

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 2304 of the Regular Session

As Engrossed: H3/15/05 H4/1/05 H4/7/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 1454

4
5 By: Joint Budget Committee
6
7

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, 2007; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF COMMUNITY
17 CORRECTION APPROPRIATION FOR THE
18 2005-2007 BIENNIUM.
19
20
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 2005-2007 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



					Maximum Annual	
				Maximum	Salary Rate	
	Item	Class		No. of	Fiscal Years	
	No.	Code	Title	Employees	2005-2006	2006-2007
5	(1)	8052	COMMUNITY PUNISHMENT DIRECTOR	1	\$90,186	\$92,448
6	(2)	8053	DCC CHIEF DEPUTY DIRECTOR	1	\$77,666	\$79,793
7	(3)	9355	DEPUTY DIR ADMIN SRVCS	1	\$70,321	\$72,128
8	(4)	9324	DEPUTY DIR PAROLE/PROBATION SERVICE	1	\$70,235	\$72,119
9	(5)	8801	DCC DEP DIRECTOR RESIDENTIAL SVCS	1	\$69,975	\$71,854
10	(6)	8905	COMMUNITY PUNISHMENT PROGRAM ADMR	3	\$60,132	\$61,824
11	(7)	827Z	DP CENTER MANAGER	1		GRADE 26
12	(8)	102Z	CORRECTIONAL WARDEN	5		GRADE 26
13	(9)	R170	ATTORNEY SPECIALIST	1		GRADE 25
14	(10)	110Z	A&D ABUSE PREV ASST DEP DIR/PRG DEV	1		GRADE 24
15	(11)	181Z	COMPLIANCE ADMINISTRATOR	1		GRADE 23
16	(12)	055Z	DP MANAGER	1		GRADE 23
17	(13)	091Z	ASST WARDEN	5		GRADE 23
18	(14)	N334	COR ASST TO THE DIR/PUB RELATIONS	1		GRADE 23
19	(15)	T015	PAROLE/PROBATION AREA MANAGER	19		GRADE 23
20	(16)	T014	CHIEF SECURITY OFFICER	4		GRADE 22
21	(17)	909Z	PROGRAM SUPPORT MANAGER	3		GRADE 22
22	(18)	E051	TRAINING PROJECT MANAGER	1		GRADE 22
23	(19)	D123	APPLICATIONS & SYSTEMS ANALYST	3		GRADE 21
24	(20)	A008	ACCOUNTING SUPERVISOR II	1		GRADE 21
25	(21)	D036	SR PROGRAMMER/ANALYST	1		GRADE 21
26	(22)	T002	PAROLE/PROBATION ASST AREA MGR	37		GRADE 21
27	(23)	T008	CC/COR OFFICER IV	5		GRADE 21
28	(24)	T076	DCC PROGRAM COORDINATOR	9		GRADE 21
29	(25)	V012	PURCHASING MANAGER	1		GRADE 21
30	(26)	T006	CC/COR OFFICER III	31		GRADE 20
31	(27)	T034	PAROLE/PROBATION OFFICER II	348		GRADE 20
32	(28)	R144	PROGRAM COORDINATOR	1		GRADE 20
33	(29)	R266	MANAGEMENT PROJECT ANALYST II	17		GRADE 20
34	(30)	D121	USER SUPPORT ANALYST	1		GRADE 20
35	(31)	M115	SUBSTANCE ABUSE PROGRAM COORD	7		GRADE 20
36	(32)	L070	NURSE II	1		GRADE 20

