

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.

Act 2035 of the Regular Session

1 State of Arkansas *As Engrossed: H3/15/05 H3/17/05 H4/1/05 H4/7/05*

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1449

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 CORRECTION FOR THE BIENNIAL PERIOD

12

ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

13

14

15

Subtitle

16

AN ACT FOR THE DEPARTMENT OF CORRECTION

17

APPROPRIATION FOR THE 2005-2007

18

BIENNIUM.

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 Correction for the 2005-2007 biennium, the following maximum

25

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



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	6617	PSYCHIATRIC SPECIALIST	6	\$143,925	\$146,993
5	(2)	9933	COR DIRECTOR	1	\$121,390	\$124,120
6	(3)	9257	COR CHIEF DEPUTY DIRECTOR	1	\$91,711	\$93,996
7	(4)	8904	CORRECTION DEPUTY DIRECTOR	2	\$90,081	\$92,342
8	(5)	9822	COR ASST DIRECTOR	3	\$86,819	\$89,018
9	(6)	9823	CORRECTIONAL SUPERINTENDENT	1	\$82,218	\$84,330
10	(7)	8055	COR INDUSTRY ADMINISTRATOR	1	\$78,294	\$80,331
11	(8)	9935	COR FARM ADMINISTRATOR	1	\$78,293	\$80,330
12	(9)	9456	COR GENERAL COUNSEL	1	\$72,052	\$73,971
13	(10)	7353	COR MENTAL HLTH SVCS ADMR	2	\$71,947	\$73,863
14	(11)	9876	CORRECTION COMPLIANCE ATTORNEY	1	\$70,335	\$72,221
15	(12)	9455	COR PUBLIC INFORMATION OFFICER	1	\$65,803	\$67,603
16	(13)	827Z	DP CENTER MANAGER	2	GRADE 26	
17	(14)	056Z	COR HEAD FARM MANAGER II	4	GRADE 26	
18	(15)	102Z	CORRECTIONAL WARDEN	14	GRADE 26	
19	(16)	L134	PSYCHOLOGIST SUPERVISOR	3	GRADE 26	
20	(17)	019Z	DCP ADMIN SVCS MGR	1	GRADE 25	
21	(18)	054Z	COR HEAD FARM MANAGER I	2	GRADE 25	
22	(19)	L124	PSYCHOLOGIST	13	GRADE 25	
23	(20)	R170	ATTORNEY SPECIALIST	5	GRADE 25	
24	(21)	044Z	COR CONSTRUCTION/MAINTENANCE COORD	3	GRADE 24	
25	(22)	115Z	COR WARDEN I	1	GRADE 24	
26	(23)	962Z	CC/COR ACCOUNTING SUPERVISOR	2	GRADE 24	
27	(24)	949Z	COR INDUSTRY PRGM TRADE SPEC SUPV	4	GRADE 23	
28	(25)	117Z	COR AGRI PRODUCTION SUPERVISOR	2	GRADE 23	
29	(26)	108Z	COR MEDICAL/DENTAL ADMR	1	GRADE 23	
30	(27)	091Z	ASST WARDEN	21	GRADE 23	
31	(28)	196Z	COR BOOT CAMP ADMINISTRATOR	1	GRADE 23	
32	(29)	D100	DP SENIOR PROJECT LEADER	1	GRADE 23	
33	(30)	R033	COR INTERNAL AFFAIRS ADMINISTRATOR	1	GRADE 23	
34	(31)	T064	WORK RELEASE CENTER SUPV III	1	GRADE 23	
35	(32)	T041	SOSRA PROGRAM ADMINISTRATOR	1	GRADE 22	
36	(33)	T014	CHIEF SECURITY OFFICER	25	GRADE 22	

1	(34)	T072	COR INMATE TRANSPORTATION COORD	1	GRADE 22
2	(35)	Y020	COR INDUSTRY PRGM MANAGER	10	GRADE 22
3	(36)	Y026	COR CONSTRUCTION/MAINT SUPV II	16	GRADE 22
4	(37)	D106	DP OPERATIONS MANAGER	1	GRADE 22
5	(38)	D124	LEAD PROGRAMMER/ANALYST	3	GRADE 22
6	(39)	E010	COR TRAINING ADMINISTRATOR	1	GRADE 22
7	(40)	904Z	REHAB PROGRAM ADMINISTRATOR	10	GRADE 22
8	(41)	114Z	COR CLASSIFICATION ADMINISTRATOR	1	GRADE 22
9	(42)	119Z	CC/COR PERSONNEL MANAGER	1	GRADE 22
10	(43)	A032	AGENCY FISCAL MANAGER	2	GRADE 22
11	(44)	A008	ACCOUNTING SUPERVISOR II	4	GRADE 21
12	(45)	D123	APPLICATIONS & SYSTEMS ANALYST	5	GRADE 21
13	(46)	A251	SR AUDITOR	4	GRADE 21
14	(47)	D036	SR PROGRAMMER/ANALYST	3	GRADE 21
15	(48)	H001	COR COMMODITY & FOOD SVC ADMR	1	GRADE 21
16	(49)	M014	ADMINISTRATOR OF CHAPLAINCY SVCS	1	GRADE 21
17	(50)	L122	PSYCHOLOGICAL EXAMINER II	25	GRADE 21
18	(51)	Y018	COR ASST HEAD FARM MANAGER	4	GRADE 21
19	(52)	V016	COR PROCUREMENT & PROPERTY MANAGER	1	GRADE 21
20	(53)	T008	CC/COR OFFICER IV	45	GRADE 21
21	(54)	T066	WORK RELEASE CENTER SUPV II	3	GRADE 21
22	(55)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE 21
23	(56)	R266	MANAGEMENT PROJECT ANALYST II	32	GRADE 20
24	(57)	T006	CC/COR OFFICER III	146	GRADE 20
25	(58)	M045	COR REHAB FACILITY SUPERVISOR	4	GRADE 20
26	(59)	M064	REHAB FACILITY SUPERVISOR	1	GRADE 20
27	(60)	M088	SOCIAL WORKER II	30	GRADE 20
28	(61)	M115	SUBSTANCE ABUSE PROGRAM COORD	51	GRADE 20
29	(62)	T016	AGRI UNIT SUPERVISOR II	31	GRADE 20
30	(63)	Y123	COR CONSTRUCTION ELECTRICAL SUPV	3	GRADE 20
31	(64)	Y125	COR CONSTRUCTION PLUMBER SUPV	3	GRADE 20
32	(65)	Y127	COR CONSTRUCTION REFRIGERATION SUPV	4	GRADE 20
33	(66)	L070	NURSE II	1	GRADE 20
34	(67)	M016	SR CHAPLAIN	5	GRADE 20
35	(68)	E100	COR TRAINING ACADEMY SUPERVISOR	2	GRADE 20
36	(69)	E114	STAFF DEVELOPMENT COORDINATOR	1	GRADE 20

