

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.

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

A Bill

HOUSE BILL 1454

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF COMMUNITY CORRECTION FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF COMMUNITY
17 CORRECTION APPROPRIATION FOR THE
18 2005-2007 BIENNIUM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Community Correction for the 2005-2007 biennium, the following
26 maximum number of regular employees whose salaries shall be governed by the
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
29 Provided, however, that any position to which a specific maximum annual
30 salary is set out herein in dollars, shall be exempt from the provisions of
31 said Uniform Classification and Compensation Act. All persons occupying
32 positions authorized herein are hereby governed by the provisions of the
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
34 or its successor.
35

36 Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	8052	COMMUNITY PUNISHMENT DIRECTOR	1	\$90,186	\$92,448
5	(2)	8053	DCC CHIEF DEPUTY DIRECTOR	1	\$77,666	\$79,793
6	(3)	9355	DEPUTY DIR ADMIN SRVCS	1	\$70,321	\$72,128
7	(4)	9324	DEPUTY DIR PAROLE/PROBATION SERVICE	1	\$70,235	\$72,119
8	(5)	8801	DCC DEP DIRECTOR RESIDENTIAL SVCS	1	\$69,975	\$71,854
9	(6)	8905	COMMUNITY PUNISHMENT PROGRAM ADMR	3	\$60,132	\$61,824
10	(7)	827Z	DP CENTER MANAGER	1	GRADE 26	
11	(8)	102Z	CORRECTIONAL WARDEN	5	GRADE 26	
12	(9)	R170	ATTORNEY SPECIALIST	1	GRADE 25	
13	(10)	110Z	A&D ABUSE PREV ASST DEP DIR/PRG DEV	1	GRADE 24	
14	(11)	181Z	COMPLIANCE ADMINISTRATOR	1	GRADE 23	
15	(12)	055Z	DP MANAGER	1	GRADE 23	
16	(13)	091Z	ASST WARDEN	5	GRADE 23	
17	(14)	N334	COR ASST TO THE DIR/PUB RELATIONS	1	GRADE 23	
18	(15)	T015	PAROLE/PROBATION AREA MANAGER	19	GRADE 23	
19	(16)	T014	CHIEF SECURITY OFFICER	4	GRADE 22	
20	(17)	909Z	PROGRAM SUPPORT MANAGER	3	GRADE 22	
21	(18)	E051	TRAINING PROJECT MANAGER	1	GRADE 22	
22	(19)	D123	APPLICATIONS & SYSTEMS ANALYST	3	GRADE 21	
23	(20)	A008	ACCOUNTING SUPERVISOR II	1	GRADE 21	
24	(21)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
25	(22)	T002	PAROLE/PROBATION ASST AREA MGR	37	GRADE 21	
26	(23)	T008	CC/COR OFFICER IV	5	GRADE 21	
27	(24)	T076	DCC PROGRAM COORDINATOR	9	GRADE 21	
28	(25)	V012	PURCHASING MANAGER	1	GRADE 21	
29	(26)	T006	CC/COR OFFICER III	31	GRADE 20	
30	(27)	T034	PAROLE/PROBATION OFFICER II	348	GRADE 20	
31	(28)	R144	PROGRAM COORDINATOR	1	GRADE 20	
32	(29)	R266	MANAGEMENT PROJECT ANALYST II	17	GRADE 20	
33	(30)	D121	USER SUPPORT ANALYST	1	GRADE 20	
34	(31)	M115	SUBSTANCE ABUSE PROGRAM COORD	7	GRADE 20	
35	(32)	L070	NURSE II	1	GRADE 20	
36	(33)	M016	SR CHAPLAIN	5	GRADE 20	

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

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35 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 36 Community Correction for the 2005-2007 biennium, the following maximum number

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

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7 SECTION 3. APPROPRIATION - DCC RESIDENTIAL PROGRAM. There is hereby
8 appropriated, to be payable from the funds and fund accounts as set out
9 herein, to the Department of Community Correction for the biennial period
10 ending June 30, 2007, the following:

11 (a) For the DCC Residential Program, the sum of \$26,332,741 for the 2005-
12 2006 fiscal year and \$26,801,387 for the 2006-2007 fiscal year.

