROGRAM COORDINATOR	10	GRADE	21
25	(22)	V012	PURCHASING MANAGER	1	GRADE	21
26	(23)	T008	CC/COR OFFICER IV	5	GRADE	21
27	(24)	T002	PAROLE/PROBATION ASST AREA MGR	40	GRADE	21
28	(25)	T006	CC/COR OFFICER III	36	GRADE	20
29	(26)	T034	PAROLE/PROBATION OFFICER II	439	GRADE	20
30	(27)	R144	PROGRAM COORDINATOR	1	GRADE	20
31	(28)	R266	MANAGEMENT PROJECT ANALYST II	24	GRADE	20
32	(29)	D121	USER SUPPORT ANALYST	1	GRADE	20
33	(30)	M115	SUBSTANCE ABUSE PROGRAM COORD	7	GRADE	20
34	(31)	L070	NURSE II	1	GRADE	20
35	(32)	M016	SR CHAPLAIN	6	GRADE	20
36	(33)	M045	COR REHAB FACILITY SUPERVISOR	17	GRADE	20

1	(34)	M088	SOCIAL WORKER II	6	GRADE 20
2	(35)	M114	SUBSTANCE ABUSE PROGRAM LEADER	61	GRADE 19
3	(36)	E074	TRAINING REPRESENTATIVE	3	GRADE 19
4	(37)	H030	CC/COR FOOD PRODUCTION MGR II	28	GRADE 19
5	(38)	A087	BUDGET OFFICER	1	GRADE 19
6	(39)	A103	FIELD AUDITOR	6	GRADE 19
7	(40)	R068	EEO/GRIEVANCE OFFICER	1	GRADE 19
8	(41)	T010	CC/COR SERGEANT	74	GRADE 19
9	(42)	V022	LEASING SPECIALIST II	1	GRADE 19
10	(43)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
11	(44)	W009	CC/COR RECORDS SUPERVISOR	7	GRADE 18
12	(45)	Y131	CC/COR CONSTR/MAINT SUPV I	7	GRADE 18
13	(46)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
14	(47)	T005	CC/COR OFFICER II	242	GRADE 18
15	(48)	R322	CC/COR UNIT PERS & TRNG OFFICER	5	GRADE 18
16	(49)	A111	ACCOUNTANT	1	GRADE 18
17	(50)	A114	CC/COR BUSINESS MANAGER	6	GRADE 18
18	(51)	E050	STAFF DEVELOPMENT SPECIALIST II	15	GRADE 18
19	(52)	M096	CC/COR PROGRAM COORD	8	GRADE 18
20	(53)	M105	CC/COR COUNSELOR	90	GRADE 18
21	(54)	M125	WORK PROGRAM ADVISOR	16	GRADE 17
22	(55)	E055	CC/COR UNIT TRAINER	1	GRADE 17
23	(56)	R430	ADMINISTRATIVE OFFICER	1	GRADE 17
24	(57)	R190	PERSONNEL OFFICER II	1	GRADE 17
25	(58)	R010	ADMINISTRATIVE ASSISTANT II	67	GRADE 17
26	(59)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE 17
27	(60)	X318	CC/COR ADMIN REVIEW OFFICER	7	GRADE 16
28	(61)	T073	DCC INTAKE OFFICER	36	GRADE 15
29	(62)	A108	ACCOUNTING TECHNICIAN II	10	GRADE 15
30	(63)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
31	(64)	H023	COMMISSARY MANAGER	6	GRADE 14
32	(65)	K153	SECRETARY II	<u>28</u>	GRADE 13
33			MAX. NO. OF EMPLOYEES	1,393	

34

35 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for  
 36 the Department of Community Correction - State Operations for the 2007-2009

1 biennium, the following maximum number of part-time or temporary employees,  
 2 to be known as "Extra Help", payable from funds appropriated herein for such  
 3 purposes: ten (10) temporary or part-time employees, when needed, at rates  
 4 of pay not to exceed those provided in the Uniform Classification and  
 5 Compensation Act, or its successor, or this act for the appropriate  
 6 classification.

