

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 1389 of the Regular Session

1 State of Arkansas *As Engrossed: H2/23/09 H2/26/09 H3/25/09 H4/3/09*

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1436

4

5 By: Joint Budget Committee

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7

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For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL

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SERVICES AND OPERATING EXPENSES FOR THE

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DEPARTMENT OF COMMUNITY CORRECTION FOR THE FISCAL

12

YEAR ENDING JUNE 30, 2010; AND FOR OTHER

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PURPOSES.

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16

Subtitle

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AN ACT FOR THE DEPARTMENT OF COMMUNITY

18

CORRECTION APPROPRIATION FOR THE

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2009-2010 FISCAL YEAR.

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

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SECTION 1. REGULAR SALARIES. There is hereby established for the

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Department of Community Correction for the 2009-2010 fiscal year, the

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following maximum number of regular employees whose salaries shall be

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governed by the provisions of the Uniform Classification and Compensation Act

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(Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory

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thereto. Provided, however, that any position to which a specific maximum

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annual salary is set out herein in dollars, shall be exempt from the

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provisions of said Uniform Classification and Compensation Act. All persons

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occupying positions authorized herein are hereby governed by the provisions

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of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-

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101), or its successor.

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				Maximum	Maximum Annual
				No. of	Salary Rate
	Item	Class		Employees	Fiscal Year
	No.	Code	Title		2009-2010
5	(1)	U084U	DCC DIRECTOR	1	\$100,990
6	(2)	U083U	DCC CHIEF DEPUTY DIRECTOR	1	\$87,165
7	(3)	N130N	DCC DEPUTY DIR ADMIN SERVICES	1	GRADE N904
8	(4)	N129N	DCC DEPUTY DIR PAROLE/PROBATION SVCS	1	GRADE N904
9	(5)	N114N	DCC DEPUTY DIR RESIDENTIAL SVCS	1	GRADE N904
10	(6)	T004C	DCC PROGRAM ADMR PAROLE & PROBATION	2	GRADE C128
11	(7)	M001C	DCC TREATMENT ADMINISTRATOR	2	GRADE C128
12	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
13	(9)	T005C	ADC/DCC CORRECTIONAL WARDEN	6	GRADE C127
14	(10)	A021C	AGENCY CONTROLLER I	1	GRADE C126
15	(11)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
16	(12)	G046C	DCC PLANNING & MGMT SVCS ADMIN	1	GRADE C126
17	(13)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
18	(14)	T015C	ADC/DCC DEPUTY WARDEN	6	GRADE C124
19	(15)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
20	(16)	R013C	AGENCY HUMAN RESOURCES MANAGER	1	GRADE C123
21	(17)	X025C	DCC PAROLE/PROBATION AREA MANAGER	17	GRADE C123
22	(18)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
23	(19)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
24	(20)	M007C	DCC ASST TREATMENT PROGRAM MGR	1	GRADE C122
25	(21)	T027C	ADC/DCC TRAINING ADMINISTRATOR	1	GRADE C121
26	(22)	X042C	DCC PAROLE/PROBATION ASST AREA MGR	40	GRADE C121
27	(23)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE C121
28	(24)	T033C	ADC/DCC MAJOR	3	GRADE C120
29	(25)	X053C	INTERNAL AFFAIRS MANAGER	1	GRADE C120
30	(26)	R021C	BUDGET ANALYST	1	GRADE C119
31	(27)	G154C	DCC PROGRAM COORDINATOR	6	GRADE C119
32	(28)	M021C	DCC TREATMENT SUPERVISOR	8	GRADE C119
33	(29)	D061C	INFO SYSTEMS COORDINATION SPECIALIST	1	GRADE C119
34	(30)	T048C	ADC/DCC CAPTAIN	6	GRADE C118
35	(31)	T045C	DCC PAROLE/PROBATION OFFICER	443	GRADE C118
36	(32)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118

