

Stricken language will be deleted and underlined language will be added.
Act 1105 of the Regular Session

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/29/11
A Bill

HOUSE BILL 1347

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF
10 COMMUNITY CORRECTION FOR THE FISCAL YEAR ENDING JUNE
11 30, 2012; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE DEPARTMENT OF COMMUNITY
16 CORRECTION APPROPRIATION FOR THE 2011-2012
17 FISCAL YEAR.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Community Correction for the 2011-2012 fiscal year, the
24 following maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) U084U	DCC DIRECTOR	1	\$110,000
31	(2) U083U	DCC CHIEF DEPUTY DIRECTOR	1	\$90,827
32	(3) N130N	DCC DEPUTY DIR ADMIN SERVICES	1	GRADE N904
33	(4) N129N	DCC DEPUTY DIR PAROLE/PROBATION SVCS	1	GRADE N904
34	(5) N114N	DCC DEPUTY DIR RESIDENTIAL SVCS	1	GRADE N904
35	(6) T004C	DCC PROGRAM ADMR PAROLE & PROBATION	2	GRADE C128
36	(7) M001C	DCC TREATMENT ADMINISTRATOR	2	GRADE C128



1	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
2	(9)	T005C	ADC/DCC CORRECTIONAL WARDEN	6	GRADE C127
3	(10)	A021C	AGENCY CONTROLLER I	1	GRADE C126
4	(11)	G047C	ATTORNEY SPECIALIST	1	GRADE C126
5	(12)	G046C	DCC PLANNING & MGMT SVCS ADMIN	1	GRADE C126
6	(13)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
7	(14)	T015C	ADC/DCC DEPUTY WARDEN	6	GRADE C124
8	(15)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
9	(16)	R013C	AGENCY HUMAN RESOURCES MANAGER	1	GRADE C123
10	(17)	X025C	DCC PAROLE/PROBATION AREA MANAGER	16	GRADE C123
11	(18)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
12	(19)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
13	(20)	M007C	DCC ASST TREATMENT PROGRAM MGR	6	GRADE C122
14	(21)	G222C	ADC/DCC INTERNAL AFFAIRS ADMIN	1	GRADE C121
15	(22)	T027C	ADC/DCC TRAINING ADMINISTRATOR	1	GRADE C121
16	(23)	X042C	DCC PAROLE/PROBATION ASST AREA MGR	36	GRADE C121
17	(24)	D052C	SOFTWARE SUPPORT ANALYST	5	GRADE C121
18	(25)	T033C	ADC/DCC MAJOR	3	GRADE C120
19	(26)	T038C	ADC TRAINING ACADEMY SUPERVISOR	1	GRADE C119
20	(27)	R021C	BUDGET ANALYST	1	GRADE C119
21	(28)	G154C	DCC PROGRAM COORDINATOR	6	GRADE C119
22	(29)	M021C	DCC TREATMENT SUPERVISOR	7	GRADE C119
23	(30)	D061C	INFO SYSTEMS COORDINATION SPECIALIST	1	GRADE C119
24	(31)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
25	(32)	T048C	ADC/DCC CAPTAIN	6	GRADE C118
26	(33)	T045C	DCC PAROLE/PROBATION OFFICER	440	GRADE C118
27	(34)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
28	(35)	A074C	FISCAL SUPPORT SUPERVISOR	3	GRADE C118
29	(36)	M026C	LICENSED SOCIAL WORKER	1	GRADE C118
30	(37)	T054C	ADC/DCC LIEUTENANT	31	GRADE C117
31	(38)	M046C	ADC/DCC TREATMENT COORDINATOR	19	GRADE C117
32	(39)	T093C	DCC PAROLE/PROBATION OFFICER II	1	GRADE C117
33	(40)	G180C	GRANTS ANALYST	2	GRADE C117
34	(41)	S026C	ADC/DCC ASST MAINTENANCE SUPERVISOR	8	GRADE C116
35	(42)	T059C	ADC/DCC FOOD PREPARATION MANAGER	10	GRADE C116
36	(43)	C024C	ADC/DCC RECORDS SUPERVISOR	8	GRADE C116