13 (1) Program Description. Community-based, residential correctional
14 programs, sanctions and services designed to address issues surrounding the
15 behavior which resulted in admission to the correctional system.

16	(2) Appropriation payable from:	FISCAL YEARS	
17		<u>2005-2006</u>	<u>2006-2007</u>
18	(A) General Revenue:		
19	Department of Community		
20	Correction Fund Account	\$ <u>22,510,922</u>	\$ <u>22,972,157</u>
21	TOTAL General Revenue	\$ 22,510,922	\$ 22,972,157
22	(B) Federal Funds as designated by		
23	the Chief Fiscal Officer of the		
24	State	\$ 2,247,129	\$ 2,254,540
25	(C) Special Revenue	\$ 166,200	\$ 166,200
26	(D) Other Funds	\$ 1,408,490	\$ 1,408,490

27	(3) Performance Targets:		
28	(A) # program plans/assessments in		
29	30 days	99%	99%
30	(B) # residents successfully		
31	completing program	90%	90%
32	(C) # participating in required		
33	GED/literacy programs	94%	94%
34	(D) % negative offender drug tests		
35	results	0	0
36	(E) accreditation/license audit		

1	result	re-	re-
2		accreditation,	accreditation,
3		license	license
4	(F) average cost per day/per		
5	offender	\$46.70	\$47.84
6	(G) Technical Violator Program (TVP)-		
7	# residents successfully		
8	completing program	80%	85%
9	(H) TVP-accreditation/license audit		
10	result	re-	re-
11		accreditation,	accreditation,
12		license	license
13	(I) TVP-average cost per day/per		
14	offender	\$46.70	\$47.84

15
 16 SECTION 4. APPROPRIATION - DCC PROBATION/PAROLE COMMUNITY SUPERVISION
 17 PROGRAM. There is hereby appropriated, to be payable from the funds and fund
 18 accounts as set out herein, to the Department of Community Correction for the
 19 biennial period ending June 30, 2007, the following:

20 (a) For the DCC Probation/Parole Community Supervision Program, the sum of
 21 \$26,597,154 for the 2005-2006 fiscal year and \$27,166,244 for the 2006-2007
 22 fiscal year.

23 (1) Program Description. Supervision of parolees and adult probationers
 24 in the community, enforcing terms and conditions imposed, addressing offender
 25 needs, assisting them in becoming law-abiding members of society, while
 26 assessing risks and promoting public safety.

27 (2) Appropriation payable from:

FISCAL YEARS

		<u>2005-2006</u>	<u>2006-2007</u>
28			
29	(A) General Revenue:		
30	Department of Community		
31	Correction Fund Account	\$ <u>19,533,439</u>	\$ <u>20,004,077</u>
32	TOTAL General Revenue	\$ 19,533,439	\$ 20,004,077
33	(B) Federal Funds as designated by		
34	the Chief Fiscal Officer of the		
35	State	\$ 164,051	\$ 168,508
36	(C) Special Revenue	\$ 4,464,835	\$ 4,462,414

1	(D) Other Funds	\$ 4,018,372	\$ 1,687,591
2	(3) Performance Targets:		
3	(A) % drug court offender testing		
4	negative	85%	85%
5	(B) % of ordered supervision fees		
6	collected	70%	70%
7	(C) % regular probation/parole		
8	testing negative for drugs	65%	65%
9	(D) Cost of per day/per offender		
10	under supervision.	Under \$2.50	Under \$2.75
11	(E) cost per day per drug court		
12	offender	under \$5.50	under \$5.75
13	(F) Drug Court-Probationers		
14	incarcerated for new crimes		
15	within 3 years	10	10
16	(G) Parolees incarcerated for new		
17	crimes within 3 years after		
18	release to community	30%	30%
19	(H) Probationers incarcerated for		
20	new crimes within 3 years after		
21	release to community	10%	10%
22	(I) Treatment Program -		
23	accreditation/license	re-	re-
24		accreditation,	accreditation,
25		license	license
26	(J) Treatment Program - cost per		
27	day/per offender under		
28	supervision	under \$2.50	under \$2.75

30 SECTION 5. APPROPRIATION - DCC ADMINISTRATION & SUPPORT PROGRAM. There is
 31 hereby appropriated, to be payable from the funds and fund accounts as set
 32 out herein, to the Department of Community Correction for the biennial period
 33 ending June 30, 2007, the following:

34 (a) For the DCC Admin & Support Program, the sum of \$7,620,142 for the 2005-
 35 2006 fiscal year and \$7,720,240 for the 2006-2007 fiscal year.

