

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  
2 84th General Assembly  
3 First Extraordinary Session, 2003  
4

Call Item 3

# A Bill

HOUSE BILL 1024

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE  
10 DEPARTMENT OF COMMUNITY CORRECTION FOR THE  
11 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR  
12 OTHER PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF COMMUNITY  
16 CORRECTION APPROPRIATION FOR THE  
17 2003-2005 BIENNIUM.  
18  
19  
20

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

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

35 Maximum Annual  
36 Maximum Salary Rate



05012003KCA0906.KCA735

Item	Class		No. of	Fiscal Years		
2	No.	Code	Title	Employees	2003-2004	2004-2005
3	(1)	8052	COMMUNITY PUNISHMENT DIRECTOR	1	\$85,932	\$87,965
4	(2)	8053	DCC CHIEF DEPUTY DIRECTOR	1	\$68,682	\$70,387
5	(3)	9324	DEPUTY DIR PAROLE/PROBATION SERVICES	1	\$66,588	\$68,386
6	(4)	8801	DCC DEPUTY DIRECTOR RESIDENTIAL SERV	1	\$66,468	\$68,131
7	(5)	8905	COMMUNITY PUNISHMENT PROGRAM ADMR	3	\$56,989	\$58,472
8	(6)	102Z	CORRECTIONAL WARDEN	5	GRADE	26
9	(7)	827Z	DP CENTER MANAGER	1	GRADE	26
10	(8)	019Z	DCP ADMIN SVCS MANAGER	1	GRADE	25
11	(9)	R170	ATTORNEY SPECIALIST	1	GRADE	25
12	(10)	110Z	A&D ABUSE PREV ASST DEP DIR/PRG DEV	1	GRADE	24
13	(11)	091Z	ASST WARDEN	5	GRADE	23
14	(12)	181Z	COMPLIANCE ADMINISTRATOR	1	GRADE	23
15	(13)	N334	COR ASST TO THE DIR/PUB RELATIONS	1	GRADE	23
16	(14)	T015	PAROLE/PROBATION AREA MANAGER	20	GRADE	23
17	(15)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE	22
18	(16)	E051	TRAINING PROJECT MANAGER	1	GRADE	22
19	(17)	M118	MEN HLTH DIR OF CMTY SUPPORT PROG	1	GRADE	22
20	(18)	T014	CHIEF SECURITY OFFICER	4	GRADE	22
21	(19)	686Z	REHAB SPECIAL PROGRAM ADMINISTRATOR	1	GRADE	21
22	(20)	D036	SENIOR PROGRAMMER/ANALYST	1	GRADE	21
23	(21)	D123	APPLICATIONS & SYSTEMS ANALYST	3	GRADE	21
24	(22)	L122	PSYCHOLOGICAL EXAMINER II	1	GRADE	21
25	(23)	T002	PAROLE/PROBATION ASST AREA MGR	37	GRADE	21
26	(24)	T008	CC/COR OFFICER IV	5	GRADE	21
27	(25)	T076	DCC PROGRAM COORDINATOR	8	GRADE	21
28	(26)	V012	PURCHASING MANAGER	1	GRADE	21
29	(27)	D121	USER SUPPORT ANALYST	1	GRADE	20
30	(28)	L070	NURSE II	1	GRADE	20
31	(29)	M016	SR CHAPLAIN	5	GRADE	20
32	(30)	M045	COR REHAB FACILITY SUPERVISOR	16	GRADE	20
33	(31)	M088	SOCIAL WORKER II	1	GRADE	20
34	(32)	M115	SUBSTANCE ABUSE PROGRAM COORD	7	GRADE	20
35	(33)	R144	PROGRAM COORDINATOR	1	GRADE	20
36	(34)	R266	MANAGEMENT PROJECT ANALYST II	15	GRADE	20