7  
 8 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
 9 to the Department of Community Correction, to be payable from the Department  
 10 of Community Correction Fund Account, for personal services and operating  
 11 expenses of the Department of Community Correction - State Operations for the  
 12 biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 37,188,943	\$ 38,004,254
(02) EXTRA HELP	25,000	25,000
(03) PERSONAL SERVICES MATCHING	12,894,650	13,059,798
(04) OVERTIME	150,000	150,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	10,871,481	10,841,264
(B) CONF. & TRAVEL	81,321	60,721
(C) PROF. FEES	10,255,770	10,766,587
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 71,467,165</u>	<u>\$ 72,907,624</u>

27  
 28 SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby  
 29 appropriated, to the Department of Community Correction, to be payable from  
 30 the Community Punishment Revolving Fund, for personal services and operating  
 31 expenses of the Department of Community Correction - Special Revenue  
 32 Operations for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 3,641,965	\$ 3,714,743

1	(02) PERSONAL SERVICES MATCHING	1,224,703	1,239,431
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	153,417	153,417
4	(B) CONF. & TRAVEL	1,000	1,000
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	621,133	374,731
7	(E) DATA PROC.	0	0
8	(04) WAR MEMORIAL STADIUM COMMISSION	10,000	10,000
9	PARKING SERVICES FROM FEES		
10	(05) COMMUNITY CORRECTION PROG	<u>4,977,469</u>	<u>4,977,469</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 10,629,687</u>	<u>\$ 10,470,791</u>

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13 SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated,  
 14 to the Department of Community Correction, to be payable from the federal  
 15 funds as designated by the Chief Fiscal Officer of the State, for personal  
 16 services and operating expenses of the Department of Community Correction -  
 17 Federal Programs for the biennial period ending June 30, 2009, the following:

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19	ITEM	FISCAL YEARS	
20	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
21	(01) REGULAR SALARIES	\$ 63,159	\$ 64,422
22	(02) PERSONAL SERVICES MATCHING	16,990	17,245
23	(03) MAINT. & GEN. OPERATION		
24	(A) OPER. EXPENSE	203,933	206,270
25	(B) CONF. & TRAVEL	74,415	74,415
26	(C) PROF. FEES	3,210,386	3,210,386
27	(D) CAP. OUTLAY	0	0
28	(E) DATA PROC.	0	0
29	(04) GRANTS AND AID	<u>646,811</u>	<u>646,811</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,215,694</u>	<u>\$ 4,219,549</u>

31

32 SECTION 6. APPROPRIATION - RESIDENTS SERVICES FUND - CASH. There is hereby  
 33 appropriated, to the Department of Community Correction, to be payable from  
 34 the cash fund deposited in the State Treasury as determined by the Chief  
 35 Fiscal Officer of the State, for operating expenses of the Department of  
 36 Community Correction - Residents Services Fund - Cash for the biennial period

1 ending June 30, 2009, the following:

2

3 ITEM	FISCAL YEARS	
4 NO.	2007-2008	2008-2009
5 (01) MAINT. & GEN. OPERATION		
6 (A) OPER. EXPENSE	\$ 1,428,659	\$ 1,717,354
7 (B) CONF. & TRAVEL	57,875	62,870
8 (C) PROF. FEES	75,490	101,800
9 (D) CAP. OUTLAY	0	0
10 (E) DATA PROC.	<u>0</u>	<u>0</u>
11 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,562,024</u>	<u>\$ 1,882,024</u>

12

13 SECTION 7. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby

14 appropriated, to the Department of Community Correction, to be payable from

15 the County Jail Reimbursement Fund, for reimbursement to counties housing

16 state inmates of the Department of Community Correction for the biennial

17 period ending June 30, 2009, the following:

18

19 ITEM	FISCAL YEARS	
20 NO.	2007-2008	2008-2009
21 (01) REIMBURSEMENT TO COUNTIES HOUSING		
22 STATE INMATES	<u>\$ 3,872,335</u>	<u>\$ 4,059,568</u>

23

24 SECTION 8. APPROPRIATION - DRUG COURT - SIXTEENTH JUDICIAL DISTRICT.

25 There is hereby appropriated, to the Department of Community Correction, to

26 be payable from the Department of Community Correction Fund Account, for the

27 establishment and associated costs of implementing a drug court in the

28 Sixteenth Judicial District, the sum of ..... \$350,000.

29

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

31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

32 PROVISION. Immediately upon the effective date of this act, the Chief Fiscal

33 Officer of the State shall transfer on his or her books and those of the

34 State Treasurer and the Auditor of State, the sum of three hundred fifty

35 thousand dollars (\$350,000) from the Special State Assets Forfeiture Fund to

36 the Department of Community Correction Fund Account. Only state funds shall

1 be used to fund the appropriation herein.

2  
3 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY  
5 CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of  
6 the Governor and Chief Fiscal Officer of the State and upon ~~review~~ approval  
7 by the Arkansas Legislative Council or Joint Budget Committee, the Director  
8 of the Department of Community Correction, as authorized by the Board of  
9 Corrections, is authorized to use funds appropriated for "Community  
10 Correction Programs" line item in this Act to construct new or renovate  
11 existing facilities to support the development of community correction  
12 facilities in the state.