1	(33)	A074C	FISCAL SUPPORT SUPERVISOR	3	GRADE C118
2	(34)	T054C	ADC/DCC LIEUTENANT	32	GRADE C117
3	(35)	M046C	ADC/DCC TREATMENT COORDINATOR	21	GRADE C117
4	(36)	G180C	GRANTS ANALYST	2	GRADE C117
5	(37)	S026C	ADC/DCC ASST MAINTENANCE SUPERVISOR	8	GRADE C116
6	(38)	T059C	ADC/DCC FOOD PREPARATION MANAGER	10	GRADE C116
7	(39)	C024C	ADC/DCC RECORDS SUPERVISOR	7	GRADE C116
8	(40)	C022C	BUSINESS OPERATIONS SPECIALIST	6	GRADE C116
9	(41)	V014C	BUYER	4	GRADE C116
10	(42)	G200C	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE C116
11	(43)	E048C	EDUCATION & INSTRUCTION SPECIALIST	2	GRADE C116
12	(44)	R030C	EEO/GRIEVANCE OFFICER	1	GRADE C116
13	(45)	M048C	SUBSTANCE ABUSE PROGRAM LEADER	47	GRADE C116
14	(46)	E046C	TRAINING INSTRUCTOR	3	GRADE C116
15	(47)	M059C	ADC/DCC ADVISOR	109	GRADE C115
16	(48)	T065C	ADC/DCC CORRECTIONAL SERGEANT	71	GRADE C115
17	(49)	M058C	ADC/DCC PROGRAM SPECIALIST	9	GRADE C115
18	(50)	C037C	ADMINISTRATIVE ANALYST	9	GRADE C115
19	(51)	R033C	BENEFITS ANALYST	1	GRADE C115
20	(52)	M057C	CHAPLAIN	6	GRADE C115
21	(53)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
22	(54)	R031C	INSTITUTION HUMAN RESOURCES COORD	6	GRADE C115
23	(55)	A090C	PAYROLL SERVICES SPECIALIST	1	GRADE C115
24	(56)	T070C	ADC/DCC FOOD PREPARATION SUPERVISOR	20	GRADE C114
25	(57)	G215C	CAREER PLANNING & PLACEMENT SPEC	16	GRADE C114
26	(58)	E051C	STAFF DEVELOPMENT SPECIALIST	1	GRADE C114
27	(59)	T076C	ADC/DCC ADMIN REVIEW OFFICER	6	GRADE C113
28	(60)	T075C	ADC/DCC CORPORAL	238	GRADE C113
29	(61)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
30	(62)	T083C	ADC/DCC CORRECTIONAL OFFICER I	2	GRADE C112
31	(63)	C056C	ADMINISTRATIVE SPECIALIST III	91	GRADE C112
32	(64)	T081C	COMMISSARY MANAGER	6	GRADE C112
33	(65)	A098C	FISCAL SUPPORT SPECIALIST	11	GRADE C112
34	(66)	A097C	PAYROLL TECHNICIAN	1	GRADE C112
35	(67)	C073C	ADMINISTRATIVE SPECIALIST II	<u>66</u>	GRADE C109
36			MAX. NO. OF EMPLOYEES	1,387	

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Community Correction - State Operations for the 2009-2010 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, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REGULAR SALARIES	\$ 41,410,353
(02) EXTRA HELP	25,000
(03) PERSONAL SERVICES MATCHING	14,544,897
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	11,719,963
(B) CONF. & TRAVEL	39,400
(C) PROF. FEES	10,851,646
(D) CAP. OUTLAY	245,768
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 78,837,027</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, 2010, the following:

ITEM	FISCAL YEAR
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1	<u>NO.</u>		<u>2009-2010</u>
2	(01)	REGULAR SALARIES	\$ 4,203,052
3	(02)	PERSONAL SERVICES MATCHING	1,420,976
4	(03)	MAINT. & GEN. OPERATION	
5	(A)	OPER. EXPENSE	153,417
6	(B)	CONF. & TRAVEL	1,000
7	(C)	PROF. FEES	0
8	(D)	CAP. OUTLAY	549,462
9	(E)	DATA PROC.	0
10	(04)	WAR MEMORIAL STADIUM COMMISSION	
11		PARKING SERVICES FROM FEES	10,000
12	(05)	COMMUNITY CORRECTION PROG	<u>4,977,469</u>
13		TOTAL AMOUNT APPROPRIATED	<u>\$ 11,315,376</u>

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15 SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated,
 16 to the Department of Community Correction, to be payable from the federal
 17 funds as designated by the Chief Fiscal Officer of the State, for operating
 18 expenses of the Department of Community Correction - Federal Programs for the
 19 fiscal year ending June 30, 2010, the following:

20

21	ITEM		FISCAL YEAR
22	<u>NO.</u>		<u>2009-2010</u>
23	(01)	MAINT. & GEN. OPERATION	
24	(A)	OPER. EXPENSE	\$ 206,270
25	(B)	CONF. & TRAVEL	74,415
26	(C)	PROF. FEES	3,210,386
27	(D)	CAP. OUTLAY	0
28	(E)	DATA PROC.	0
29	(02)	GRANTS AND AID	<u>646,811</u>
30		TOTAL AMOUNT APPROPRIATED	<u>\$ 4,137,882</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 fiscal year