1	(35)	T006	CC/COR OFFICER III	31	GRADE 20
2	(36)	T034	PAROLE/PROBATION OFFICER II	333	GRADE 20
3	(37)	A087	BUDGET OFFICER	1	GRADE 19
4	(38)	A103	FIELD AUDITOR	6	GRADE 19
5	(39)	E074	TRAINING REPRESENTATIVE	3	GRADE 19
6	(40)	H030	CC/COR FOOD PRODUCTION MGR II	23	GRADE 19
7	(41)	M114	SUBSTANCE ABUSE PROGRAM LEADER	38	GRADE 19
8	(42)	R068	EEO/GRIEVANCE OFFICER	1	GRADE 19
9	(43)	T010	CC/COR SERGEANT	67	GRADE 19
10	(44)	V022	LEASING SPECIALIST II	1	GRADE 19
11	(45)	A111	ACCOUNTANT	1	GRADE 18
12	(46)	A114	CC/COR BUSINESS MANAGER	5	GRADE 18
13	(47)	E050	STAFF DEVELOPMENT SPECIALIST II	15	GRADE 18
14	(48)	M096	CC/COR PROGRAM COORD	7	GRADE 18
15	(49)	M105	CC/COR COUNSELOR	71	GRADE 18
16	(50)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
17	(51)	R322	CC/COR UNIT PERS & TRNG OFFICER	5	GRADE 18
18	(52)	T005	CC/COR OFFICER II	200	GRADE 18
19	(53)	T062	PAROLE/PROBATION OFFICER	1	GRADE 18
20	(54)	W009	CC/COR RECORDS SUPERVISOR	7	GRADE 18
21	(55)	Y131	CC/COR CONSTR/MAINT SUPV I	6	GRADE 18
22	(56)	E055	CC/COR UNIT TRAINER	1	GRADE 17
23	(57)	M125	WORK PROGRAM ADVISOR	17	GRADE 17
24	(58)	R010	ADMINISTRATIVE ASSISTANT II	4	GRADE 17
25	(59)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE 17
26	(60)	R430	ADMINISTRATIVE OFFICER	1	GRADE 17
27	(61)	A053	INSURANCE SPECIALIST II	1	GRADE 16
28	(62)	T003	CC/COR OFFICER I	3	GRADE 16
29	(63)	X318	CC/COR ADMIN REVIEW OFFICER	6	GRADE 16
30	(64)	A108	ACCOUNTING TECHNICIAN II	9	GRADE 15
31	(65)	R009	ADMINISTRATIVE ASSISTANT I	40	GRADE 15
32	(66)	T073	DCC INTAKE OFFICER	38	GRADE 15
33	(67)	V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15
34	(68)	H023	COMMISSARY MANAGER	5	GRADE 14
35	(69)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
36	(70)	K153	SECRETARY II	34	GRADE 13

1	(71) A106 ACCOUNTING TECHNICIAN I	1	GRADE 12
2	(72) K155 SECRETARY I	<u>1</u>	GRADE 11
3	MAX. NO. OF EMPLOYEES	1,148	

5 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for  
6 the Department of Community Correction - State Operations for the 2003-2005  
7 biennium, the following maximum number of part-time or temporary employees,  
8 to be known as "Extra Help", payable from funds appropriated herein for such  
9 purposes: ten (10) temporary or part-time employees, when needed, at rates  
10 of pay not to exceed those provided in the Uniform Classification and  
11 Compensation Act, or its successor, or this act for the appropriate  
12 classification.

14 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
15 to the Department of Community Correction, to be payable from the Department  
16 of Community Correction Fund Account, for personal services and operating  
17 expenses of the Department of Community Correction - State Operations for the  
18 biennial period ending June 30, 2005, the following:

21	ITEM	FISCAL YEARS	
22	<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
23	(01) REGULAR SALARIES	\$ 28,002,676	\$ 28,758,784
24	(02) EXTRA HELP	25,000	25,000
25	(03) PERSONAL SERVICE MATCH	8,375,787	8,713,665
26	(04) OVERTIME	10,000	10,000
27	(05) MAINT. & GEN. OPERATION		
28	(A) OPER. EXPENSE	8,659,367	7,383,848
29	(B) CONF. & TRAVEL	12,493	12,493
30	(C) PROF. FEES	3,513,875	4,277,255
31	(D) CAP. OUTLAY	1,413,000	0
32	(E) DATA PROC.	<u>0</u>	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 50,012,198</u>	<u>\$ 49,181,045</u>

35 SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby  
36 appropriated, to the Department of Community Correction, to be payable from

1 the Community Punishment Revolving Fund, for personal services and operating  
 2 expenses of the Department of Community Correction - Special Revenue  
 3 Operations for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 3,325,721	\$ 3,415,516
(02) PERSONAL SERVICE MATCH	1,016,531	1,032,911
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	153,417	153,417
(B) CONF. & TRAVEL	1,000	1,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) WAR MEMORIAL STADIUM COMMISSION PARKING		
SERVICES FROM FEES	10,000	10,000
(05) COMMUNITY CORRECTION PROGRAMS	<u>1,977,469</u>	<u>1,977,469</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 6,484,138</u>	<u>\$ 6,590,313</u>

