

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 1286 of the Regular Session**

1 State of Arkansas *As Engrossed: H3/8/07 H3/15/07 H3/16/07 H3/28/07*

2 86th General Assembly

**A Bill**

3 Regular Session, 2007

HOUSE BILL 1375

4

5 By: Joint Budget Committee

6

7

8

**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE  
11 DEPARTMENT OF COMMUNITY CORRECTION FOR THE  
12 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR  
13 OTHER PURPOSES.

14

15

16

**Subtitle**

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

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

35



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

1	(33)	M045	COR REHAB FACILITY SUPERVISOR	17	GRADE 20
2	(34)	M088	SOCIAL WORKER II	6	GRADE 20
3	(35)	M114	SUBSTANCE ABUSE PROGRAM LEADER	61	GRADE 19
4	(36)	E074	TRAINING REPRESENTATIVE	3	GRADE 19
5	(37)	H030	CC/COR FOOD PRODUCTION MGR II	28	GRADE 19
6	(38)	A087	BUDGET OFFICER	1	GRADE 19
7	(39)	A103	FIELD AUDITOR	6	GRADE 19
8	(40)	R068	EEO/GRIEVANCE OFFICER	1	GRADE 19
9	(41)	T010	CC/COR SERGEANT	74	GRADE 19
10	(42)	V022	LEASING SPECIALIST II	1	GRADE 19
11	(43)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
12	(44)	W009	CC/COR RECORDS SUPERVISOR	7	GRADE 18
13	(45)	Y131	CC/COR CONSTR/MAINT SUPV I	7	GRADE 18
14	(46)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
15	(47)	T005	CC/COR OFFICER II	242	GRADE 18
16	(48)	R322	CC/COR UNIT PERS & TRNG OFFICER	5	GRADE 18
17	(49)	A111	ACCOUNTANT	1	GRADE 18
18	(50)	A114	CC/COR BUSINESS MANAGER	6	GRADE 18
19	(51)	E050	STAFF DEVELOPMENT SPECIALIST II	15	GRADE 18
20	(52)	M096	CC/COR PROGRAM COORD	8	GRADE 18
21	(53)	M105	CC/COR COUNSELOR	90	GRADE 18
22	(54)	M125	WORK PROGRAM ADVISOR	16	GRADE 17
23	(55)	E055	CC/COR UNIT TRAINER	1	GRADE 17
24	(56)	R430	ADMINISTRATIVE OFFICER	1	GRADE 17
25	(57)	R190	PERSONNEL OFFICER II	1	GRADE 17
26	(58)	R010	ADMINISTRATIVE ASSISTANT II	67	GRADE 17
27	(59)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE 17
28	(60)	X318	CC/COR ADMIN REVIEW OFFICER	7	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	6	GRADE 14
33	(65)	K153	SECRETARY II	<u>28</u>	GRADE 13
34			MAX. NO. OF EMPLOYEES	1,393	

35

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

1 the Department of Community Correction - State Operations for the 2007-2009  
 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, 2009, the following:

14

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

28

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

34

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>

36

1	(01)	REGULAR SALARIES	\$	3,641,965	\$	3,714,743
2	(02)	PERSONAL SERVICES MATCHING		1,224,703		1,239,431
3	(03)	MAINT. & GEN. OPERATION				
4	(A)	OPER. EXPENSE		153,417		153,417
5	(B)	CONF. & TRAVEL		1,000		1,000
6	(C)	PROF. FEES		0		0
7	(D)	CAP. OUTLAY		621,133		374,731
8	(E)	DATA PROC.		0		0
9	(04)	WAR MEMORIAL STADIUM COMMISSION		10,000		10,000
10		PARKING SERVICES FROM FEES				
11	(05)	COMMUNITY CORRECTION PROG		<u>4,977,469</u>		<u>4,977,469</u>
12		TOTAL AMOUNT APPROPRIATED		<u>\$ 10,629,687</u>		<u>\$ 10,470,791</u>

13

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

19

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

32

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

1 Community Correction - Residents Services Fund - Cash for the biennial period  
 2 ending June 30, 2009, the following:

3

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

13

14 SECTION 7. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby  
 15 appropriated, to the Department of Community Correction, to be payable from  
 16 the County Jail Reimbursement Fund, for reimbursement to counties housing  
 17 state inmates of the Department of Community Correction for the biennial  
 18 period ending June 30, 2009, the following:

19

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

24

25 SECTION 8. APPROPRIATION - DRUG COURT - SIXTEENTH JUDICIAL DISTRICT.  
 26 There is hereby appropriated, to the Department of Community Correction, to  
 27 be payable from the Department of Community Correction Fund Account, for the  
 28 establishment and associated costs of implementing a drug court in the  
 29 Sixteenth Judicial District, the sum of ..... \$350,000.

30

31 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 33 PROVISION. Immediately upon the effective date of this act, the Chief Fiscal  
 34 Officer of the State shall transfer on his or her books and those of the  
 35 State Treasurer and the Auditor of State, the sum of three hundred fifty  
 36 thousand dollars (\$350,000) from the Special State Assets Forfeiture Fund to

1 the Department of Community Correction Fund Account. Only state funds shall  
2 be used to fund the appropriation herein.

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

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

30 The provisions of this section shall be in effect only from July 1, 2005  
31 2007 through June 30, ~~2007~~ 2009.

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

1 Capital Outlay in Section 3 and Section 4 in this Act.

2 The provisions of this section shall be in effect only from July 1, 2005  
3 2007 through June 30, ~~2007~~ 2009.

4

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

11 The provisions of this section shall be in effect only from July 1, 2005  
12 2007 through June 30, ~~2007~~ 2009.

13

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

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

1 this entire section is void.

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

4

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

1 g) Losses not covered by insurance proceeds;

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

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

21 The provisions of this section shall be in effect only from July 1, 2005  
22 2007 through June 30, ~~2007~~ 2009.

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

34  
35 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY

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

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

17 The provisions of this section shall be in effect only from July 1, 2005  
18 2007 through June 30, ~~2007~~ 2009.

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

36 The provisions of this section shall be in effect only from July 1, 2005

1 2007 through June 30, ~~2007~~ 2009.

2

3 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR  
 5 SALARIES - CONTINGENT POSITIONS. There is hereby established for the  
 6 Department of Community Correction - Contingent Positions for the ~~2005-2007~~  
 7 2007-2009 biennium, the following maximum number of regular employees whose  
 8 salaries shall be governed by the provisions of the Uniform Classification  
 9 and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and  
 10 all laws amendatory thereto. Provided, however, that any position to which a  
 11 specific maximum annual salary is set out herein in dollars, shall be exempt  
 12 from the provisions of said Uniform Classification and Compensation Act. All  
 13 persons occupying positions authorized herein are hereby governed by the  
 14 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
 15 Code 21-5-101), or its successor.

16 CONTINGENT POSITIONS - MEDICAL SERVICES

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

29

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

33 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 34 2007 through June 30, ~~2007~~ 2009.

35

36 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

11 The provisions of this section shall be in effect only from July 1, 2005  
12 2007 through June 30, 2007 2009.

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

1 Legislative Council or Joint Budget Committee is not a severable part of this  
2 section. If the requirement of approval by the Legislative Council or Joint  
3 Budget Committee is ruled unconstitutional by a court of competent  
4 jurisdiction, this entire section is void.

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

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

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