1	(70)	E012	COR INDUSTRIAL SUPV II	34	GRADE 20
2	(71)	A186	COR BUDGET MANAGER	1	GRADE 20
3	(72)	A056	INTERNAL AUDITOR	2	GRADE 20
4	(73)	M019	CHAPLAIN	18	GRADE 19
5	(74)	H030	CC/COR FOOD PRODUCTION MGR II	21	GRADE 19
6	(75)	T010	CC/COR SERGEANT	825	GRADE 19
7	(76)	T068	WORK RELEASE CENTER SUPV I	6	GRADE 19
8	(77)	T075	RECORDS/INTAKE SUPV	4	GRADE 19
9	(78)	V008	BUYER III	1	GRADE 19
10	(79)	M107	COR COUNSELING PROGRAM LEADER	90	GRADE 19
11	(80)	M114	SUBSTANCE ABUSE PROGRAM LEADER	4	GRADE 19
12	(81)	Q068	PUB HLTH INVESTIGATOR II	5	GRADE 19
13	(82)	R030	ASST PERSONNEL MANAGER	17	GRADE 19
14	(83)	M086	SOCIAL WORKER I	2	GRADE 19
15	(84)	R150	RESEARCH PROJECT ANALYST	1	GRADE 19
16	(85)	R048	BUDGET SPECIALIST	1	GRADE 19
17	(86)	R068	EEO/GRIEVANCE OFFICER	4	GRADE 19
18	(87)	R070	COR MARKETING SPECIALIST	1	GRADE 19
19	(88)	R072	COR SALES REPRESENTATIVE	3	GRADE 19
20	(89)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
21	(90)	R322	CC/COR UNIT PERS & TRNG OFFICER	3	GRADE 18
22	(91)	T005	CC/COR OFFICER II	2,149	GRADE 18
23	(92)	M096	CC/COR PROGRAM COORD	8	GRADE 18
24	(93)	M105	CC/COR COUNSELOR	5	GRADE 18
25	(94)	M050	RECREATIONAL ACTIVITY LEADER SUPV	14	GRADE 18
26	(95)	V040	PURCHASE AGENT II/PURCHASE AGENT	7	GRADE 18
27	(96)	W009	CC/COR RECORDS SUPERVISOR	18	GRADE 18
28	(97)	T062	PAROLE/PROBATION OFFICER	5	GRADE 18
29	(98)	T012	DISCIPLINARY HEARING OFFICER	9	GRADE 18
30	(99)	Y131	CC/COR CONSTR/MAINT SUPV I	43	GRADE 18
31	(100)	X450	CC/COR INTERNAL AFFAIRS INVESTGTR	10	GRADE 18
32	(101)	Y005	AUTO/DIESEL MECHANIC SUPERVISOR	1	GRADE 18
33	(102)	E072	TRAINING INSTRUCTOR	17	GRADE 18
34	(103)	E053	COR UNIT TRAINING SUPERVISOR	3	GRADE 18
35	(104)	E011	COR INDUSTRIAL SUPV	5	GRADE 18
36	(105)	D128	P C SUPPORT SPECIALIST	7	GRADE 18

1	(106)	A111	ACCOUNTANT	14	GRADE 18
2	(107)	A114	CC/COR BUSINESS MANAGER	16	GRADE 18
3	(108)	E055	CC/COR UNIT TRAINER	4	GRADE 17
4	(109)	H029	CC/COR FOOD PRODUCTION MGR I	83	GRADE 17
5	(110)	L004	COR HIV/AIDS EDUCATOR	1	GRADE 17
6	(111)	V030	INVENTORY CONTROL MANAGER	4	GRADE 17
7	(112)	R010	ADMINISTRATIVE ASSISTANT II	7	GRADE 17
8	(113)	M144	COR VOLUNTEER SERVICE COORDINATOR	1	GRADE 17
9	(114)	R321	COR GRIEVANCE OFFICER	9	GRADE 17
10	(115)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	14	GRADE 17
11	(116)	R190	PERSONNEL OFFICER II	3	GRADE 17
12	(117)	X318	CC/COR ADMIN REVIEW OFFICER	11	GRADE 16
13	(118)	V076	COR PROPERTY OFFICER	3	GRADE 16
14	(119)	A053	INSURANCE SPECIALIST II	1	GRADE 16
15	(120)	A063	PAYROLL OFFICER	4	GRADE 15
16	(121)	A108	ACCOUNTING TECHNICIAN II	39	GRADE 15
17	(122)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
18	(123)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15
19	(124)	M048	RECREATIONAL ACTIVITY LEADER II	2	GRADE 15
20	(125)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
21	(126)	K117	MEDICAL OR LEGAL SECRETARY	1	GRADE 14
22	(127)	H023	COMMISSARY MANAGER	21	GRADE 14
23	(128)	K153	SECRETARY II	95	GRADE 13
24	(129)	R125	PERSONNEL OFFICER	4	GRADE 13
25	(130)	K039	DOCUMENT EXAMINER II	62	GRADE 12
26	(131)	K181	MAILROOM SUPERVISOR	1	GRADE 12
27	(132)	A106	ACCOUNTING TECHNICIAN I	3	GRADE 12
28	(133)	K155	SECRETARY I	32	GRADE 11
29	(134)	V043	SHIPPING & RECEIVING CLERK	1	GRADE 11
30	(135)	K023	CLERICAL ASSISTANT	<u>3</u>	GRADE 10
31			MAX. NO. OF EMPLOYEES	4,375	

32

33 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 34 Correction for the 2005-2007 biennium, the following maximum number of part-
 35 time or temporary employees, to be known as "Extra Help", payable from funds
 36 appropriated herein for such purposes: *one hundred twenty (120) temporary or*

1 part-time employees, when needed, at rates of pay not to exceed those
 2 provided in the Uniform Classification and Compensation Act, or its
 3 successor, or this act for the appropriate classification.

4
 5 *SECTION 3. APPROPRIATION - INMATE CARE & CUSTODY. There is hereby*
 6 *appropriated, to the Department of Correction, to be payable from the*
 7 *Department of Correction Inmate Care and Custody Fund Account, for personal*
 8 *services and operating expenses of the Department of Correction - Inmate Care*
 9 *& Custody for the biennial period ending June 30, 2007, the following:*

10
 11

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
<i>(01) REGULAR SALARIES</i>	<i>\$ 126,812,008</i>	<i>\$ 130,424,494</i>
<i>(02) EXTRA HELP</i>	<i>200,000</i>	<i>200,000</i>
<i>(03) PERSONAL SERVICES MATCHING</i>	<i>44,941,401</i>	<i>45,750,546</i>
<i>(04) OVERTIME</i>	<i>1,550,000</i>	<i>1,550,000</i>
<i>(05) MAINT. & GEN. OPERATION</i>		
<i>(A) OPER. EXPENSE</i>	<i>37,189,957</i>	<i>37,566,020</i>
<i>(B) CONF. & TRAVEL</i>	<i>242,147</i>	<i>251,141</i>
<i>(C) PROF. FEES</i>	<i>39,609,148</i>	<i>42,056,199</i>
<i>(D) CAP. OUTLAY</i>	<i>2,388,632</i>	<i>1,856,731</i>
<i>(E) DATA PROC.</i>	<i>874,082</i>	<i>879,018</i>
<i>(06) JAIL CONTRACTS</i>	<u><i>1,533,000</i></u>	<u><i>1,533,000</i></u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u><i>\$ 255,340,375</i></u>	<u><i>\$ 262,067,149</i></u>