13 Determining the maximum number of employees and the maximum amount of  
14 appropriation and general revenue funding for a state agency each fiscal year  
15 is the prerogative of the General Assembly. This is usually accomplished by  
16 delineating such maximums in the appropriation act(s) for a state agency and  
17 the general revenue allocations authorized for each fund and fund account by  
18 amendment to the Revenue Stabilization law. Further, the General Assembly  
19 has determined that the Department of Community Correction may operate more  
20 efficiently if some flexibility is provided to the Department of Community  
21 Correction authorizing broad powers under this Section. Therefore, it is both  
22 necessary and appropriate that the General Assembly maintain oversight by  
23 requiring prior approval of the Legislative Council or Joint Budget Committee  
24 as provided by this section. The requirement of approval by the Legislative  
25 Council or Joint Budget Committee is not a severable part of this section.  
26 If the requirement of approval by the Legislative Council or Joint Budget  
27 Committee is ruled unconstitutional by a court of competent jurisdiction,  
28 this entire section is void.

29 The provisions of this section shall be in effect only from July 1, 2005  
30 2007 through June 30, ~~2007~~ 2009.

31  
32 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR  
34 VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby  
35 authorized to purchase motor vehicles from the appropriations authorized for  
36 Capital Outlay in Section 3 and Section 4 in this Act.

1 The provisions of this section shall be in effect only from July 1, 2005  
2 2007 through June 30, ~~2007~~ 2009.

3  
4 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING  
6 FEES. On July 1, of each year the Department of Community Correction shall  
7 pay from the appropriation provided herein from non-general revenue, the  
8 total amount appropriated for War Memorial Stadium Commission Parking  
9 Services from Fees to the War Memorial Stadium Commission.

10 The provisions of this section shall be in effect only from July 1, 2005  
11 2007 through June 30, ~~2007~~ 2009.

12  
13 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
15 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer  
16 of the State and review and approval by the Arkansas Legislative Council or  
17 Joint Budget Committee, the Director of the Department of Community  
18 Correction is authorized to transfer appropriation from any line item  
19 authorized in Section 3 and Section 4 of this Act to any other line item  
20 authorized in Section 3 and Section 4 of this Act.

21 Determining the maximum number of employees and the maximum amount of  
22 appropriation and general revenue funding for a state agency each fiscal year  
23 is the prerogative of the General Assembly. This is usually accomplished by  
24 delineating such maximums in the appropriation act(s) for a state agency and  
25 the general revenue allocations authorized for each fund and fund account by  
26 amendment to the Revenue Stabilization law. Further, the General Assembly  
27 has determined that the Department of Community Correction may operate more  
28 efficiently if some flexibility is provided to the Department of Community  
29 Correction authorizing broad powers under this Section. Therefore, it is both  
30 necessary and appropriate that the General Assembly maintain oversight by  
31 requiring prior approval of the Legislative Council or Joint Budget Committee  
32 as provided by this section. The requirement of approval by the Legislative  
33 Council or Joint Budget Committee is not a severable part of this section.  
34 If the requirement of approval by the Legislative Council or Joint Budget  
35 Committee is ruled unconstitutional by a court of competent jurisdiction,  
36 this entire section is void.



1 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007  
2 through June 30, ~~2007~~ 2009.

3  
4 *SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
5 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*  
6 *REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections*  
7 *that a reallocation of resources within the Department of Community*  
8 *Correction and Department of Correction is necessary for the efficient and*  
9 *effective operation of the departments, the Board, with approval of the*  
10 *Governor and approval by the Arkansas Legislative Council or Joint Budget*  
11 *Committee, shall have the authority to instruct the department directors, to*  
12 *request from the Chief Fiscal Officer of the State, a transfer of positions,*  
13 *programs, funds, appropriations, and line-item appropriations within or*  
14 *between existing and newly created divisions, offices, sections, or units of*  
15 *the departments. If it is determined that the requested transfer should be*  
16 *made, the Chief Fiscal Officer of the State shall then initiate the necessary*  
17 *transfer documents to reflect the transfers upon the fiscal records of the*  
18 *State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,*  
19 *and the Departments of Correction and Community Correction. Provided,*  
20 *however, that the Board shall be limited to submitting no more than ~~Four~~*  
21 *individual transaction transfer four requests, encompassing a single purpose*  
22 *listed in this section, for Reallocation of Resources Transfer requests*  
23 *during any fiscal year per department. Transfer authority ~~for unforeseen~~*  
24 *~~purposes~~ shall further be limited to no more than five percent (5%) of the*  
25 *total General Revenue and Special Revenue appropriation, funding, and*  
26 *positions specific to each agency. However, there shall be no transfers to*  
27 *or from the County Jail Reimbursement Fund. ~~Other than for unforeseen~~*  
28 *~~purposes, transfers~~ A Reallocation of Resources Transfer shall be limited to*  
29 *the following specific purposes:*  
30 *a) Costs to open and operate temporary beds;*  
31 *b) Payment of Debt Service;*  
32 *c) Payment of Overtime Expenses;*  
33 *d) Unanticipated increases for medical or private prison contracts;*  
34 *e) Construction/renovation/equipping of new beds;*  
35 *f) Deficits in Farm or Industry Program;*  
36 *g) Losses not covered by insurance proceeds;*