1	(44)	C022C	BUSINESS OPERATIONS SPECIALIST	6	GRADE C116
2	(45)	V014C	BUYER	4	GRADE C116
3	(46)	G200C	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE C116
4	(47)	E048C	EDUCATION & INSTRUCTION SPECIALIST	2	GRADE C116
5	(48)	R030C	EEO/GRIEVANCE OFFICER	1	GRADE C116
6	(49)	M048C	SUBSTANCE ABUSE PROGRAM LEADER	45	GRADE C116
7	(50)	E046C	TRAINING INSTRUCTOR	4	GRADE C116
8	(51)	M059C	ADC/DCC ADVISOR	114	GRADE C115
9	(52)	T065C	ADC/DCC CORRECTIONAL SERGEANT	68	GRADE C115
10	(53)	M058C	ADC/DCC PROGRAM SPECIALIST	10	GRADE C115
11	(54)	C037C	ADMINISTRATIVE ANALYST	11	GRADE C115
12	(55)	R033C	BENEFITS ANALYST	1	GRADE C115
13	(56)	M057C	CHAPLAIN	6	GRADE C115
14	(57)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
15	(58)	R031C	INSTITUTION HUMAN RESOURCES COORD	6	GRADE C115
16	(59)	A090C	PAYROLL SERVICES SPECIALIST	1	GRADE C115
17	(60)	T070C	ADC/DCC FOOD PREPARATION SUPERVISOR	20	GRADE C114
18	(61)	G215C	CAREER PLANNING & PLACEMENT SPEC	14	GRADE C114
19	(62)	E051C	STAFF DEVELOPMENT SPECIALIST	1	GRADE C114
20	(63)	T076C	ADC/DCC ADMIN REVIEW OFFICER	7	GRADE C113
21	(64)	T075C	ADC/DCC CORPORAL	211	GRADE C113
22	(65)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
23	(66)	T083C	ADC/DCC CORRECTIONAL OFFICER I	1	GRADE C112
24	(67)	C056C	ADMINISTRATIVE SPECIALIST III	100	GRADE C112
25	(68)	T081C	COMMISSARY MANAGER	6	GRADE C112
26	(69)	A098C	FISCAL SUPPORT SPECIALIST	11	GRADE C112
27	(70)	A097C	PAYROLL TECHNICIAN	1	GRADE C112
28	(71)	C073C	ADMINISTRATIVE SPECIALIST II	<u>73</u>	GRADE C109
29			MAX. NO. OF EMPLOYEES	1,376	

30

31 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department
 32 of Community Correction for the 2011-2012 fiscal year, the following maximum
 33 number of part-time or temporary employees, to be known as "Extra Help",
 34 payable from funds appropriated herein for such purposes: ten (10) temporary
 35 or part-time employees, when needed, at rates of pay not to exceed those
 36 provided in the Uniform Classification and Compensation Act, or its

1 successor, or this act for the appropriate classification.

2
3 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
4 appropriated, to the Department of Community Correction, to be payable from
5 the Department of Community Correction Fund Account, for personal services
6 and operating expenses of the Department of Community Correction - State
7 Operations for the fiscal year ending June 30, 2012, the following:

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2011-2012</u>
11 (01) REGULAR SALARIES	\$43,148,685
12 (02) EXTRA HELP	25,000
13 (03) PERSONAL SERVICES MATCHING	14,886,870
14 (04) MAINT. & GEN. OPERATION	
15 (A) OPER. EXPENSE	11,338,733
16 (B) CONF. & TRAVEL	21,807
17 (C) PROF. FEES	18,428,841
18 (D) CAP. OUTLAY	488,577
19 (E) DATA PROC.	<u>0</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$88,338,513</u>

21
22 SECTION 4. APPROPRIATION - OPERATIONS - SPECIAL REVENUE. There is
23 hereby appropriated, to the Department of Community Correction, to be payable
24 from the Community Correction Revolving Fund, for personal services and
25 operating expenses of the Department of Community Correction - Special
26 Revenue Operations for the fiscal year ending June 30, 2012, the following:

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2011-2012</u>
30 (01) REGULAR SALARIES	\$4,423,890
31 (02) PERSONAL SERVICES MATCHING	1,442,219
32 (03) MAINT. & GEN. OPERATION	
33 (A) OPER. EXPENSE	153,417
34 (B) CONF. & TRAVEL	1,000
35 (C) PROF. FEES	0
36 (D) CAP. OUTLAY	663,825

1	(E) DATA PROC.	0
2	(04) WAR MEMORIAL STADIUM COMMISSION	
3	PARKING SERVICES FROM FEES	10,000
4	(05) COMMUNITY CORRECTION PROGRAM	<u>5,192,745</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$11,887,096</u>