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26 *SECTION 4. APPROPRIATIONS - INMATE WELFARE PROGRAM. There is hereby*
 27 *appropriated, to the Department of Correction, to be payable from cash funds*
 28 *as defined by Arkansas Code 19-4-801 of the Department of Correction, for*
 29 *personal services and operating expenses of the Department of Correction -*
 30 *Inmate Welfare Program for the biennial period ending June 30, 2007, the*
 31 *following:*

32
 33
 34

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
<i>(01) REGULAR SALARIES</i>	<i>\$ 869,618</i>	<i>\$ 896,198</i>

1	(02) PERSONAL SERVICES MATCHING	344,732	350,690
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	8,972,389	10,261,589
4	(B) CONF. & TRAVEL	0	0
5	(C) PROF. FEES	0	0
6	(D) CAP. OUTLAY	250,000	250,000
7	(E) DATA PROC.	<u>0</u>	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 10,436,739</u>	<u>\$ 11,758,477</u>

9

10 SECTION 5. APPROPRIATIONS - WORK RELEASE PROGRAM. There is hereby

11 appropriated, to the Department of Correction, to be payable from cash funds

12 as defined by Arkansas Code 19-4-801 of the Department of Correction, for

13 operating expenses and debt service of the Department of Correction - Work

14 Release Program for the biennial period ending June 30, 2007, the following:

17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19	(01) MAINT. & GEN. OPERATION		
20	(A) OPER. EXPENSE	\$ 3,080,096	\$ 3,067,617
21	(B) CONF. & TRAVEL	42,520	42,520
22	(C) PROF. FEES	1,000,000	1,000,000
23	(D) CAP. OUTLAY	1,587,747	1,543,224
24	(E) DATA PROC.	226,440	226,440
25	(02) DEBT SERVICE	<u>500,000</u>	<u>500,000</u>
26	TOTAL AMOUNT APPROPRIATED	<u>\$ 6,436,803</u>	<u>\$ 6,379,801</u>

27

28 SECTION 6. APPROPRIATION - PRISON INDUSTRY PROGRAM. There is hereby

29 appropriated, to the Department of Correction, to be payable from the

30 Department of Correction Prison Industry Fund, for personal services and

31 operating expenses of the Department of Correction - Prison Industry Program

32 for the biennial period ending June 30, 2007, the following:

35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>

1	(01) REGULAR SALARIES	\$ 1,882,232	\$ 1,938,323
2	(02) EXTRA HELP	10,000	10,000
3	(03) PERSONAL SERVICES MATCHING	631,208	643,576
4	(04) MAINT. & GEN. OPERATION		
5	(A) OPER. EXPENSE	5,565,356	5,561,856
6	(B) CONF. & TRAVEL	5,000	5,000
7	(C) PROF. FEES	0	0
8	(D) CAP. OUTLAY	343,900	787,600
9	(E) DATA PROC.	<u>0</u>	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,437,696</u>	<u>\$ 8,946,355</u>

11

12 SECTION 7. EXTRA HELP - PRISON INDUSTRY PROGRAM. There is hereby
 13 authorized, for the Department of Correction - Prison Industry Program for
 14 the 2005-2007 biennium, the following maximum number of part-time or
 15 temporary employees, to be known as "Extra Help", payable from funds
 16 appropriated herein for such purposes: twenty five (25) temporary or part-
 17 time employees, when needed, at rates of pay not to exceed those provided in
 18 the Uniform Classification and Compensation Act, or its successor, or this
 19 act for the appropriate classification.

20

21 SECTION 8. APPROPRIATION - FARM OPERATIONS PROGRAM. There is hereby
 22 appropriated, to the Department of Correction, to be payable from the
 23 Department of Correction Farm Fund, for personal services and operating
 24 expenses of the Department of Correction - Farm Operations Program for the
 25 biennial period ending June 30, 2007, the following:

26

27

28	ITEM	FISCAL YEARS	
29	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
30	(01) REGULAR SALARIES	\$ 1,970,072	\$ 2,028,623
31	(02) EXTRA HELP	10,000	10,000
32	(03) PERSONAL SERVICES MATCHING	657,860	670,995
33	(04) MAINT. & GEN. OPERATION		
34	(A) OPER. EXPENSE	6,544,388	6,544,388
35	(B) CONF. & TRAVEL	5,750	5,750
36	(C) PROF. FEES	115,376	114,452

1	(D) CAP. OUTLAY	1,303,500	1,131,000
2	(E) DATA PROC.	0	0
3	(05) PURCHASE CATTLE / MEAT	<u>300,000</u>	<u>300,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 10,906,946</u>	<u>\$ 10,805,208</u>

5
 6 SECTION 9. EXTRA HELP - FARM OPERATIONS PROGRAM. There is hereby
 7 authorized, for the Department of Correction - Farm Operations Program for
 8 the 2005-2007 biennium, the following maximum number of part-time or
 9 temporary employees, to be known as "Extra Help", payable from funds
 10 appropriated herein for such purposes: twenty five (25) temporary or part-
 11 time employees, when needed, at rates of pay not to exceed those provided in
 12 the Uniform Classification and Compensation Act, or its successor, or this
 13 act for the appropriate classification.

14
 15 SECTION 10. APPROPRIATIONS - REGIONAL FACILITIES OPERATIONS ACCOUNT.
 16 There is hereby appropriated, to the Department of Correction, to be payable
 17 from cash funds as defined by Arkansas Code 19-4-801 of the Department of
 18 Correction, for Debt Service of the Department of Correction - Regional
 19 Facilities Operations Account for the biennial period ending June 30, 2007,
 20 the following:

21			
22			
23	ITEM	FISCAL YEARS	
24	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
25	(01) DEBT SERVICE	<u>\$ 800,000</u>	<u>\$ 800,000</u>

26
 27 SECTION 11. APPROPRIATIONS - PRISONER HOUSING CONTRACT ACCOUNT. There is
 28 hereby appropriated, to the Department of Correction, to be payable from cash
 29 funds as defined by Arkansas Code 19-4-801 of the Department of Correction,
 30 for Debt Service of the Department of Correction - Prisoner Housing Contract
 31 Account for the biennial period ending June 30, 2007, the following:

32			
33			
34	ITEM	FISCAL YEARS	
35	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
36	(01) DEBT SERVICE	<u>\$ 200,000</u>	<u>\$ 200,000</u>