36 (1) Program Description. To promote public safety and a crime-free

lifestyle by providing community-based sanctions in a cost effective manner, and enforcing State laws and court mandates in the supervision of adult offenders remanded to the Department of Community Correction.

(2) Appropriation payable from:	FISCAL YEARS	
	<u>2005-2006</u>	<u>2006-2007</u>
(A) General Revenue:		
Department of Community		
Correction Fund Account	\$ <u>6,124,839</u>	\$ <u>6,220,443</u>
TOTAL General Revenue	\$ 6,124,839	\$ 6,220,443
(B) Federal Funds as designated by		
the Chief Fiscal Officer of the		
State	\$ 20,000	\$ 20,000
(C) Special Revenue	\$ 1,368,965	\$ 1,371,386
(D) Other Funds	\$ 35,115	\$ 35,115
(3) Performance Targets:		
(A) Central Administration -employee		
lawsuits w/financial award	0 - 5	0 - 5
(B) Central Administration -offender		
lawsuits w/financial award	0 - 5	0 - 5
(C) Central Administration-# prior		
year audit findings repeated in		
subsequent audit	2	2
(D) Central Administration-% of		
overall agency budget for		
administration (staff & M & O)	0 - 20%	0 - 20%
(E) Central Administration-% of		
overall agency budget for		
information technology (IT)	8%	8%
(F) Central Administration-IT Plan		
Progress	95%	95%

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY CORRECTION PROGRAMS ~~LINE ITEM~~ USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon review by the Arkansas Legislative Council or Joint Budget Committee, the Director of the

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

6 The provisions of this section shall be in effect only from July 1, 2003
 7 2005 through June 30, ~~2005~~ 2007.

8

9 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR
 11 VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby
 12 authorized to purchase motor vehicles from the appropriations authorized for
 13 residential services programs, probation/parole community supervision
 14 programs and administration & support services programs for Capital Outlay in
 15 ~~Section 3 and Section 4~~ in this Act.

16 The provisions of this section shall be in effect only from July 1, 2003
 17 2005 through June 30, ~~2005~~ 2007.

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

26 The provisions of this section shall be in effect only from July 1, 2003
 27 2005 through June 30, ~~2005~~ 2007.

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29 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 31 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
 32 of the State and review and approval by the Arkansas Legislative Council or
 33 Joint Budget Committee, the Director of the Department of Community
 34 Correction is authorized to transfer appropriation from and to residential
 35 programs, probation/parole community supervision programs and administration
 36 & support services programs authorized in this Act. ~~any line item authorized~~

1 ~~in Section 3 and Section 4 of this Act to any other line item authorized in~~
 2 ~~Section 3 and Section 4 of this Act.~~

3 Determining the maximum number of employees and the maximum amount of
 4 appropriation and general revenue funding for a state agency each fiscal year
 5 is the prerogative of the General Assembly. This is usually accomplished by
 6 delineating such maximums in the appropriation act(s) for a state agency and
 7 the general revenue allocations authorized for each fund and fund account by
 8 amendment to the Revenue Stabilization law. Further, the General Assembly
 9 has determined that the Department of Community Correction may operate more
 10 efficiently if some flexibility is provided to the Department of Community
 11 Correction authorizing broad powers under this Section. Therefore, it is both
 12 necessary and appropriate that the General Assembly maintain oversight by
 13 requiring prior approval of the Legislative Council or Joint Budget Committee
 14 as provided by this section. The requirement of approval by the Legislative
 15 Council or Joint Budget Committee is not a severable part of this section.
 16 If the requirement of approval by the Legislative Council or Joint Budget
 17 Committee is ruled unconstitutional by a court of competent jurisdiction,
 18 this entire section is void.
 19 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
 20 through June 30, ~~2005~~ 2007.

