

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1092

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 FISCAL
12 YEAR ENDING JUNE 30, 2011; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF COMMUNITY
17 CORRECTION APPROPRIATION FOR THE 2010-
18 2011 FISCAL YEAR.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Community Correction for the 2010-2011 fiscal year, the
26 following maximum number of regular employees whose salaries shall be
27 governed by the provisions of the Uniform Classification and Compensation Act
28 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
29 thereto. Provided, however, that any position to which a specific maximum
30 annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.
35

36 Maximum Annual

1				Maximum	Salary Rate
2	Item	Class		No. of	Fiscal Year
3	No.	Code	Title	Employees	2010-2011
4	(1)	U084U	DCC DIRECTOR	1	\$103,312
5	(2)	U083U	DCC CHIEF DEPUTY DIRECTOR	1	\$89,169
6	(3)	N130N	DCC DEPUTY DIR ADMIN SERVICES	1	GRADE N904
7	(4)	N129N	DCC DEPUTY DIR PAROLE/PROBATION SVCS	1	GRADE N904
8	(5)	N114N	DCC DEPUTY DIR RESIDENTIAL SVCS	1	GRADE N904
9	(6)	T004C	DCC PROGRAM ADMR PAROLE & PROBATION	2	GRADE C128
10	(7)	M001C	DCC TREATMENT ADMINISTRATOR	2	GRADE C128
11	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
12	(9)	T005C	ADC/DCC CORRECTIONAL WARDEN	6	GRADE C127
13	(10)	A021C	AGENCY CONTROLLER I	1	GRADE C126
14	(11)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
15	(12)	G046C	DCC PLANNING & MGMT SVCS ADMIN	1	GRADE C126
16	(13)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
17	(14)	T015C	ADC/DCC DEPUTY WARDEN	6	GRADE C124
18	(15)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
19	(16)	R013C	AGENCY HUMAN RESOURCES MANAGER	1	GRADE C123
20	(17)	X025C	DCC PAROLE/PROBATION AREA MANAGER	17	GRADE C123
21	(18)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
22	(19)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
23	(20)	M007C	DCC ASST TREATMENT PROGRAM MGR	5	GRADE C122
24	(21)	T027C	ADC/DCC TRAINING ADMINISTRATOR	1	GRADE C121
25	(22)	X042C	DCC PAROLE/PROBATION ASST AREA MGR	36	GRADE C121
26	(23)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE C121
27	(24)	G222C	ADC/DCC INTERNAL AFFAIRS ADMIN	1	GRADE C121
28	(25)	T033C	ADC/DCC MAJOR	3	GRADE C120
29	(26)	R021C	BUDGET ANALYST	1	GRADE C119
30	(27)	G154C	DCC PROGRAM COORDINATOR	6	GRADE C119
31	(28)	M021C	DCC TREATMENT SUPERVISOR	8	GRADE C119
32	(29)	D061C	INFO SYSTEMS COORDINATION SPECIALIST	1	GRADE C119
33	(30)	E100C	ADC/DCC TRAINING ACADEMY SUPERVISOR	1	GRADE C119
34	(31)	T048C	ADC/DCC CAPTAIN	6	GRADE C118
35	(32)	T045C	DCC PAROLE/PROBATION OFFICER	443	GRADE C118
36	(33)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118