21 SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated,  
 22 to the Department of Community Correction, to be payable from the federal  
 23 funds as designated by the Chief Fiscal Officer of the State, for personal  
 24 services and operating expenses of the Department of Community Correction -  
 25 Federal Programs for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 166,228	\$ 170,716
(02) PERSONAL SERVICE MATCH	50,480	51,299
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	123,000	123,000
(B) CONF. & TRAVEL	27,000	27,000
(C) PROF. FEES	420,000	520,000
(D) CAP. OUTLAY	15,000	0

1	(E) DATA PROC.	<u>0</u>	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 801,708</u>	<u>\$ 892,015</u>

3

4 SECTION 6. APPROPRIATION - RESIDENTS SERVICES FUND - CASH. There is hereby

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

6 the cash fund deposited in the State Treasury as determined by the Chief

7 Fiscal Officer of the State, for operating expenses of the Department of

8 Community Correction for the biennial period ending June 30, 2005, the

9 following:

10	11		
12	ITEM	FISCAL YEARS	
13	<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
14	(01) MAINT. & GEN. OPERATION		
15	(A) OPER. EXPENSE	\$ 769,198	\$ 769,198
16	(B) CONF. & TRAVEL	50,000	50,000
17	(C) PROF. FEES	50,000	50,000
18	(D) CAP. OUTLAY	0	0
19	(E) DATA PROC.	<u>0</u>	<u>0</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 869,198</u>	<u>\$ 869,198</u>

21

22 SECTION 7. APPROPRIATION - DRUG COURTS. There is hereby appropriated, to

23 the Department of Community Correction, to be payable from the Department of

24 Community Correction Fund Account, for personal services of the Department of

25 Community Correction - Drug Courts for the biennial period ending June 30,

26 2005, the following:

27	28		
29	ITEM	FISCAL YEARS	
30	<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
31	(01) REGULAR SALARIES	\$ 472,232	\$ 484,982
32	(02) PERSONAL SERV MATCH	<u>146,614</u>	<u>148,941</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 618,846</u>	<u>\$ 633,923</u>

34

35 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY

1 ~~PUNISHMENT~~ CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving  
 2 approval of the Governor and Chief Fiscal Officer of the State and upon  
 3 review by the Arkansas Legislative Council or Joint Budget Committee, the  
 4 Director of the Department of Community ~~Punishment~~ Correction, as authorized  
 5 by the Board of ~~Correction and Community Punishment~~ Corrections, is  
 6 authorized to use funds appropriated for "Community ~~Punishment~~ Correction  
 7 Programs" line item in this Act to construct new or renovate existing  
 8 facilities to support the development of community ~~punishment~~ correction  
 9 facilities in the state.

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

13 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR  
 15 VEHICLE PURCHASE PROVISION. The Department of Community ~~Punishment~~  
 16 Correction is hereby authorized to purchase motor vehicles from the  
 17 appropriations authorized for Capital Outlay in Section 3 and Section 4 of  
 18 this Act.

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

22 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING  
 24 FEES. On July 1, of each year the Department of Community ~~Punishment~~  
 25 Correction shall pay from the appropriation provided herein from non-general  
 26 revenue, the total amount appropriated for War Memorial Stadium Commission  
 27 Parking Services from Fees to the War Memorial Stadium Commission.

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

31 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 33 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer  
 34 of the State and review and approval by the Arkansas Legislative Council or  
 35 Joint Budget Committee, the Director of the Department of Community  
 36 ~~Punishment~~ Correction is authorized to transfer appropriation from any line

1 item authorized in Section 3 and Section 4 of this Act to any other line item  
 2 authorized in Section 3 and Section 4 of this Act.

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 Community Correction may operate more  
 10 efficiently if some flexibility is provided to the Department of Community  
 11 Correction authorizing broad powers under this Section. Therefore, it is both  
 12 necessary and appropriate that the General Assembly maintain oversight by  
 13 requiring prior approval of the Legislative Council or Joint Budget Committee  
 14 as provided by this section. The requirement of approval by the Legislative  
 15 Council or Joint Budget Committee is not a severable part of this section.  
 16 If the requirement of approval by the Legislative Council or Joint Budget  
 17 Committee is ruled unconstitutional by a court of competent jurisdiction,  
 18 this entire section is void.