1 ending June 30, 2010, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2009-2010</u>
5 (01) MAINT. & GEN. OPERATION	
6 (A) OPER. EXPENSE	\$ 1,717,354
7 (B) CONF. & TRAVEL	62,870
8 (C) PROF. FEES	101,800
9 (D) CAP. OUTLAY	0
10 (E) DATA PROC.	<u>0</u>
11 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,882,024</u>

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13 SECTION 7. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby
 14 appropriated, to the Department of Community Correction, to be payable from
 15 the County Jail Reimbursement Fund, for reimbursement to counties housing
 16 state inmates of the Department of Community Correction for the fiscal year
 17 ending June 30, 2010, the following:

18

19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2009-2010</u>
21 (01) REIMBURSEMENT TO COUNTIES HOUSING	
22 STATE INMATES	<u>\$ 3,000,000</u>

23

24 *SECTION 8. APPROPRIATION - VICTIM ASSISTANCE ACADEMY PROGRAM. There is*
 25 *hereby appropriated, to the Department of Community Correction, to be payable*
 26 *from the General Improvement Fund or its successor fund or fund accounts, for*
 27 *regular salaries, personal services matching, extra help, maintenance,*
 28 *operation and related expenses of the Department of Community Correction -*
 29 *Victim Assistance Academy Program for the fiscal year ending June 30, 2010*
 30 *the following:*

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32 <i>ITEM</i>	<i>FISCAL YEAR</i>
33 <u><i>NO.</i></u>	<u><i>2009-2010</i></u>
34 <i>(01) VICTIM ASSISTANCE ACADEMY PROGRAM</i>	<u><i>\$ 210,000</i></u>

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

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
2 CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of
3 the Governor and Chief Fiscal Officer of the State and upon approval by the
4 Arkansas Legislative Council or Joint Budget Committee, the Director of the
5 Department of Community Correction, as authorized by the Board of
6 Corrections, is authorized to use funds appropriated for "Community
7 Correction Programs" line item in this Act to construct new or renovate
8 existing facilities to support the development of community correction
9 facilities in the state.

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

26 The provisions of this section shall be in effect only from July 1, ~~2007~~
27 2009 through June 30, ~~2009~~ 2010.

28

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

34 The provisions of this section shall be in effect only from July 1, ~~2007~~
35 2009 through June 30, ~~2009~~ 2010.

36

1 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING
3 FEES. On July 1, of each year the Department of Community Correction shall
4 pay from the appropriation provided herein from non-general revenue, the
5 total amount appropriated for War Memorial Stadium Commission Parking
6 Services from Fees to the War Memorial Stadium Commission.

7 The provisions of this section shall be in effect only from July 1, ~~2007~~
8 2009 through June 30, ~~2009~~ 2010.

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

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

34 The provisions of this section shall be in effect only from July 1,
35 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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

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

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

		<u>Maximum Annual</u>
		<u>Salary Rate</u>
<u>Class</u>		<u>Fiscal Year</u>
<u>Code</u>	<u>Title</u>	<u>2009-2010</u>
T014 <u>T033C</u>	Chief Security Officer <u>ADC/DCC MAJOR</u>	Grade 22 <u>GRADE C120</u>
T008 <u>T048C</u>	CP/COR Officer IV <u>ADC/DCC CAPTAIN</u>	Grade 21 <u>GRADE C118</u>

1 ~~T006~~ T054C ~~GP/COR Officer III~~ ADC/DCC LIEUTENANT ~~Grade 20~~ GRADE C117
 2 ~~T010~~ T065C ~~GP/COR Sergeant~~ ADC/DCC CORRECTIONAL SERGEANT ~~Grade 19~~ GRADE C115
 3 ~~T005~~ T075C ~~GP/COR Officer II~~ ADC/DCC CORPORAL ~~Grade 18~~ GRADE C113
 4 ~~T003~~ T083C ~~GP/COR Officer~~ ADC/DCC CORRECTIONAL OFFICER I ~~Grade 16~~ GRADE C112

5 The provisions of this section shall be in effect only from July 1, ~~2007~~
 6 2009 through June 30, ~~2009~~ 2010.

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

24 The provisions of this section shall be in effect only from July 1, ~~2007~~
 25 2009 through June 30, ~~2009~~ 2010.

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27 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 29 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
 30 Department of Community Correction - Contingent Positions for the ~~2007-2009~~
 31 ~~biennium~~ 2009-2010 fiscal year, the following maximum number of regular
 32 employees whose salaries shall be governed by the provisions of the Uniform
 33 Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its
 34 successor, and all laws amendatory thereto. Provided, however, that any
 35 position to which a specific maximum annual salary is set out herein in
 36 dollars, shall be exempt from the provisions of said Uniform Classification