1	(34)	A074C	FI SCAL SUPPORT SUPERVI SOR	3	GRADE C118
2	(35)	T054C	ADC/DCC LI EUTENANT	32	GRADE C117
3	(36)	M046C	ADC/DCC TREATMENT COORDI NATOR	21	GRADE C117
4	(37)	G180C	GRANTS ANALYST	2	GRADE C117
5	(38)	S026C	ADC/DCC ASST MAI NTENANCE SUPERVI SOR	8	GRADE C116
6	(39)	T059C	ADC/DCC FOOD PREPARATI ON MANAGER	10	GRADE C116
7	(40)	C024C	ADC/DCC RECORDS SUPERVI SOR	7	GRADE C116
8	(41)	C022C	BUSI NESS OPERATI ONS SPECI ALI ST	6	GRADE C116
9	(42)	V014C	BUYER	4	GRADE C116
10	(43)	G200C	CLASSI FI CATION & ASSI GNMENT OFFI CER	4	GRADE C116
11	(44)	E048C	EDUCATI ON & I NSTRUCTI ON SPECI ALI ST	2	GRADE C116
12	(45)	R030C	EEO/GRI EVANCE OFFI CER	1	GRADE C116
13	(46)	M048C	SUBSTANCE ABUSE PROGRAM LEADER	47	GRADE C116
14	(47)	E046C	TRAI NI NG I NSTRUCTOR	4	GRADE C116
15	(48)	M059C	ADC/DCC ADVI SOR	109	GRADE C115
16	(49)	T065C	ADC/DCC CORRECTI ONAL SERGEANT	71	GRADE C115
17	(50)	M058C	ADC/DCC PROGRAM SPECI ALI ST	9	GRADE C115
18	(51)	C037C	ADM I NI STRATI VE ANALYST	8	GRADE C115
19	(52)	R033C	BENEFI TS ANALYST	1	GRADE C115
20	(53)	M057C	CHAPLAI N	6	GRADE C115
21	(54)	A091C	FI SCAL SUPPORT ANALYST	1	GRADE C115
22	(55)	R031C	I NSTITUTI ON HUMAN RESOURCES COORD	6	GRADE C115
23	(56)	A090C	PAYROLL SERVI CES SPECI ALI ST	1	GRADE C115
24	(57)	T070C	ADC/DCC FOOD PREPARATI ON SUPERVI SOR	20	GRADE C114
25	(58)	G215C	CAREER PLANNI NG & PLACEMEN T SPEC	16	GRADE C114
26	(59)	T076C	ADC/DCC ADM I N REVI EW OFFI CER	6	GRADE C113
27	(60)	T075C	ADC/DCC CORPORAL	238	GRADE C113
28	(61)	R036C	HUMAN RESOURCES SPECI ALI ST	1	GRADE C113
29	(62)	T083C	ADC/DCC CORRECTI ONAL OFFI CER I	2	GRADE C112
30	(63)	C056C	ADM I NI STRATI VE SPECI ALI ST I I I	91	GRADE C112
31	(64)	T081C	COMMI SSARY MANAGER	6	GRADE C112
32	(65)	A098C	FI SCAL SUPPORT SPECI ALI ST	11	GRADE C112
33	(66)	A097C	PAYROLL TECHNI CI AN	1	GRADE C112
34	(67)	C073C	ADM I NI STRATI VE SPECI ALI ST I I	<u>66</u>	GRADE C109
35			MAX. NO. OF EMPLOYEES	1,387	

36

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Community Correction - State Operations for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: ten (10) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Community Correction, to be payable from the Department of Community Correction Fund Account, for personal services and operating expenses of the Department of Community Correction - State Operations for the fiscal year ending June 30, 2011, the following:

ITEM NO.		FISCAL YEAR
		2010-2011
(01)	REGULAR SALARIES	\$ 42,340,220
(02)	EXTRA HELP	25,000
(03)	PERSONAL SERVICES MATCHING	14,726,143
(04)	MAINT. & GEN. OPERATION	
(A)	OPER. EXPENSE	12,143,786
(B)	CONF. & TRAVEL	39,400
(C)	PROF. FEES	10,906,647
(D)	CAP. OUTLAY	47,216
(E)	DATA PROC.	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 80,228,412</u>

SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby appropriated, to the Department of Community Correction, to be payable from the Community Correction Revolving Fund, for personal services and operating expenses of the Department of Community Correction - Special Revenue Operations for the fiscal year ending June 30, 2011, the following:

ITEM NO.		FISCAL YEAR
		2010-2011

1	(01) REGULAR SALARIES	\$ 4,301,249
2	(02) PERSONAL SERVICES MATCHING	1,440,112
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	153,417
5	(B) CONF. & TRAVEL	1,000
6	(C) PROF. FEES	0
7	(D) CAP. OUTLAY	549,462
8	(E) DATA PROC.	0
9	(04) WAR MEMORIAL STADIUM COMMISSION	
10	PARKING SERVICES FROM FEES	10,000
11	(05) COMMUNITY CORRECTION PROG	<u>4,977,469</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,432,709</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 operating
 17 expenses of the Department of Community Correction - Federal Programs for the
 18 fiscal year ending June 30, 2011, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</u>
22	(01) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	\$ 206,270
24	(B) CONF. & TRAVEL	74,415
25	(C) PROF. FEES	3,210,386
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	0
28	(02) GRANTS AND AID	<u>646,811</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,137,882</u>

30
 31 SECTION 6. APPROPRIATION - RESIDENTS SERVICES FUND - CASH. There is hereby
 32 appropriated, to the Department of Community Correction, to be payable from
 33 the cash fund deposited in the State Treasury as determined by the Chief
 34 Fiscal Officer of the State, for operating expenses of the Department of
 35 Community Correction - Residents Services Fund - Cash for the fiscal year
 36 ending June 30, 2011, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2010-2011</u>
4	(01) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	\$ 1,717,354
6	(B) CONF. & TRAVEL	62,870
7	(C) PROF. FEES	101,800
8	(D) CAP. OUTLAY	0
9	(E) DATA PROC.	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,882,024</u>