19 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July  
 20 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

21  
 22 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 24 REALLOCATION OF RESOURCES. Upon determination by the Board of ~~Correction and~~  
 25 ~~Community Punishment~~ Corrections that a reallocation of resources within the  
 26 Department of Community ~~Punishment~~ Correction and Department of Correction is  
 27 necessary for the efficient and effective operation of the departments, the  
 28 Board, with approval of the Governor and approval by the Arkansas Legislative  
 29 Council or Joint Budget Committee, shall have the authority to instruct the  
 30 department directors, to request from the Chief Fiscal Officer of the State,  
 31 a transfer of positions, programs, funds, appropriations, and line-item  
 32 appropriations within or between existing and newly created divisions,  
 33 offices, sections, or units of the departments. If it is determined that the  
 34 requested transfer should be made, the Chief Fiscal Officer of the State  
 35 shall then initiate the necessary transfer documents to reflect the transfers  
 36 upon the fiscal records of the State Treasurer, the State Auditor, the Chief



1 Fiscal Officer of the State, and the Departments of Correction and Community  
 2 ~~Punishment~~ Correction. Provided, however, that the Board shall be limited to  
 3 submitting no more than Four requests during any fiscal year. Transfer  
 4 authority for unforeseen purposes shall further be limited to no more than  
 5 five percent (5%) of the total appropriation, funding, and positions specific  
 6 to each agency. However, there shall be no transfers to or from the County  
 7 Jail Reimbursement Fund. Other than for unforeseen purposes, transfers shall  
 8 be limited to the following specific purposes:

- 9 ~~a) Payment of County Jail Reimbursement expenses;~~
- 10 ~~b) a) Costs to open and operate temporary beds;~~
- 11 ~~e) b) Payment of Debt Service;~~
- 12 ~~d) c) Payment of Overtime Expenses;~~
- 13 ~~e) d) Unanticipated increases for medical or private prison contracts;~~
- 14 ~~f) e) Construction/renovation/equipping of new beds;~~
- 15 ~~g) f) Deficits in Farm or Industry Program;~~
- 16 ~~h) g) Losses not covered by insurance proceeds;~~
- 17 ~~i) h) Costs of personnel for critical services or necessary to carry out the~~  
 18 mission of the agency.

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

36 The provisions of this section shall be in effect only from ~~July 1, 2001~~

1 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

2  
3 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY  
5 ~~PUNISHMENT~~ CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized  
6 under the line item established herein for "Community ~~Punishment~~ Correction  
7 Programs" are to be used by the Department of Community ~~Punishment~~ Correction  
8 for establishment and operation of, to include construction, renovation, and  
9 contracting for establishment and operation of, residential and non-  
10 residential community ~~punishment~~ correction programs such as, but not limited  
11 to, community ~~punishment~~ correction centers, drug, alcohol, and mental health  
12 treatments, intensive supervision, restitution, and others as established and  
13 approved by the Board of ~~Correction and Community Punishment~~ Corrections and  
14 as may be provided by law.

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

17  
18 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY  
20 COMPENSATION. The Department of Community ~~Punishment~~ Correction is  
21 authorized to pay employees for up to ninety-six (96) hours of unused  
22 holidays exceeding a balance in the employee's holiday account of one-hundred  
23 fifty (150) hours following the end of the calendar year. Employees  
24 terminating employment from the Department of Community ~~Punishment~~ Correction  
25 will be eligible for all holiday pay accrued during the years of service.  
26 This request is contingent on approval by the Chief Fiscal Officer of the  
27 State after the Director of the Department of Community ~~Punishment~~ Correction  
28 has verified that sufficient revenues are available to make such payments to  
29 employees in the following classifications:

- 30  
31 T014 Chief Security Officer Grade 22  
32 T008 CP/COR Officer IV Grade 21  
33 T006 CP/COR Officer III Grade 20  
34 T010 CP/COR Sergeant Grade 19  
35 T005 CP/COR Officer II Grade 18  
36 T003 CP/COR Officer Grade 16

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

4  
5 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
7 SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of  
8 Corrections that the Department of Community Correction cannot continue a  
9 medical contract with a private provider and the Board deems it necessary to  
10 utilize Department staff to provide the required services, the Department is  
11 allowed, upon notification of the Chief Fiscal Officer of the State and after  
12 seeking prior review by the Arkansas Legislative Council or Joint Budget  
13 Committee, to utilize the contingent positions for medical services contained  
14 in Section 16 of this Act and make the appropriate transfers from the  
15 Professional Fees and Services line item contained in Section 3 of this Act  
16 to Regular Salaries, Personal Services Matching and various Maintenance and  
17 General Operations classifications. Further, the Department may utilize the  
18 service(s) of a state-based or national-based Professional Recruitment  
19 Service, or network, as may be necessary to recruit, fill, or maintain the  
20 occupancy of the positions stated herein.