1
 2 SECTION 12. APPROPRIATIONS - CONSTRUCTION FUND DEFICIENCY ACCOUNT. There
 3 is hereby appropriated, to the Department of Correction, to be payable from
 4 cash funds as defined by Arkansas Code 19-4-801 of the Department of
 5 Correction, for Debt Service of the Department of Correction - Construction
 6 Fund Deficiency Account for the biennial period ending June 30, 2007, the
 7 following:

8
 9

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) DEBT SERVICE	\$ 500,000	\$ 500,000

10
 11
 12
 13
 14 SECTION 13. APPROPRIATIONS - NON-TAX REVENUE RECEIPTS PROGRAM. There is
 15 hereby appropriated, to the Department of Correction, to be payable from cash
 16 funds as defined by Arkansas Code 19-4-801 of the Department of Correction,
 17 for operating expenses of the Department of Correction - Non-Tax Revenue
 18 Receipts Program for the biennial period ending June 30, 2007, the following:

19
 20
 21

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 3,284,355	\$ 3,168,983
(B) CONF. & TRAVEL	20,000	20,000
(C) PROF. FEES	93,000	93,000
(D) CAP. OUTLAY	1,100,000	1,100,000
(E) DATA PROC.	0	0
(02) CONSTRUCTION	<u>1,000,000</u>	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,497,355</u>	<u>\$ 5,381,983</u>

22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32 SECTION 14. APPROPRIATION - SUBSTANCE ABUSE TREATMENT PROGRAM - FEDERAL.
 33 There is hereby appropriated, to the Department of Correction, to be payable
 34 from the federal funds as designated by the Chief Fiscal Officer of the
 35 State, for personal services and operating expenses of the Department of
 36 Correction - Substance Abuse Treatment Program for the biennial period ending

1 June 30, 2007, the following:

2

3

4 ITEM	FISCAL YEARS	
	2005-2006	2006-2007
5 NO.		
6 (01) REGULAR SALARIES	\$ 407,843	\$ 420,124
7 (02) PERSONAL SERVICES MATCHING	141,358	144,112
8 (03) MAINT. & GEN. OPERATION		
9 (A) OPER. EXPENSE	62,750	62,750
10 (B) CONF. & TRAVEL	13,000	13,000
11 (C) PROF. FEES	298,000	298,000
12 (D) CAP. OUTLAY	0	0
13 (E) DATA PROC.	<u>0</u>	<u>0</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 922,951</u>	<u>\$ 937,986</u>

15

16 SECTION 15. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby
 17 appropriated, to the Department of Correction, to be payable from the County
 18 Jail Reimbursement Fund, for reimbursement to counties housing state inmates
 19 of the Department of Correction - County Jail Reimbursement for the biennial
 20 period ending June 30, 2007, the following:

21

22

23 ITEM	FISCAL YEARS	
	2005-2006	2006-2007
24 NO.		
25 (01) REIMBURSEMENT TO COUNTIES HOUSING		
26 STATE INMATES	<u>\$ 7,710,504</u>	<u>\$ 7,500,035</u>

27

28 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 30 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
 31 Department of Correction - Contingent Positions for the ~~2003-2005~~ 2005-2007
 32 biennium, the following maximum number of regular employees whose salaries
 33 shall be governed by the provisions of the Uniform Classification and
 34 Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all
 35 laws amendatory thereto. Provided, however, that any position to which a
 36 specific maximum annual salary is set out herein in dollars, shall be exempt

1 from the provisions of said Uniform Classification and Compensation Act. All
 2 persons occupying positions authorized herein are hereby governed by the
 3 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 4 Code 21-5-101), or its successor.

5 CONTINGENT POSITIONS - MEDICAL SERVICES

6				MAXIMUM ANNUAL	
7	ITEM CLASS		MAXIMUM	SALARY RATE	
8	NO.	CODE	TITLE	NO. OF	FISCAL YEARS
9				EMPLOYEES	2003-04 2004-05
10					<u>2005-06 2006-07</u>
11	GEN ADMIN / NON-CLASSIFIED POSITION				
12	(01)	COR	CHIEF OF MED SVCS	1	148,113 152,112
13					<u>155,304</u> <u>158,544</u>
14	(02)	COR	CHIEF OF DENTAL SVCS	1	135,634 139,296
15					<u>142,296</u> <u>145,341</u>
16	(03)	COR	CHIEF OF PHARM SVCS	1	95,485 98,063
17					<u>100,444</u> <u>102,861</u>
18	(04)	COR	HEALTH SVCS ADM	1	93,089 95,603
19					<u>97,947</u> <u>100,327</u>
20	(05)	COR	ASST HEALTH SVCS ADM	3	80,719 82,899
21					<u>85,024</u> <u>87,190</u>
22	(06)	COR	CHIEF OF NURSING SVCS	1	83,911 86,177
23					<u>88,365</u> <u>90,594</u>
24	(07)	COR	DIR OF MED RECORDS	1	81,107 83,297
25					<u>85,430</u> <u>87,603</u>
26	(08)	COR	UNIT/FACILITY MED MGR	11	67,588 69,413
27					<u>71,282</u> <u>73,186</u>
28	(09)	COR	UNIT/FACILITY MED SUPV	7	51,368 52,755
29					<u>54,308</u> <u>55,889</u>
30	(10)	COR	MED SVC SPEC	8	68,984 70,846
31					<u>72,742</u> <u>74,674</u>
32	PATIENT CARE/NON-CLASSIFIED POSITIONS				
33	(11)	6603	COR STAFF PHYSICIAN	17	135,634 139,296
34					<u>142,296</u> <u>145,340</u>
35	(12)	6601	COR STAFF DENTIST	15	106,998 109,887
36					<u>112,446</u> <u>115,042</u>

1	(13) COR STAFF PHARM	3	93,515	96,039
2			<u>98,390</u>	<u>100,776</u>
3	(14) COR NURSE PRAC/PHYS. ASST	13	68,984	70,846
4			<u>72,742</u>	<u>74,674</u>
5	(15) COR HEAD NURSE- HOSPITAL	1	74,530	76,543
6			<u>78,548</u>	<u>80,590</u>
7	(16) COR REGISTERED NURSE SUPV	40	70,865	72,778
8			<u>74,711</u>	<u>76,681</u>
9	(17) COR LICENSED PRAC NURSE	172	45,983	47,224
10			<u>48,641</u>	<u>50,100</u>
11	(18) COR LABORATORY SPECIALIST	5	39,554	40,622
12			<u>41,841</u>	<u>43,096</u>
13	(19) COR RADIOLOGY SPECIALIST	5	38,999	40,052
14			<u>41,254</u>	<u>42,492</u>
15	PATIENT CARE - CLASSIFIED POSITIONS			
16	(20) L124 PSYCHOLOGIST	2	GRADE 25	
17	(21) L122 PSYCH. EXAMINER II	2	GRADE 21	
18	(22) M088 SOCIAL WORKER II	3	GRADE 20	
19	(23) M107 COR. COUNSELOR PRO LDR	7	GRADE 19	
20	(24) R010 ADMINISTRATIVE ASST II	4	GRADE 17	
21	(25) L026 DENTAL HYGIENIST	8	GRADE 16	
22	(26) W015 MEDICAL RECORDS TECH	24	GRADE 15	
23	(27) K041 EXECUTIVE SECRETARY	4	GRADE 14	
24	(28) K117 MEDICAL SECRETARY	15	GRADE 14	
25	(29) K155 SECRETARY I	10	GRADE 11	
26	(30) L025 DENTAL ASST	12	GRADE 11	
27				
28	CLASSIFIED NON-PATIENT CARE			
29	(31) ACCTG TECHS	3	GRADE 15	
30	(32) PAYROLL OFFICER	2	GRADE 15	
31	(33) BUYERS	2	GRADE 18	
32	(34) PURCHASING ASSISTANT	1	GRADE 15	
33	(35) ACCOUNTING TECH	1	GRADE 15	
34	(36) ACCOUNTANT	1	GRADE 18	
35	(37) PERS TRNG OFF	1	GRADE 18	
36	(38) PERS OFFICER II	1	GRADE 17	