11

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

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

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

15 state inmates of the Department of Community Correction for the fiscal year

16 ending June 30, 2011, the following:

17		
18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2010-2011</u>
20	(01) REIMBURSEMENT TO COUNTIES HOUSING	
21	STATE INMATES	<u>\$ 3,000,000</u>

22

23 SECTION 8. APPROPRIATION - VICTIM ASSISTANCE ACADEMY PROGRAM. There is

24 hereby appropriated, to the Department of Community Correction, to be payable

25 from the General Improvement Fund or its successor fund or fund accounts, for

26 regular salaries, personal services matching, extra help, maintenance,

27 operations and related expenses of the Department of Community Correction -

28 Victim Assistance Academy Program for the fiscal year ending June 30, 2011,

29 the sum of\$210,000.

30

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

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

33 CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of

34 the Governor and Chief Fiscal Officer of the State and upon approval by the

35 Arkansas Legislative Council or Joint Budget Committee, the Director of the

36 Department of Community Correction, as authorized by the Board of

1 Corrections, is authorized to use funds appropriated for "Community
 2 Correction Programs" line item in this Act to construct new or renovate
 3 existing facilities to support the development of community correction
 4 facilities in the state.

5 Determining the maximum number of employees and the maximum amount of
 6 appropriation and general revenue funding for a state agency each fiscal year
 7 is the prerogative of the General Assembly. This is usually accomplished by
 8 delineating such maximums in the appropriation act(s) for a state agency and
 9 the general revenue allocations authorized for each fund and fund account by
 10 amendment to the Revenue Stabilization Law. Further, the General Assembly
 11 has determined that the Department of Community Correction may operate more
 12 efficiently if some flexibility is provided to the Department of Community
 13 Correction authorizing broad powers under this Section. Therefore, it is both
 14 necessary and appropriate that the General Assembly maintain oversight by
 15 requiring prior approval of the Legislative Council or Joint Budget Committee
 16 as 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 of competent jurisdiction,
 20 this entire section is void.

21 The provisions of this section shall be in effect only from July 1, ~~2007~~
 22 2010 through June 30, ~~2009~~ 2011.

23
 24 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR
 26 VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby
 27 authorized to purchase motor vehicles from the appropriations authorized for
 28 Capital Outlay in Section 3 and Section 4 in this Act.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
 30 2010 through June 30, ~~2009~~ 2011.

31
 32 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING
 34 FEES. On July 1, of each year the Department of Community Correction shall
 35 pay from the appropriation provided herein from non-general revenue, the
 36 total amount appropriated for War Memorial Stadium Commission Parking

1 Services from Fees to the War Memorial Stadium Commission.

2 The provisions of this section shall be in effect only from July 1, ~~2007~~
3 2010 through June 30, ~~2009~~ 2011.

4

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

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

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
30 2010 through June 30, ~~2009~~ 2011.

31

32 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
34 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections
35 that a reallocation of resources within the Department of Community
36 Correction and Department of Correction is necessary for the efficient and

1 effective operation of the departments, the Board, with approval of the
 2 Governor and approval by the Arkansas Legislative Council or Joint Budget
 3 Committee, shall have the authority to instruct the department directors, to
 4 request from the Chief Fiscal Officer of the State, a transfer of positions,
 5 programs, funds, appropriations, and line-item appropriations within or
 6 between existing and newly created divisions, offices, sections, or units of
 7 the departments. If it is determined that the requested transfer should be
 8 made, the Chief Fiscal Officer of the State shall then initiate the necessary
 9 transfer documents to reflect the transfers upon the fiscal records of the
 10 State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,
 11 and the Departments of Correction and Community Correction. Provided,
 12 however, that the Board shall be limited to submitting no more than two
 13 requests, encompassing a single purpose listed in this section, during any
 14 fiscal year per department. Transfer authority shall further be limited to
 15 no more than five percent (5%) of the total General Revenue and Special
 16 Revenue appropriation, funding, and positions specific to each agency.
 17 However, there shall be no transfers to or from the County Jail Reimbursement
 18 Fund. A Reallocation of Resources Transfer shall be limited to the following
 19 specific purposes:

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

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

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

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2010 through June 30, ~~2009~~ 2011.