21 The provisions of this section shall be in effect only from July 1, 2003  
22 through June 30, 2005.

23  
24 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR  
26 SALARIES - CONTINGENT POSITIONS. There is hereby established for the  
27 Department of Community Correction - Contingent Positions for the 2003-2005  
28 biennium, the following maximum number of regular employees whose salaries  
29 shall be governed by the provisions of the Uniform Classification and  
30 Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all  
31 laws amendatory thereto. Provided, however, that any position to which a  
32 specific maximum annual salary is set out herein in dollars, shall be exempt  
33 from the provisions of said Uniform Classification and Compensation Act. All  
34 persons occupying positions authorized herein are hereby governed by the  
35 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
36 Code 21-5-101), or its successor.

1			
2	<u>CONTINGENT POS - MEDICAL SERVICES</u>	<u>NO. OF</u>	<u>FISCAL YEARS</u>
3		<u>EMP</u>	<u>2003-04</u> <u>2004-05</u>
4	PATIENT CARE - CLASSIFIED POSITIONS		
5	(1) <u>108Z COR MED/DENTAL ADMR</u>	<u>1</u>	<u>GRADE 23</u>
6	(2) <u>L122 PSYCH. EXAMINER II</u>	<u>1</u>	<u>GRADE 21</u>
7	(3) <u>M088 SOCIAL WORKER II</u>	<u>5</u>	<u>GRADE 20</u>
8	(4) <u>L070 NURSE II</u>	<u>5</u>	<u>GRADE 20</u>
9	(5) <u>L115 LPN II/LPTN II</u>	<u>16</u>	<u>GRADE 15</u>
10	(6) <u>R009 ADMIN ASSISTANT I</u>	<u>1</u>	<u>GRADE 15</u>
11			
12	<u>MAXIMUM NUMBER OF CONTINGENT</u>		
13	<u>EMPLOYEES MEDICAL SVCS</u>	<u>29</u>	
14			

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

18        The provisions of this section shall be in effect only from July 1, 2003  
 19 through June 30, 2005.

22        SECTION 17. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
 23 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES RESIDENTS  
 24 SERVICES CASH FUND. (A) For all appropriations as provided in this Act,  
 25 the agency disbursing officer shall monitor the level of fund balances in  
 26 relation to expenditures on a monthly basis. If any proposed expenditures  
 27 would cause the Residents Services Cash Fund to decline below three hundred  
 28 sixty nine thousand seven hundred seventy dollars (\$369,770) a fund balance  
 29 ~~to decline to less than fifty percent (50%) of the balance available on July~~  
 30 ~~1, 2001,~~ the disbursing officer shall immediately notify the executive head  
 31 of the agency. Prior to any obligations being made under these  
 32 circumstances, the agency head shall file written documentation with the  
 33 Chief Fiscal Officer of the State requesting approval of the expenditures.  
 34 Such documentation shall provide sufficient financial data to justify the  
 35 expenditures and shall include the following:  
 36 1) a plan that clearly indicates the specific fiscal impact of such

1 expenditures on the fund balance.

2 2) information clearly indicating and explaining what programs would be cut  
 3 or any other measures to be taken by the agency to restore the fund balance.

4 3) the extent to which any of the planned expenditures are for one-time costs  
 5 or one-time purchase of capitalized items.

6 4) a statement certifying that the expenditure of fund balances will not  
 7 jeopardize the financial health of the agency, nor result in a permanent  
 8 depletion of the fund balance.

9 (B) The Chief Fiscal Officer of the State shall review the request and  
 10 approve or disapprove all or any part of the request, after having sought  
 11 prior review by the Legislative Council.

12 The provisions of this section shall be in effect only from July 1, 2003  
 13 through June 30, 2005.

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

24  
 25 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 26 that any funds disbursed under the authority of the appropriations contained  
 27 in this act shall be in compliance with the stated reasons for which this act  
 28 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
 29 and Legislative Recommendations contained in the budget manuals prepared by  
 30 the Department of Finance and Administration, letters, or summarized oral  
 31 testimony in the official minutes of the Arkansas Legislative Council or  
 32 Joint Budget Committee which relate to its passage and adoption.

33  
 34 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General  
 35 Assembly, that the Constitution of the State of Arkansas prohibits the  
 36 appropriation of funds for more than a two (2) year period; that the

1 effectiveness of this Act on July 1, 2003 is essential to the operation of  
2 the agency for which the appropriations in this Act are provided, and that in  
3 the event of an extension of the Regular Session, the delay in the effective  
4 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
5 proper administration and provision of essential governmental programs.  
6 Therefore, an emergency is hereby declared to exist and this Act being  
7 necessary for the immediate preservation of the public peace, health and  
8 safety shall be in full force and effect from and after July 1, 2003.

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