1	(39)	PAYROLL OFFICER	1	GRADE 15
2	(40)	PC SUPPORT	1	GRADE 18
3				
4		GRAND TOTAL CONTINGENT EMPLOYEES	411	

5
6 If the agency requests continuation of a "Growth Pool" position(s) as
7 established herein during the next biennium, the position(s) must be
8 requested as a new position(s) in the agencies biennial budget request.
9 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
10 through June 30, ~~2005~~ 2007.

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

29 The provisions of this section shall be in effect only from July 1, ~~2003~~
30 2005 through June 30, ~~2005~~ 2007.

31
32 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
34 REIMBURSEMENT RATE RESTRICTION. Notwithstanding any other provision of law or
35 departmental commitment which may exist to the contrary, the Board of
36 Corrections shall not increase any reimbursement rate for payments made to

1 any county for the purpose of reimbursing the expenses of the care and
2 custody of state inmates, without first seeking and receiving the approval of
3 the Governor and the Chief Fiscal Officer of the State.

4 The provisions of this section shall be in effect only from July 1, ~~2003~~
5 2005 through June 30, ~~2005~~ 2007.

6
7 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
9 SALARIES. There is hereby authorized, for the Department of Correction, for
10 the ~~2003-05~~ 2005-07 biennium, the following increases in salaries for
11 certain positions provided in the Regular Salary schedule in this Act, and to
12 be in addition to the annual amounts as established by the Uniform
13 Classification and Compensation Act, as amended, for full-time physicians who
14 are certified by the American Specialty Boards at rates of pay not to exceed
15 an additional \$4,500 per year. If certified in forensic psychiatry, an
16 additional \$2,500 per year will be allowed. Total extra salaries may not
17 exceed \$7,000 per year per position. In the event the physician is not a
18 full time employee, the amount specified herein shall be adjusted
19 proportionately to the amount of time worked for the Department of Correction
20 by that physician.

21 The provisions of this section shall be in effect only from July 1, ~~2003~~
22 2005 through June 30, ~~2005~~ 2007.

23
24 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
26 JAIL REIMBURSEMENT. In the event the Department of Correction cannot accept
27 inmates from county jails due to insufficient bed space, the Department shall
28 reimburse the counties at a rate determined by the Chief Fiscal Officer of
29 the State, after consultation with the Division of Legislative Audit and the
30 Department of Correction, and upon approval by the Governor, until the
31 *appropriation and funding* for such purpose, is exhausted. The reimbursement
32 rate shall include the county's cost of transporting the inmates to the
33 department. *The appropriation provided by Item ~~(08)~~ (06) of Section 3 may be*
34 *used for contracts with county jails for pre release inmates.*

35 The provisions of this section shall be in effect only from July 1, ~~2003~~
36 2005 through June 30, ~~2005~~ 2007.

1
2 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
4 OF APPROPRIATION WITHIN CAPITAL IMPROVEMENT PROJECTS. The Department of
5 Correction is hereby authorized to transfer appropriation between and/or
6 among the various capital improvements/construction projects authorized by
7 the General Assembly. Such transfers may be made only after approval by the
8 Governor and after prior review by the Arkansas Legislative Council or Joint
9 Budget Committee. Such authorization shall in no way mean that the total
10 amount of funds or appropriations for capital improvement/construction
11 projects be greater than that provided by the General Assembly for the
12 Department of Correction.

13 The provisions of this section shall be in effect only from July 1, ~~2003~~
14 2005 through June 30, ~~2005~~ 2007.

15
16 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
18 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections
19 that a reallocation of resources within the Department of Community
20 Correction and Department of Correction is necessary for the efficient and
21 effective operation of the departments, the Board, with approval of the
22 Governor and approval by the Arkansas Legislative Council or Joint Budget
23 Committee, shall have the authority to instruct the department directors, to
24 request from the Chief Fiscal Officer of the State, a transfer of positions,
25 programs, *funds, appropriations, and line-item appropriations within or*
26 *between existing and newly created divisions, offices, sections, or units of*
27 the departments. If it is determined that the requested transfer should be
28 made, the Chief Fiscal Officer of the State shall then initiate the necessary
29 transfer documents to reflect the transfers upon the fiscal records of the
30 State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,
31 and the Departments of Correction and Community Correction. Provided,
32 however, that the Board shall be limited to submitting no more than
33 Four requests during any fiscal year. Transfer authority for unforeseen
34 purposes shall further be limited to no more than five percent (5%) of the
35 total appropriation, funding, and positions specific to each agency.
36 However, there shall be no transfers to or from the County Jail Reimbursement

1 Fund. Other than for unforeseen purposes, transfers shall be limited to the
2 following specific purposes:

- 3 a) Costs to open and operate temporary beds;
- 4 b) Payment of Debt Service;
- 5 c) Payment of Overtime Expenses;
- 6 d) Unanticipated increases for medical or private prison contracts;
- 7 e) Construction/renovation/equipping of new beds;
- 8 f) Deficits in Farm or Industry Program;
- 9 g) Losses not covered by insurance proceeds;
- 10 h) Costs of personnel for critical services or necessary to carry out the
11 mission of the agency.

12 Determining the maximum number of employees and the maximum amount of
13 appropriation and general revenue funding for a state agency each fiscal year
14 is the prerogative of the General Assembly. This is usually accomplished by
15 delineating such maximums in the appropriation act(s) for a state agency and
16 the general revenue allocations authorized for each fund and fund account by
17 amendment to the Revenue Stabilization law. Further, the General Assembly
18 has determined that the Department of Correction and the Department of
19 Community Correction may operate more efficiently if some flexibility is
20 provided to the Board of Corrections authorizing broad powers under the
21 Reallocation of Resources provisions herein. Therefore, it is both necessary
22 and appropriate that the General Assembly maintain oversight by requiring
23 prior approval of the Legislative Council or Joint Budget Committee as
24 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 jurisdiction, this entire
28 section is void.