12
13 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY
15 COMPENSATION. The Department of Community Correction is authorized to pay
16 employees for up to ninety-six (96) hours of unused holidays exceeding a
17 balance in the employee's holiday account of one-hundred fifty (150) hours
18 following the end of the calendar year. Payments of unused holiday hours must
19 be processed on or before June 1st in each fiscal year. Employees terminating
20 employment from the Department of Community Correction will be eligible for
21 all holiday pay accrued during the years of service. This request is
22 contingent on approval by the Chief Fiscal Officer of the State after the
23 Director of the Department of Community Correction has verified that
24 sufficient revenues are available to make such payments to employees in the
25 following classifications:

Class		Maximum Annual Salary Rate	Fiscal Year
<u>Code</u>	<u>Title</u>	<u>2009-2010-2010-2011</u>	
T033C	ADC/DCC MAJOR	GRADE C120	
T048C	ADC/DCC CAPTAIN	GRADE C118	
T054C	ADC/DCC LI EUTENANT	GRADE C117	
T065C	ADC/DCC CORRECTIONAL SERGEANT	GRADE C115	
T075C	ADC/DCC CORPORAL	GRADE C113	
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE C112	

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2010 through June 30, ~~2009~~ 2011.

2

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

19 The provisions of this section shall be in effect only from July 1, ~~2007~~
20 2010 through June 30, ~~2009~~ 2011.

21

22 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
24 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
25 Department of Community Correction - Contingent Positions for the ~~2009-2010~~
26 2010-2011 fiscal year, the following maximum number of regular employees
27 whose salaries shall be governed by the provisions of the Uniform
28 Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its
29 successor, and all laws amendatory thereto. Provided, however, that any
30 position to which a specific maximum annual salary is set out herein in
31 dollars, shall be exempt from the provisions of said Uniform Classification
32 and Compensation Act. All persons occupying positions authorized herein are
33 hereby governed by the provisions of the Regular Salaries Procedures and
34 Restrictions Act (Arkansas Code 21-5-101), or its successor.

35

36 CONTINGENT POSITIONS - MEDICAL SERVICES

1				MAXIMUM ANNUAL
2				SALARY RATE
3	ITEM	CLASS		FISCAL YEAR
4	<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES</u> 2009-2010 <u>2010-2011</u>
5	(1)	L009C	NURSE MANAGER	1 GRADE C125
6	(2)	L033C	PSYCH. EXAMINER	1 GRADE C121
7	(3)	M026C	LICENSED SOCIAL WORKER	6 GRADE C118
8	(4)	L032C	REGISTERED NURSE HOSPITAL	7 GRADE C121
9	(5)	L069C	LIC PRACT NURSE	25 GRADE C113
10	(6)	C056C	ADMIN SPECIALIST III	<u>2</u> GRADE C112
11	MAXIMUM NUMBER OF CONTINGENT			
12	EMPLOYEES - MEDICAL SERVICES			42

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

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
 17 2010 through June 30, ~~2009~~ 2011.

19 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
 21 CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized under the
 22 line item established herein for "Community Correction Programs" are to be
 23 used by the Department of Community Correction for establishment and
 24 operation of, to include construction, renovation, and contracting for
 25 establishment and operation of, residential and non-residential community
 26 correction programs such as, but not limited to, community correction
 27 centers, drug, alcohol, and mental health treatments, intensive supervision,
 28 restitution, and others as established and approved by the Board of
 29 Corrections and as may be provided by law.

30 The provisions of this section shall be in effect only from July 1, ~~2007~~
 31 2010 through June 30, ~~2009~~ 2011.

33 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 35 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent
 36 (10%) increase in utility and fuel rates, the Department of Community

1 Correction is authorized to transfer from any line item in Section 3 - State
2 Operations to Operating Expense Item (04)(A) in Section 3 - State Operations
3 for support of the increase after receiving approval of the Chief Fiscal
4 Officer of the State. Prior to the utilization of the transfer authority a
5 report shall be made to the Arkansas Legislative Council or Joint Budget
6 Committee including justification for the transfer and the amount of
7 transfer.

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

24
25 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
27 JAIL INVOICE SUMMARY. The Departments of Correction and Community
28 Correction, shall at a minimum and on a fiscal year basis, prepare and post
29 on the applicable agency web site, a monthly summary of county jail
30 reimbursement invoices prepared and forwarded to each county sheriff for
31 verification by the Departments and for payment from the County Jail
32 Reimbursement Fund. In addition, the report shall include a summary of
33 invoices returned by each county for payment for previous months within the
34 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end
35 report shall be maintained on the web sites for a period of no less than
36 three (3) years.

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

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

SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2010 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2010.

APPROVED: 2/24/2010