1 h) Costs of personnel for critical services or necessary to carry out the  
2 mission of the agency.

3 Determining the maximum number of employees and the maximum amount of  
4 appropriation and general revenue funding for a state agency each fiscal year  
5 is the prerogative of the General Assembly. This is usually accomplished by  
6 delineating such maximums in the appropriation act(s) for a state agency and  
7 the general revenue allocations authorized for each fund and fund account by  
8 amendment to the Revenue Stabilization law. Further, the General Assembly  
9 has determined that the Department of Correction and the Department of  
10 Community Correction may operate more efficiently if some flexibility is  
11 provided to the Board of Corrections authorizing broad powers under the  
12 Reallocation of Resources provisions herein. Therefore, it is both necessary  
13 and appropriate that the General Assembly maintain oversight by requiring  
14 prior approval of the Legislative Council or Joint Budget Committee as  
15 provided by this section. The requirement of approval by the Legislative  
16 Council or Joint Budget Committee is not a severable part of this section.  
17 If the requirement of approval by the Legislative Council or Joint Budget  
18 Committee is ruled unconstitutional by a court jurisdiction, this entire  
19 section is void.

20 The provisions of this section shall be in effect only from July 1, 2005  
21 2007 through June 30, ~~2007~~ 2009.

22  
23 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
25 TRANSITIONAL HOUSING PROGRAM FUNDING REQUIREMENTS. A minimum of one million  
26 five hundred thousand (\$1,500,000) dollars each fiscal year shall be expended  
27 for Transitional Housing costs associated with inmate and/or parolee  
28 placement. In the event that a minimum of one million five hundred thousand  
29 (\$1,500,000) dollars can not be expended each fiscal year for Transitional  
30 Housing Program costs, the Director of the Department of Community Correction  
31 shall notify and seek approval by the Arkansas Legislative Council or Joint  
32 Budget Committee.

33  
34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY  
36 COMPENSATION. The Department of Community Correction is authorized to pay

1 employees for up to ninety-six (96) hours of unused holidays exceeding a  
2 balance in the employee's holiday account of one-hundred fifty (150) hours  
3 following the end of the calendar year. Employees terminating employment  
4 from the Department of Community Correction will be eligible for all holiday  
5 pay accrued during the years of service. This request is contingent on  
6 approval by the Chief Fiscal Officer of the State after the Director of the  
7 Department of Community Correction has verified that sufficient revenues are  
8 available to make such payments to employees in the following  
9 classifications:

10	T014	Chief Security Officer	Grade 22
11	T008	CP/COR Officer IV	Grade 21
12	T006	CP/COR Officer III	Grade 20
13	T010	CP/COR Sergeant	Grade 19
14	T005	CP/COR Officer II	Grade 18
15	T003	CP/COR Officer	Grade 16

16 The provisions of this section shall be in effect only from July 1, ~~2005~~  
17 2007 through June 30, ~~2007~~ 2009.

18

19 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
21 SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of  
22 Corrections that the Department of Community Correction cannot continue a  
23 medical contract with a private provider and the Board deems it necessary to  
24 utilize Department staff to provide the required services, the Department is  
25 allowed, upon notification of the Chief Fiscal Officer of the State and after  
26 seeking prior review by the Arkansas Legislative Council or Joint Budget  
27 Committee, to utilize the contingent positions for medical services contained  
28 in this Act and make the appropriate transfers from the Professional Fees and  
29 Services line item contained in Section 3 of this Act to Regular Salaries,  
30 Personal Services Matching and various Maintenance and General Operations  
31 classifications. Further, the Department may utilize the service(s) of a  
32 state-based or national-based Professional Recruitment Service, or network,  
33 as may be necessary to recruit, fill, or maintain the occupancy of the  
34 positions stated herein.

35 The provisions of this section shall be in effect only from July 1, ~~2005~~  
36 2007 through June 30, ~~2007~~ 2009.