1	(33)	M016	SR CHAPLAIN	5	GRADE 20
2	(34)	M045	COR REHAB FACILITY SUPERVISOR	16	GRADE 20
3	(35)	M088	SOCIAL WORKER II	6	GRADE 20
4	(36)	M114	SUBSTANCE ABUSE PROGRAM LEADER	54	GRADE 19
5	(37)	E074	TRAINING REPRESENTATIVE	3	GRADE 19
6	(38)	H030	CC/COR FOOD PRODUCTION MGR II	23	GRADE 19
7	(39)	A087	BUDGET OFFICER	1	GRADE 19
8	(40)	A103	FIELD AUDITOR	6	GRADE 19
9	(41)	R068	EEO/GRIEVANCE OFFICER	1	GRADE 19
10	(42)	T010	CC/COR SERGEANT	67	GRADE 19
11	(43)	V022	LEASING SPECIALIST II	1	GRADE 19
12	(44)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
13	(45)	W009	CC/COR RECORDS SUPERVISOR	6	GRADE 18
14	(46)	Y131	CC/COR CONSTR/MAINT SUPV I	6	GRADE 18
15	(47)	T005	CC/COR OFFICER II	208	GRADE 18
16	(48)	R322	CC/COR UNIT PERS & TRNG OFFICER	5	GRADE 18
17	(49)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
18	(50)	A111	ACCOUNTANT	1	GRADE 18
19	(51)	A114	CC/COR BUSINESS MANAGER	5	GRADE 18
20	(52)	E050	STAFF DEVELOPMENT SPECIALIST II	15	GRADE 18
21	(53)	M096	CC/COR PROGRAM COORD	7	GRADE 18
22	(54)	M105	CC/COR COUNSELOR	73	GRADE 18
23	(55)	M125	WORK PROGRAM ADVISOR	16	GRADE 17
24	(56)	E055	CC/COR UNIT TRAINER	1	GRADE 17
25	(57)	R430	ADMINISTRATIVE OFFICER	1	GRADE 17
26	(58)	R010	ADMINISTRATIVE ASSISTANT II	64	GRADE 17
27	(59)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE 17
28	(60)	X318	CC/COR ADMIN REVIEW OFFICER	6	GRADE 16
29	(61)	T073	DCC INTAKE OFFICER	36	GRADE 15
30	(62)	A108	ACCOUNTING TECHNICIAN II	10	GRADE 15
31	(63)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
32	(64)	H023	COMMISSARY MANAGER	5	GRADE 14
33	(65)	K153	SECRETARY II	<u>28</u>	GRADE 13
34			MAX. NO. OF EMPLOYEES	1,200	

35

36 SECTION 2. *EXTRA HELP - STATE OPERATIONS.* There is hereby authorized, for

1 the Department of Community Correction - State Operations for the 2005-2007
 2 biennium, the following maximum number of part-time or temporary employees,
 3 to be known as "Extra Help", payable from funds appropriated herein for such
 4 purposes: ten (10) temporary or part-time employees, when needed, at rates
 5 of pay not to exceed those provided in the Uniform Classification and
 6 Compensation Act, or its successor, or this act for the appropriate
 7 classification.

8
 9 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 10 to the Department of Community Correction, to be payable from the Department
 11 of Community Correction Fund Account, for personal services and operating
 12 expenses of the Department of Community Correction - State Operations for the
 13 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 30,721,335	\$ 31,640,565
(02) EXTRA HELP	25,000	25,000
(03) PERSONAL SERVICES MATCHING	10,153,092	10,334,448
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	8,051,964	7,847,139
(B) CONF. & TRAVEL	11,857	11,857
(C) PROF. FEES	4,069,852	4,081,852
(D) CAP. OUTLAY	1,377,678	628,289
(E) DATA PROC.	<u>143,317</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 54,554,095</u>	<u>\$ 54,569,150</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, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 3,708,936	\$ 3,819,920

1	(02) PERSONAL SERVICES MATCHING	1,207,931	1,229,829
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	0	0
7	(E) DATA PROC.	0	0
8	(04) WAR MEMORIAL STADIUM COMMISSION		
9	PARKING SERVICES FROM FEES	10,000	10,000
10	(05) COMMUNITY CORRECTION PROGRAMS	<u>1,977,469</u>	<u>1,977,469</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,058,753</u>	<u>\$ 7,191,635</u>

12

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, 2007, the following:

18

19	ITEM	FISCAL YEARS	
20	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
21	(01) REGULAR SALARIES	\$ 330,602	\$ 340,516
22	(02) PERSONAL SERVICES MATCHING	107,470	109,424
23	(03) MAINT. & GEN. OPERATION		
24	(A) OPER. EXPENSE	147,495	147,495
25	(B) CONF. & TRAVEL	68,415	68,415
26	(C) PROF. FEES	1,130,386	1,130,386
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>\$ 2,431,179</u>	<u>\$ 2,443,047</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, 2007, the following:

2

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 1,187,534	\$ 1,187,534
(B) CONF. & TRAVEL	50,000	50,000
(C) PROF. FEES	50,000	50,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,287,534</u>	<u>\$ 1,287,534</u>

12

13 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
 15 CORRECTION PROGRAMS *LINE ITEM* USES. After seeking and receiving approval of
 16 the Governor and Chief Fiscal Officer of the State and upon review by the
 17 Arkansas Legislative Council or Joint Budget Committee, the Director of the
 18 Department of Community Correction, as authorized by the Board of
 19 Corrections, is authorized to use funds appropriated for "Community
 20 Correction Programs" *line item* in this Act to construct new or renovate
 21 existing facilities to support the development of community correction
 22 facilities in the state.