29 The provisions of this section shall be in effect only from July 1, ~~2003~~
30 2005 through June 30, ~~2005~~ 2007.

31
32 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HAZARDOUS
34 DUTY PAY. The Department of Correction is hereby authorized to pay hazardous
35 duty pay to provide special compensation to eligible security personnel to
36 compensate for the increased risk of personal injury. The hazardous duty pay

1 authorized herein shall not exceed an amount equal to five and one-half
 2 percent (5.5%) of the annual salary authorized by law to any eligible
 3 employee and shall only be made available to the personnel occupying the
 4 following positions.

5	Class Code	Title	Grade
6	T003	CP/COR Officer	16
7	H029	CP/COR Food Prod Mgr I	17
8	T005	CP/COR Officer II	18
9	H030	CP/COR Food Production Mgr II	19
10	T010	CP/COR Sergeant	19
11	T006	CP/COR Officer III	20
12	T008	CP/COR Officer IV	21
13	T014	Chief Security Officer	22

14 Employees assigned to these classifications may be eligible for hazardous
 15 duty pay if the Director of the Department of Correction certifies to the
 16 Chief Fiscal Officer that employees in these positions have been assigned
 17 direct supervision of inmates which requires these positions to be exposed to
 18 increased risk of personal injury.

19 Employees in the above classifications who are assigned to Maximum Security
 20 lockup areas, i.e. administrative, segregation, punitive isolation and death
 21 row at the maximum security unit, Varner Unit, Cummins Unit, and East
 22 Arkansas Regional Unit, are authorized to receive the hazardous duty pay
 23 allowance and an additional amount of maximum security incentive pay to five
 24 and one-half percent of the annual salary authorized by law. This pay will
 25 only be paid while the employee continues to work in the maximum security
 26 lockup areas and pay will be discontinued should the employee terminate work
 27 in this area.

28 The amounts received under the provisions of this section shall not be
 29 considered as exceeding the maximum authorized annual salary allowance for
 30 employees in receipt of such amounts. Such amounts shall be considered as
 31 Regular Salary and the Department of Finance and Administration shall adopt
 32 the necessary rules and regulations for the administration of this provision.
 33 Employees covered by the provisions of this Section shall be eligible for
 34 special compensation for hazardous duty and additional compensation for
 35 maximum security assignment only upon a determination by the Chief Fiscal
 36 Officer of the State that sufficient general revenues are available to

1 sustain payment of the additional compensation levels herein authorized. It
 2 is the intent of this section that such payments shall be optional, at the
 3 discretion of the Chief Fiscal Officer of the State and the Director of the
 4 Department of Correction, dependent upon sufficient revenues and shall not be
 5 implemented using funds specifically set aside for other programs within the
 6 Department.

7 The provisions of this section shall be in effect only from July 1, ~~2003~~
 8 2005 through June 30, ~~2005~~ 2007.

9

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

21 Class

22	Code Title	Grade
23	T003 CP/COR Officer	16
24	H029 CP/COR Food Prod Mgr I	17
25	T005 CP/COR Officer II	18
26	H030 CP/COR Food Prod Mgr II	19
27	T010 CP/COR Sergeant	19
28	T006 CP/COR Officer III	20
29	T008 CP/COR Officer IV	21
30	T014 CP/COR Security Officer	22

31 The provisions of this section shall be in effect only from July 1, ~~2003~~
 32 2005 through June 30, ~~2005~~ 2007.

33

34 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
 36 SERVICES - SPECIAL PROVISIONS FOR CERTAIN CLASSIFIED POSITIONS. The following

1 patient care classified positions, L026 Dental Hygienist and L025 Dental
2 Assistant, identified within *the Special Language section "REGULAR SALARIES -*
3 *CONTINGENT POSITIONS"* of this Act, may upon prior approval of the Chief
4 Fiscal Officer of the State, be compensated at a rate up to Pay Level IV of
5 the respective position classification.

6 The provisions of this section shall be in effect only from July 1, ~~2003~~
7 2005 through June 30, ~~2005~~ 2007.

8

9 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. UAMS
11 FAMILY TREATMENT PROGRAM. The Arkansas Department of Correction is
12 authorized to enter into a cooperative agreement with the UAMS Family
13 Treatment Program to conduct assessments of juvenile sex or child offenders
14 as required by provisions of ACA 12-12-901 et. seq. and pay for services upon
15 receipt of invoice.

16 The provisions of this section shall be in effect only from July 1, ~~2003~~
17 2005 through June 30, ~~2005~~ 2007.

18

19 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
21 BALANCES – NON-TAX REVENUE RECEIPTS CASH FUND. (A) For all appropriations as
22 provided in this Act, the agency disbursing officer shall monitor the level
23 of fund balances in relation to expenditures on a monthly basis. If any
24 proposed expenditures would cause the Non-Tax Revenue Receipts Cash Fund to
25 decline below seven hundred seventy thousand thirty four dollars (\$770,034),
26 the disbursing officer shall immediately notify the executive head of the
27 agency. Prior to any obligations being made under these circumstances, the
28 agency head shall file written documentation with the Chief Fiscal Officer of
29 the State requesting approval of the expenditures. Such documentation shall
30 provide sufficient financial data to justify the expenditures and shall
31 include the following:

- 32 1) a plan that clearly indicates the specific fiscal impact of such
33 expenditures on the fund balance.
- 34 2) information clearly indicating and explaining what programs would be cut
35 or any other measures to be taken by the agency to restore the fund balance.
- 36 3) the extent to which any of the planned expenditures are for one-time costs

1 or one-time purchase of capitalized items.

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

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

8 The provisions of this section shall be in effect only from July 1, 2003
9 2005 through June 30, ~~2005~~ 2007.

10

11 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
13 BALANCES – INMATE WELFARE CASH FUND. (A) For all appropriations as provided
14 in this Act, the agency disbursing officer shall monitor the level of fund
15 balances in relation to expenditures on a monthly basis. If any proposed
16 expenditures would cause the Inmate Welfare Cash Fund to decline below seven
17 hundred fifty thousand dollars (\$750,000) , the disbursing officer shall
18 immediately notify the executive head of the agency. Prior to any
19 obligations being made under these circumstances, the agency head shall file
20 written documentation with the Chief Fiscal Officer of the State requesting
21 approval of the expenditures. Such documentation shall provide sufficient
22 financial data to justify the expenditures and shall include the following:
23 1) a plan that clearly indicates the specific fiscal impact of such
24 expenditures on the fund balance.
25 2) information clearly indicating and explaining what programs would be cut
26 or any other measures to be taken by the agency to restore the fund balance.
27 3) the extent to which any of the planned expenditures are for one-time costs
28 or one-time purchase of capitalized items.
29 4) a statement certifying that the expenditure of fund balances will not
30 jeopardize the financial health of the agency, nor result in a permanent
31 depletion of the fund balance.