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SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Community Correction - Contingent Positions for the ~~2005-2007~~ 2007-2009 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM NO.	CLASS CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM SALARY RATE	
				<del>2005-06</del> <u>2007-08</u>	<del>2006-07</del> <u>2008-09</u>
(1)	108Z	COR MED/DENTAL ADMR	1	GRADE 23	
(2)	L122	PSYCH. EXAMINER II	1	GRADE 21	
(3)	M088	SOCIAL WORKER II	<del>5</del> <u>6</u>	GRADE 20	
(4)	L070	NURSE II	<del>6</del> <u>7</u>	GRADE 20	
(5)	L115	LPN II/LPTN II	<del>20</del> <u>25</u>	GRADE 15	
(6)	R009	ADMIN ASSISTANT I	<del>1</del> <u>2</u>	GRADE 17	
MAXIMUM NUMBER OF CONTINGENT EMPLOYEES MEDICAL SVCS			<del>34</del> <u>42</u>		

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

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

1 COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized  
2 under the line item established herein for "Community Correction Programs"  
3 are to be used by the Department of Community Correction for establishment  
4 and operation of, to include construction, renovation, and contracting for  
5 establishment and operation of, residential and non-residential community  
6 correction programs such as, but not limited to, community correction  
7 centers, drug, alcohol, and mental health treatments, intensive supervision,  
8 restitution, and others as established and approved by the Board of  
9 Corrections and as may be provided by law.

10 The provisions of this section shall be in effect only from July 1, 2005  
11 2007 through June 30, ~~2007~~ 2009.

12  
13 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
15 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ~~substantial~~  
16 ten percent (10%) increase in utility and fuel rates, the Department of  
17 Community Correction is authorized to transfer from any line item in Section  
18 3 - State Operations to Operating Expense Item (05)(A) in Section 3 - State  
19 Operations for support of the increase after receiving approval of the Chief  
20 Fiscal Officer of the State. Prior to the utilization of the transfer  
21 authority a report shall be made to the Arkansas Legislative Council or Joint  
22 Budget Committee including justification for the transfer and the amount of  
23 transfer.  
24 Determining the maximum number of employees and the maximum amount of  
25 appropriation and general revenue funding for a state agency each fiscal year  
26 is the prerogative of the General Assembly. This is usually accomplished by  
27 delineating such maximums in the appropriation act(s) for a state agency and  
28 the general revenue allocations authorized for each fund and fund account by  
29 amendment to the Revenue Stabilization law. Further, the General Assembly  
30 has determined that the Department of Community Correction may operate more  
31 efficiently if some flexibility is provided to the Department of Community  
32 Correction authorizing broad powers under this Section. Therefore, it is  
33 both necessary and appropriate that the General Assembly maintain oversight  
34 by requiring prior approval of the Legislative Council or Joint Budget  
35 Committee as provided by this section. The requirement of approval by the  
36 Legislative Council or Joint Budget Committee is not a severable part of this

1 section. If the requirement of approval by the Legislative Council or Joint  
2 Budget Committee is ruled unconstitutional by a court of competent  
3 jurisdiction, this entire section is void.  
4

5 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY  
7 JAIL INVOICE SUMMARY. The Departments of Correction and Community  
8 Correction, shall at a minimum and on a fiscal year basis, prepare and post  
9 on the applicable agency web site, a monthly summary of county jail  
10 reimbursement invoices prepared and forwarded to each county sheriff for  
11 verification by the Departments and for payment from the County Jail  
12 Reimbursement Fund. In addition, the report shall include a summary of  
13 invoices returned by each county for payment for previous months within the  
14 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end  
15 report shall be maintained on the web sites for a period of no less than  
16 three (3) years.  
17

18 SECTION 22. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
19 by this act shall be limited to the appropriation for such agency and funds  
20 made available by law for the support of such appropriations; and the  
21 restrictions of the State Procurement Law, the General Accounting and  
22 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
23 Procedures and Restrictions Act, or their successors, and other fiscal  
24 control laws of this State, where applicable, and regulations promulgated by  
25 the Department of Finance and Administration, as authorized by law, shall be  
26 strictly complied with in disbursement of said funds.  
27

28 SECTION 23. LEGISLATIVE INTENT. It is the intent of the General Assembly  
29 that any funds disbursed under the authority of the appropriations contained  
30 in this act shall be in compliance with the stated reasons for which this act  
31 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
32 and Legislative Recommendations contained in the budget manuals prepared by  
33 the Department of Finance and Administration, letters, or summarized oral  
34 testimony in the official minutes of the Arkansas Legislative Council or  
35 Joint Budget Committee which relate to its passage and adoption.  
36