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

25

26 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR
 28 VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby
 29 authorized to purchase motor vehicles from the appropriations authorized for
 30 *Capital Outlay in Section 3 and Section 4* in this Act.

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

33

34

35 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING

1 FEES. On July 1, of each year the Department of Community Correction shall
2 pay from the appropriation provided herein from non-general revenue, the
3 total amount appropriated for War Memorial Stadium Commission Parking
4 Services from Fees to the War Memorial Stadium Commission.

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

7
8 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
10 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
11 of the State and review and approval by the Arkansas Legislative Council or
12 Joint Budget Committee, the Director of the Department of Community
13 Correction is authorized to transfer appropriation from *any line item*
14 *authorized in Section 3 and Section 4 of this Act to any other line item*
15 *authorized in Section 3 and Section 4 of this Act.*

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 Community Correction may operate more
23 efficiently if some flexibility is provided to the Department of Community
24 Correction authorizing broad powers under this Section. Therefore, it is both
25 necessary and appropriate that the General Assembly maintain oversight by
26 requiring prior approval of the Legislative Council or Joint Budget Committee
27 as provided by this section. The requirement of approval by the Legislative
28 Council or Joint Budget Committee is not a severable part of this section.
29 If the requirement of approval by the Legislative Council or Joint Budget
30 Committee is ruled unconstitutional by a court of competent jurisdiction,
31 this entire section is void.

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

34
35 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections
2 that a reallocation of resources within the Department of Community
3 Correction and Department of Correction is necessary for the efficient and
4 effective operation of the departments, the Board, with approval of the
5 Governor and approval by the Arkansas Legislative Council or Joint Budget
6 Committee, shall have the authority to instruct the department directors, to
7 request from the Chief Fiscal Officer of the State, a transfer of positions,
8 *programs, funds, appropriations, and line-item appropriations within or*
9 *between existing and newly created divisions, offices, sections, or units of*
10 the departments. If it is determined that the requested transfer should be
11 made, the Chief Fiscal Officer of the State shall then initiate the necessary
12 transfer documents to reflect the transfers upon the fiscal records of the
13 State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,
14 and the Departments of Correction and Community Correction. Provided,
15 however, that the Board shall be limited to submitting no more than Four
16 requests during any fiscal year. Transfer authority for unforeseen purposes
17 shall further be limited to no more than five percent (5%) of the total
18 appropriation, funding, and positions specific to each agency. However, there
19 shall be no transfers to or from the County Jail Reimbursement Fund. Other
20 than for unforeseen purposes, transfers shall be limited to the following
21 specific purposes:

- 22 a) Costs to open and operate temporary beds;
- 23 b) Payment of Debt Service;
- 24 c) Payment of Overtime Expenses;
- 25 d) Unanticipated increases for medical or private prison contracts;
- 26 e) Construction/renovation/equipping of new beds;
- 27 f) Deficits in Farm or Industry Program;
- 28 g) Losses not covered by insurance proceeds;
- 29 h) Costs of personnel for critical services or necessary to carry out the
30 mission of the agency.

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

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

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

14

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

27 T014 Chief Security Officer Grade 22

28 T008 CP/COR Officer IV Grade 21

29 T006 CP/COR Officer III Grade 20

30 T010 CP/COR Sergeant Grade 19

31 T005 CP/COR Officer II Grade 18

32 T003 CP/COR Officer Grade 16

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

35

36 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

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 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 21 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
 22 Department of Community Correction - Contingent Positions for the ~~2003-2005~~
 23 2005-2007 biennium, the following maximum number of regular employees whose
 24 salaries shall be governed by the provisions of the Uniform Classification
 25 and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and
 26 all laws amendatory thereto. Provided, however, that any position to which a
 27 specific maximum annual salary is set out herein in dollars, shall be exempt
 28 from the provisions of said Uniform Classification and Compensation Act. All
 29 persons occupying positions authorized herein are hereby governed by the
 30 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 31 Code 21-5-101), or its successor.