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

35 The provisions of this section shall be in effect only from July 1, 2003
36 2005 through June 30, ~~2005~~ 2007.

1
2 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
4 BALANCES – DEPARTMENT OF CORRECTION FARM FUND. (A) For all appropriations as
5 provided in this Act, the agency disbursing officer shall monitor the level
6 of fund balances in relation to expenditures on a monthly basis. If any
7 proposed expenditures would cause the Department of Correction Farm Fund to
8 decline below one hundred eight thousand three hundred eighty one dollars
9 (\$108,381), the disbursing officer shall immediately notify the executive
10 head of the agency. Prior to any obligations being made under these
11 circumstances, the agency head shall file written documentation with the
12 Chief Fiscal Officer of the State requesting approval of the expenditures.
13 Such documentation shall provide sufficient financial data to justify the
14 expenditures and shall include the following:

- 15 1) a plan that clearly indicates the specific fiscal impact of such
16 expenditures on the fund balance.
- 17 2) information clearly indicating and explaining what programs would be cut
18 or any other measures to be taken by the agency to restore the fund balance.
- 19 3) the extent to which any of the planned expenditures are for one-time costs
20 or one-time purchase of capitalized items.
- 21 4) a statement certifying that the expenditure of fund balances will not
22 jeopardize the financial health of the agency, nor result in a permanent
23 depletion of the fund balance.

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

27 The provisions of this section shall be in effect only from July 1, ~~2003~~
28 2005 through June 30, ~~2005~~ 2007.

29
30 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INMATE
32 COST REPORTING – STATE FACILITIES.

33 (a) Within 90 days of the close of each state fiscal year, the Arkansas
34 Department of Correction (ADC) shall submit to the Arkansas Legislative
35 Council a report of all direct and indirect costs incurred by the State of
36 Arkansas in housing and caring for inmates incarcerated in the State's

1 facilities. Such costs shall be calculated and reported in total for the
2 Department and in total by each facility. The report shall also reflect
3 overall cost per inmate per day, cost per inmate per day for each facility,
4 overall cost per bed per day, and cost per bed per day for each facility.

5 (b) In compiling costs and reporting to the Arkansas Legislative Council in
6 accordance with *subsection (a) of this section* of this Act, the Department of
7 Correction shall:

- 8 (1) Record all expenditures in a manner that provides for the
9 association of costs with each facility. Costs not directly
10 attributable to a particular facility (overhead, administration,
11 treatment, etc.) shall be allocated to each facility on the basis of
12 inmate population.
- 13 (2) Maintain documentation to support all elements of costs and cost
14 reimbursement both in total and by facility;
- 15 (3) Exclude capital outlay disbursements. However, depreciation expense
16 for all ADC fixed assets shall be included. Depreciation expense not
17 directly associated with the fixed assets of a particular facility
18 shall be allocated to each facility on the basis of inmate population.
- 19 (4) Include any interest expense incurred by ADC or another state
20 governmental entity as a result of prison construction;
- 21 (5) Exclude all payments to local governments for care of inmates housed
22 in local government facilities;
- 23 (6) Exclude all payments to local governments for Act 309 prisoners;
- 24 (7) Include the state matching requirements associated with federal
25 grant expenditures. Documentation shall be maintained sufficient to
26 identify such costs by grant.
- 27 (8) Deduct reimbursements for costs incurred. The amount of the
28 reimbursement deducted shall be equal to or less than the cost with
29 which the reimbursement is associated.
- 30 (9) Include all ancillary costs. These costs shall include, but are not
31 limited to:
 - 32 (A) ADC expenses incurred through fund transfers;
 - 33 (B) Retirement costs;
 - 34 (C) Audit costs;
 - 35 (D) ADC cost for shared employees paid by another state
36 governmental entity;

1 (E) Inmate educational and rehabilitation costs;

2 (F) Inmate related expenses incurred by the Attorney General;

3 however; expenses shall not include costs of defending Habeas

4 Corpus cases.

5 (c) In determining costs per inmate per day for reporting to the Arkansas
6 Legislative Council in accordance with *subsection (a) of this section*, ADC
7 shall:

8 (1) Accumulate the number of inmates housed at each ADC facility each
9 day throughout the state fiscal year for which costs are being
10 reported. This accumulation shall result in total inmate days and
11 shall be divided into total direct and indirect costs compiled in
12 accordance with *subsections (a) and (b) of this section*.

13 (2) Exclude those ADC inmates housed in local governmental facilities
14 and Act 309 prisoners from the number of inmates housed at ADC
15 facilities.

16 Maintain documentation supporting the number of inmates housed at ADC
17 facilities.

18
19 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOCAL
21 GOVERNMENT INMATE COST REPORT. Within 90 days of the close of each calendar
22 year, each local governmental unit housing inmates sentenced to the Arkansas
23 Department of Correction (ADC) shall submit to the Arkansas Legislative
24 Council a report of all direct and indirect costs incurred by the local
25 governmental unit in housing and caring for such inmates. Guidelines for
26 preparing this cost report shall be developed by ADC in coordination with the
27 Division of Legislative Audit and shall be distributed to the local
28 governmental units within 90 days of the enactment of this law.

29
30 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
32 JAIL REIMBURSEMENT FUND YEAR-END FUND BALANCE CARRYFORWARD. Notwithstanding
33 any law pertaining to the transfer of year-end fund balances or any law to
34 the contrary, any funds which remain in the County Jail Reimbursement Fund at
35 the end of a fiscal year shall remain in the County Jail Reimbursement Fund
36 and made available to fund appropriations authorized by law payable from the

1 County Jail Reimbursement Fund for the following fiscal year.

2
3 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
5 JAIL REIMBURSEMENT FUND APPROPRIATION CARRYFORWARD. Any unexpended balance
6 of appropriation made payable from the County Jail Reimbursement Fund
7 remaining on June 30th each fiscal year shall be carried forward and made
8 available for the same purpose the following fiscal year.

9
10 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
11 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
12 EXPENDITURE. *The proceeds from the sale of feeder cattle by the Department*
13 *of Correction shall be deposited into the State Treasury as a refund to*
14 *expenditure to the credit of the appropriation available to the Department of*
15 *Correction for the "Purchase Cattle/Meat" line item.*

16 *The provisions of this section shall be in effect only from ~~July 1, 2003~~*
17 *July 1, 2005 through ~~June 30, 2005~~ July 1, 2007.*

18
19 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
20 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF
21 MAINTENANCE AND OPERATION APPROPRIATION AND SALVAGED MATERIALS CONSTRUCTION.
22 *The Department of Correction is hereby authorized to utilize Maintenance and*
23 *General Operation Appropriation in conjunction with surplus and/or*
24 *salvageable materials for the purpose of implementing construction projects*
25 *to benefit the Department and its various programs. Before such projects may*
26 *be undertaken, a Method of Finance must be submitted for prior review and*
27 *approval by the Arkansas Legislative Council or Joint Budget Committee, and*
28 *review and approval by the Department of Finance and Administration and the*
29 *Arkansas State Building Services.*

30 *Determining the maximum number of employees and the maximum amount of*
31 *appropriation and general revenue funding for a state agency each fiscal year*
32 *is the prerogative of the General Assembly. This is usually accomplished by*
33 *delineating such maximums in the appropriation act(s) for a state agency and*
34 *the general revenue allocations authorized for each fund and fund account by*
35 *amendment to the Revenue Stabilization law. Further, the General Assembly*
36 *has determined that the Department of Correction may operate more efficiently*

1 if some flexibility is provided to the Department of Correction authorizing
2 broad powers under this Section. Therefore, it is both necessary and
3 appropriate that the General Assembly maintain oversight by requiring prior
4 approval of the Legislative Council or Joint Budget Committee as provided by
5 this section. The requirement of approval by the Legislative Council or
6 Joint Budget Committee is not a severable part of this section. If the
7 requirement of approval by the Legislative Council or Joint Budget Committee
8 is ruled unconstitutional by a court of competent jurisdiction, this entire
9 section is void.