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

4
 5 CONTINGENT POSITIONS - MEDICAL SERVICES

6				MAXIMUM ANNUAL
7				SALARY RATE
8	ITEM	CLASS	NO. OF	FISCAL YEARS
9	<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES 2007-08 2008-09 2009-2010</u>
10	(1)	108Z <u>L009C</u>	COR MED/DENTAL ADMR <u>NURSE MANAGER</u>	1 GRADE 23 <u>C125</u>
11	(2)	L122 <u>L033C</u>	PSYCH. EXAMINER II	1 GRADE 21 <u>C121</u>
12	(3)	M088 <u>M026C</u>	<u>LICENSED SOCIAL WORKER II</u>	6 GRADE 20 <u>C118</u>
13	(4)	L070 <u>L032C</u>	<u>REGISTERED NURSE II HOSPITAL</u>	7 GRADE 20 <u>C121</u>
14	(5)	L115 <u>L069C</u>	LPN II/LPTN II <u>LIC PRACT NURSE</u>	25 GRADE 15 <u>C113</u>
15	(6)	R009 <u>C056C</u>	ADMIN ASSISTANT I <u>SPECIALIST III</u>	2 GRADE 17 <u>C112</u>
16	MAXIMUM NUMBER OF CONTINGENT			
17	EMPLOYEES - MEDICAL SERVICES			42

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

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

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

35 The provisions of this section shall be in effect only from July 1, ~~2007~~
 36 2009 through June 30, ~~2009~~ 2010.

1
2 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
4 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent
5 (10%) increase in utility and fuel rates, the Department of Community
6 Correction is authorized to transfer from any line item in Section 3 - State
7 Operations to Operating Expense Item ~~(05)~~(04)(A) in Section 3 - State
8 Operations for support of the increase after receiving approval of the Chief
9 Fiscal Officer of the State. Prior to the utilization of the transfer
10 authority a report shall be made to the Arkansas Legislative Council or Joint
11 Budget Committee including justification for the transfer and the amount of
12 transfer.

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
22 both necessary and appropriate that the General Assembly maintain oversight
23 by requiring prior approval of the Legislative Council or Joint Budget
24 Committee as provided by this section. The requirement of approval by the
25 Legislative Council or Joint Budget Committee is not a severable part of this
26 section. If the requirement of approval by the Legislative Council or Joint
27 Budget Committee is ruled unconstitutional by a court of competent
28 jurisdiction, this entire section is void.

29
30 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
32 JAIL INVOICE SUMMARY. The Departments of Correction and Community
33 Correction, shall at a minimum and on a fiscal year basis, prepare and post
34 on the applicable agency web site, a monthly summary of county jail
35 reimbursement invoices prepared and forwarded to each county sheriff for
36 verification by the Departments and for payment from the County Jail

1 Reimbursement Fund. In addition, the report shall include a summary of
2 invoices returned by each county for payment for previous months within the
3 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end
4 report shall be maintained on the web sites for a period of no less than
5 three (3) years.

6
7 SECTION 20. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
8 by this act shall be limited to the appropriation for such agency and funds
9 made available by law for the support of such appropriations; and the
10 restrictions of the State Procurement Law, the General Accounting and
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
12 Procedures and Restrictions Act, or their successors, and other fiscal
13 control laws of this State, where applicable, and regulations promulgated by
14 the Department of Finance and Administration, as authorized by law, shall be
15 strictly complied with in disbursement of said funds.

16
17 SECTION 21. LEGISLATIVE INTENT. It is the intent of the General Assembly
18 that any funds disbursed under the authority of the appropriations contained
19 in this act shall be in compliance with the stated reasons for which this act
20 was adopted, as evidenced by the Agency Requests, Executive Recommendations
21 and Legislative Recommendations contained in the budget manuals prepared by
22 the Department of Finance and Administration, letters, or summarized oral
23 testimony in the official minutes of the Arkansas Legislative Council or
24 Joint Budget Committee which relate to its passage and adoption.

25
26 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General
27 Assembly, that the Constitution of the State of Arkansas prohibits the
28 appropriation of funds for more than a one (1) year period; that the
29 effectiveness of this Act on July 1, 2009 is essential to the operation of
30 the agency for which the appropriations in this Act are provided, and that in
31 the event of an extension of the Regular Session, the delay in the effective
32 date of this Act beyond July 1, 2009 could work irreparable harm upon the
33 proper administration and provision of essential governmental programs.
34 Therefore, an emergency is hereby declared to exist and this Act being
35 necessary for the immediate preservation of the public peace, health and
36 safety shall be in full force and effect from and after July 1, 2009.

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/s/ Joint Budget Committee

APPROVED: 4/9/2009