6

7 SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby
 8 appropriated, to the Department of Community Correction, to be payable from
 9 the federal funds as designated by the Chief Fiscal Officer of the State, for
 10 operating expenses of the Department of Community Correction - Federal
 11 Programs for the fiscal year ending June 30, 2012, the following:

12

13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2011-2012</u>
15	(01) MAINT. & GEN. OPERATION	
16	(A) OPER. EXPENSE	\$206,270
17	(B) CONF. & TRAVEL	74,415
18	(C) PROF. FEES	3,210,386
19	(D) CAP. OUTLAY	0
20	(E) DATA PROC.	0
21	(02) FEDERAL GRANTS AND AID	<u>646,811</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$4,137,882</u>

23

24 SECTION 6. APPROPRIATION - RESIDENTS SERVICES - CASH. There is hereby
 25 appropriated, to the Department of Community Correction, to be payable from
 26 the cash fund deposited in the State Treasury as determined by the Chief
 27 Fiscal Officer of the State, for operating expenses of the Department of
 28 Community Correction - Residents Services for the fiscal year ending June 30,
 29 2012, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2011-2012</u>
33	(01) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	\$1,717,354
35	(B) CONF. & TRAVEL	62,870
36	(C) PROF. FEES	101,800

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,882,024</u></u>

4

5 SECTION 7. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby
6 appropriated, to the Department of Community Correction, to be payable from
7 the County Jail Reimbursement Fund, for reimbursement to counties housing
8 state inmates of the Department of Community Correction for the fiscal year
9 ending June 30, 2012, the following:

10

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2011-2012</u>
13	(01) REIMBURSEMENT TO COUNTIES HOUSING	
14	STATE INMATES	<u><u>\$3,453,572</u></u>

15

16 SECTION 8. APPROPRIATION - BEST PRACTICES. There is hereby
17 appropriated, to the Department of Community Correction, to be payable from
18 the Best Practices Fund, for operation expenses of the Department of
19 Community Correction - Best Practices for the fiscal year ending June 30,
20 2012, the following:

21

22	<i>Item</i>	<i>FISCAL YEAR</i>
23	<u><i>No.</i></u>	<u><i>2011-2012</i></u>
24	(01) COMMUNITY CORRECTION PROGRAM	<u><u>\$3,000,000</u></u>

25

26

27 SECTION 9. APPROPRIATION - PEW INITIATIVE. There is hereby
28 appropriated, to the Department of Community Correction, to be payable from
29 the General Improvement Fund or its successor fund or fund accounts, for the
30 training and implementation of new programs for the Evidence-Base Practices,
31 Administrative Probation Sanctions and the Victim Restitution Study for the
32 fiscal year ending June 30, 2012, the sum of\$500,000.

33

34 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
36 CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of

1 the Governor and Chief Fiscal Officer of the State and upon approval by the
2 Arkansas Legislative Council or Joint Budget Committee, the Director of the
3 Department of Community Correction, as authorized by the Board of
4 Corrections, is authorized to use funds appropriated for "Community
5 Correction Programs" line item in this Act to construct new or renovate
6 existing facilities to support the development of community correction
7 facilities in the state.

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

24 The provisions of this section shall be in effect only from July 1,
25 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

26
27 *SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
28 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR*
29 *VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby*
30 *authorized to purchase motor vehicles from the appropriations authorized for*
31 *Capital Outlay in Section 3 and Section 4 in this Act.*

32 The provisions of this section shall be in effect only from July 1,
33 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

34
35 *SECTION 12. 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,
6 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

7
8 *SECTION 13. 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, ~~2010~~
33 2011 through June 30, ~~2011~~ 2012.

34
35 *SECTION 14. 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 two
16 requests, encompassing a single purpose listed in this section, during any
17 fiscal year per department. Transfer authority shall further be limited to
18 no more than five percent (5%) of the total General Revenue and Special
19 Revenue appropriation, funding, and positions specific to each agency.
20 However, there shall be no transfers to or from the County Jail Reimbursement
21 Fund. A Reallocation of Resources Transfer shall be limited to the following
22 specific purposes:

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

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

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

13 The provisions of this section shall be in effect only from July 1,
 14 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

30	Maximum Annual
31	Salary Rate
32	Fiscal Year
33	2010-2011 <u>2011-2012</u>
34	GRADE C120
35	GRADE C118
36	GRADE C117
Class	
<u>Code</u> <u>Title</u>	
T033C ADC/DCC MAJOR	
T048C ADC/DCC CAPTAIN	
T054C ADC/DCC LIEUTENANT	

- 1 T065C ADC/DCC CORRECTIONAL SERGEANT GRADE C115
- 2 T075C ADC/DCC CORPORAL GRADE C113
- 3 T083C ADC/DCC CORRECTIONAL OFFICER I GRADE C112

4 The provisions of this section shall be in effect only from July 1,
 5 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

6

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

23 The provisions of this section shall be in effect only from July 1,
 24 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

25

26 *SECTION 17.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 28 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
 29 Department of Community Correction - Contingent Positions for the ~~2010-2011~~
 30 2011-2012 fiscal year, the following maximum number of regular employees.