32	CONTINGENT POSITIONS - MEDICAL SERVICES	NO. OF	FISCAL YEARS
33		EMPLOYEES	2003-04 2004-05
34			<u>2005-06 2006-07</u>
35	PATIENT CARE - CLASSIFIED POSITIONS		
36	(1) 108Z COR MED/DENTAL ADMR	1	GRADE 23

1	(2)	L122	PSYCH. EXAMINER II	1	GRADE 21
2	(3)	M088	SOCIAL WORKER II	5	GRADE 20
3	(4)	L070	NURSE II	<u>6</u> 5	GRADE 20
4	(5)	L115	LPN II/LPTN II	<u>20</u> 16	GRADE 15
5	(6)	R009	ADMIN ASSISTANT I	1	GRADE 15 <u>17</u>
6	MAXIMUM NUMBER OF CONTINGENT				
7	EMPLOYEES MEDICAL SVCS			<u>34</u> 29	

8

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

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

14

15 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 17 BALANCES RESIDENTS SERVICES CASH FUND. (A) For all appropriations as
 18 provided in this Act, the agency disbursing officer shall monitor the level
 19 of fund balances in relation to expenditures on a monthly basis. If any
 20 proposed expenditures would cause the Residents Services Cash Fund to decline
 21 below three hundred sixty nine thousand seven hundred seventy dollars
 22 (\$369,770), the disbursing officer shall immediately notify the executive
 23 head of the agency. Prior to any obligations being made under these
 24 circumstances, the agency head shall file written documentation with the
 25 Chief Fiscal Officer of the State requesting approval of the expenditures.
 26 Such documentation shall provide sufficient financial data to justify the
 27 expenditures and shall include the following:

- 28 1) a plan that clearly indicates the specific fiscal impact of such
 29 expenditures on the fund balance.
- 30 2) information clearly indicating and explaining what programs would be cut
 31 or any other measures to be taken by the agency to restore the fund balance.
- 32 3) the extent to which any of the planned expenditures are for one-time costs
 33 or one-time purchase of capitalized items.
- 34 4) a statement certifying that the expenditure of fund balances will not
 35 jeopardize the financial health of the agency, nor result in a permanent
 36 depletion of the fund balance.

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

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

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized under the line item established herein for "Community Correction Programs" are to be used by the Department of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

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

SECTION 17. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby appropriated, to the Department of Community Correction, to be payable from the County Jail Reimbursement Fund, for reimbursement to counties housing state inmates of the Department of Community Correction for the fiscal year ending June 30, 2006, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REIMBURSEMENT TO COUNTIES HOUSING STATE INMATES	<u>\$ 2,000,000</u>	<u>\$2,000,000</u>

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a substantial increase in utility and fuel rates, the Department of Community Correction is authorized to transfer from any line item in Section 3 - State Operations to

1 Operating Expense Item (04)(A) in Section 3 - State Operations for support of
2 the increase after receiving approval of the Chief Fiscal Officer.

3
4 Section 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
6 JAIL INVOICE SUMMARY. The Departments of Correction and Community
7 Correction, shall at a minimum and on a fiscal year basis, prepare and post
8 on the applicable agency web site, a monthly summary of county jail
9 reimbursement invoices prepared and forwarded to each county sheriff for
10 verification by the Departments and for payment from the County Jail
11 Reimbursement Fund. In addition, the report shall include a summary of
12 invoices returned by each county for payment for previous months within the
13 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end
14 report shall be maintained on the web sites for a period of no less than
15 three (3) years.

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

26
27 SECTION 21. LEGISLATIVE INTENT. It is the intent of the General Assembly
28 that any funds disbursed under the authority of the appropriations contained
29 in this act shall be in compliance with the stated reasons for which this act
30 was adopted, as evidenced by the Agency Requests, Executive Recommendations
31 and Legislative Recommendations contained in the budget manuals prepared by
32 the Department of Finance and Administration, letters, or summarized oral
33 testimony in the official minutes of the Arkansas Legislative Council or
34 Joint Budget Committee which relate to its passage and adoption.

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36 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General

1 Assembly, that the Constitution of the State of Arkansas prohibits the
2 appropriation of funds for more than a two (2) year period; that the
3 effectiveness of this Act on July 1, 2005 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the Regular Session, the delay in the effective
6 date of this Act beyond July 1, 2005 could work irreparable harm upon the
7 proper administration and provision of essential governmental programs.
8 Therefore, an emergency is hereby declared to exist and this Act being
9 necessary for the immediate preservation of the public peace, health and
10 safety shall be in full force and effect from and after July 1, 2005.

11
12 */s/ Joint Budget Committee*

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15 *APPROVED: 4/14/2005*
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