10 The provisions of this section shall be in effect only from ~~July 1, 2003~~
11 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

12
13 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
14 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. UTILITY RATE
15 INCREASE TRANSFER. In the event of a substantial increase in utility rates,
16 the Department of Correction is authorized to transfer any line item
17 appropriation in this Act to the Maintenance and Operation line item for
18 support of the increase after receiving approval of the Chief Fiscal Officer
19 of the State.

20 The provisions of this section shall be in effect only from ~~July 1, 2003~~
21 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

22
23 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
24 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MENTAL HEALTH
25 SERVICES. In the event the Department determines to enter into a professional
26 contract for mental health services, the Department may, upon approval of the
27 Chief Fiscal Officer of the State and after prior review and approval by the
28 Arkansas Legislative Council or Joint Budget Committee, make appropriate
29 transfers from regular salaries, personal services matching and various
30 maintenance and operation classifications to the professional fees and
31 services classification for payment of the contractual amount.
32 Determining the maximum number of employees and the maximum amount of
33 appropriation and general revenue funding for a state agency each fiscal year
34 is the prerogative of the General Assembly. This is usually accomplished by
35 delineating such maximums in the appropriation act(s) for a state agency and
36 the general revenue allocations authorized for each fund and fund account by

1 amendment to the Revenue Stabilization law. Further, the General Assembly
2 has determined that the Department of Correction may operate more efficiently
3 if some flexibility is provided to the Department of Correction authorizing
4 broad powers under this Section. Therefore, it is both necessary and
5 appropriate that the General Assembly maintain oversight by requiring prior
6 approval of the Legislative Council or Joint Budget Committee as provided by
7 this section. The requirement of approval by the Legislative Council or
8 Joint Budget Committee is not a severable part of this section. If the
9 requirement of approval by the Legislative Council or Joint Budget Committee
10 is ruled unconstitutional by a court of competent jurisdiction, this entire
11 section is void.

12 The provisions of this section shall be in effect only from ~~July 1, 2003~~
13 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

14
15 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
16 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
17 REVENUE/CASH FUNDS TRANSFER. The Department of Correction is authorized to
18 transfer funds from various Special Revenue and Cash Funds into the Inmate
19 Care and Custody Fund Account in order to adjust to the budget needs upon
20 prior approval by the Arkansas Legislative Council or Joint Budget Committee
21 and approval of the Board of Corrections and the Chief Fiscal Officer of the
22 State.

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

1 *is ruled unconstitutional by a court of competent jurisdiction, this entire*
2 *section is void.*

3 *The provisions of this section shall be in effect only from ~~July 1, 2003~~*
4 *July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.*

5

6 *SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
7 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NEW*
8 *FACILITIES. If it is found that contracting for the operation of new*
9 *facilities is economically beneficial to the State of Arkansas, the*
10 *Department of Correction may, after receiving approval of the Chief Fiscal*
11 *Officer, and seeking prior review and approval by the Arkansas Legislative*
12 *Council or Joint Budget Committee, transfer from any line item appropriation*
13 *contained in Section 3 of this Act into the Professional Fees and Services*
14 *line item contained in Section 3 of this Act to operate new facilities opened*
15 *during the biennium.*

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

32 *The provisions of this section shall be in effect only from ~~July 1, 2003~~*
33 *July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.*

34

35 *SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
36 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATION*

1 TRANSFER FOR CONSTRUCTING AND EQUIPPING. The Department of Correction is
2 hereby authorized to transfer appropriations between any line items
3 authorized herein but only for the purpose of financing construction or
4 equipment for a facility of the department. Any transfers authorized by this
5 section shall require the approval of the Chief Fiscal Officer of the State
6 after prior review and approval by the Legislative Council or Joint Budget
7 Committee.

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

24 The provisions of this section shall be in effect only from ~~July 1, 2003~~
25 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

26
27 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
28 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOOD SERVICE
29 CONTRACT. In the event the Department is able to contract with a private
30 provider for food services at a unit(s), transfers may be made from Regular
31 Salaries, Personal Services Matching, and Maintenance and Operations line
32 items to Professional Fees and Services upon approval by the Chief Fiscal
33 Officer of the State and after receiving prior review by the Legislative
34 Council or Joint Budget Committee.

35 The provisions of this section shall be in effect only from ~~July 1, 2003~~
36 July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

1
2 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
4 JAIL INVOICE SUMMARY. The Departments of Correction and Community
5 Correction, shall at a minimum and on a fiscal year basis, prepare and post
6 on the applicable agency web site, a monthly summary of county jail
7 reimbursement invoices prepared and forwarded to each county sheriff for
8 verification by the Departments and for payment from the County Jail
9 Reimbursement Fund. In addition, the report shall include a summary of
10 invoices returned by each county for payment for previous months within the
11 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end
12 report shall be maintained on the web sites for a period of no less than
13 three (3) years.
14

15 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEASE
17 PAYMENTS AND CONSTRUCTION AUTHORIZATION. The Department of Correction is
18 authorized to utilize the appropriation made payable from the General
19 Improvement Fund for Farm Receipts Replacement moneys as provided in Section
20 1 (A) of Act 263 of 2005 for purposes of retirement of Correction Facilities
21 Revenue Bonds, Series 1996, lease payments associated with debt service on
22 institutions constructed at Malvern and for construction of a 200-bed female
23 addition to the McPherson Unit at Newport in addition to the appropriation
24 provided by Section 1 (B) of Act 263.
25

26 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
27 by this act shall be limited to the appropriation for such agency and funds
28 made available by law for the support of such appropriations; and the
29 restrictions of the State Procurement Law, the General Accounting and
30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
31 Procedures and Restrictions Act, or their successors, and other fiscal
32 control laws of this State, where applicable, and regulations promulgated by
33 the Department of Finance and Administration, as authorized by law, shall be
34 strictly complied with in disbursement of said funds.
35

36 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

8
9 SECTION 46. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a two (2) year period; that the
12 effectiveness of this Act on July 1, 2005 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2005 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2005.

20
21 /s/ Joint Budget Committee

22
23
24 APPROVED: 04/13/2005

1