31

32 CONTINGENT POSITIONS - MEDICAL SERVICES

		MAXIMUM ANNUAL	
		MAXIMUM	SALARY RATE
ITEM	CLASS	NO. OF	FISCAL YEAR
<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES</u>
			2010-2011 <u>2011-2012</u>

1	(1)	L009C	NURSE MANAGER	1	GRADE C125
2	(2)	L033C	PSYCH. EXAMINER	1	GRADE C121
3	(3)	M026C	LICENSED SOCIAL WORKER	6	GRADE C118
4	(4)	L032C	REGISTERED NURSE HOSPITAL	7	GRADE C121
5	(5)	L069C	LIC PRACT NURSE	25	GRADE C113
6	(6)	C056C	ADMIN SPECIALIST III	<u>2</u>	GRADE C112
7			MAXIMUM NUMBER OF CONTINGENT		
8			EMPLOYEES - MEDICAL SERVICES	42	

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

12 The provisions of this section shall be in effect only from July 1,
 13 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

14

15 *SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
 16 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY*
 17 *CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized under the*
 18 *line item established herein for "Community Correction Programs" are to be*
 19 *used by the Department of Community Correction for establishment and*
 20 *operation of, to include construction, renovation, and contracting for*
 21 *establishment and operation of, residential and non-residential community*
 22 *correction programs such as, but not limited to, community correction*
 23 *centers, drug, alcohol, and mental health treatments, intensive supervision,*
 24 *restitution, and others as established and approved by the Board of*
 25 *Corrections and as may be provided by law.*

26 The provisions of this section shall be in effect only from July 1,
 27 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

28

29 *SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
 30 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER*
 31 *AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent*
 32 *(10%) increase in utility and fuel rates, the Department of Community*
 33 *Correction is authorized to transfer from any line item in Section 3 - State*
 34 *Operations to Operating Expense Item (04)(A) in Section 3 - State Operations*
 35 *for support of the increase after receiving approval of the Chief Fiscal*
 36 *Officer of the State. Prior to the utilization of the transfer authority a*

1 report shall be made to the Arkansas Legislative Council or Joint Budget
2 Committee including justification for the transfer and the amount of
3 transfer.

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

20
21 *SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
22 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY*
23 *JAIL INVOICE SUMMARY.* The Departments of Correction and Community
24 Correction, shall at a minimum and on a fiscal year basis, prepare and post
25 on the applicable agency web site, a monthly summary of county jail
26 reimbursement invoices prepared and forwarded to each county sheriff for
27 verification by the Departments and for payment from the County Jail
28 Reimbursement Fund. In addition, the report shall include a summary of
29 invoices returned by each county for payment for previous months within the
30 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end
31 report shall be maintained on the web sites for a period of no less than
32 three (3) years.

33
34 *SECTION 21. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds
35 authorized by this act shall be limited to the appropriation for such agency
36 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Procurement Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal
4 control laws of this State, where applicable, and regulations promulgated by
5 the Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7
8 *SECTION 22. LEGISLATIVE INTENT.* It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this act shall be in compliance with the stated reasons for
11 which this act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

16
17 *SECTION 23. EMERGENCY CLAUSE.* It is found and determined by the
18 General Assembly, that the Constitution of the State of Arkansas prohibits
19 the appropriation of funds for more than a one (1) year period; that the
20 effectiveness of this Act on July 1, 2011 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the legislative session, the delay in the
23 effective date of this Act beyond July 1, 2011 could work irreparable harm
24 upon the proper administration and provision of essential governmental
25 programs. Therefore, an emergency is hereby declared to exist and this Act
26 being necessary for the immediate preservation of the public peace, health
27 and safety shall be in full force and effect from and after July 1, 2011.

28
29 /s/ Joint Budget Committee

30
31
32 **APPROVED: 04/04/2011**