21
 22 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 24 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections
 25 that a reallocation of resources within the Department of Community
 26 Correction and Department of Correction is necessary for the efficient and
 27 effective operation of the departments, the Board, with approval of the
 28 Governor and approval by the Arkansas Legislative Council or Joint Budget
 29 Committee, shall have the authority to instruct the department directors, to
 30 request from the Chief Fiscal Officer of the State, a transfer of positions,
 31 programs, funds, and appropriations, ~~and line item appropriations~~ within or
 32 between existing and newly ~~created divisions, offices, sections, or units~~
 33 programs of the departments. If it is determined that the requested transfer
 34 should be made, the Chief Fiscal Officer of the State shall then initiate the
 35 necessary transfer documents to reflect the transfers upon the fiscal records
 36 of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the

1 State, and the Departments of Correction and Community Correction. Provided,
 2 however, that the Board shall be limited to submitting no more than Four
 3 requests during any fiscal year. Transfer authority for unforeseen purposes
 4 shall further be limited to no more than five percent (5%) of the total
 5 appropriation, funding, and positions specific to each agency. However, there
 6 shall be no transfers to or from the County Jail Reimbursement Fund. Other
 7 than for unforeseen purposes, transfers shall be limited to the following
 8 specific purposes:

- 9 a) Costs to open and operate temporary beds;
- 10 b) Payment of Debt Service;
- 11 c) Payment of Overtime Expenses;
- 12 d) Unanticipated increases for medical or private prison contracts;
- 13 e) Construction/renovation/equipping of new beds;
- 14 f) Deficits in Farm or Industry Program;
- 15 g) Losses not covered by insurance proceeds;
- 16 h) Costs of personnel for critical services or necessary to carry out the
 17 mission of the agency.

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

35 The provisions of this section shall be in effect only from July 1, ~~2003~~
 36 2005 through June 30, ~~2005~~ 2007.

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SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY COMPENSATION. The Department of Community Correction is authorized to pay employees for up to ninety-six (96) hours of unused holidays exceeding a balance in the employee's holiday account of one-hundred fifty (150) hours following the end of the calendar year. Employees terminating employment from the Department of Community Correction will be eligible for all holiday pay accrued during the years of service. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Community Correction has verified that sufficient revenues are available to make such payments to employees in the following classifications:

- T014 Chief Security Officer Grade 22
- T008 CP/COR Officer IV Grade 21
- T006 CP/COR Officer III Grade 20
- T010 CP/COR Sergeant Grade 19
- T005 CP/COR Officer II Grade 18
- T003 CP/COR Officer Grade 16

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

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

1 Service, or network, as may be necessary to recruit, fill, or maintain the
2 occupancy of the positions stated herein.

3 The provisions of this section shall be in effect only from July 1, 2003
4 2005 through June 30, ~~2005~~ 2007.

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6 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
8 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
9 Department of Community Correction - Contingent Positions for the ~~2003-2005~~
10 2005-2007 biennium, the following maximum number of regular employees whose
11 salaries shall be governed by the provisions of the Uniform Classification
12 and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and
13 all laws amendatory thereto. Provided, however, that any position to which a
14 specific maximum annual salary is set out herein in dollars, shall be exempt
15 from the provisions of said Uniform Classification and Compensation Act. All
16 persons occupying positions authorized herein are hereby governed by the
17 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
18 Code 21-5-101), or its successor.

19 CONTINGENT POSITIONS - MEDICAL SERVICES		20 NO. OF	21 FISCAL YEARS
		EMPLOYEES	2003-04 2004-05
			<u>2005-06 2006-07</u>
22	PATIENT CARE - CLASSIFIED POSITIONS		
23	(1) 108Z COR MED/DENTAL ADMR	1	GRADE 23
24	(2) L122 PSYCH. EXAMINER II	1	GRADE 21
25	(3) M088 SOCIAL WORKER II	5	GRADE 20
26	(4) L070 NURSE II	<u>6</u> 5	GRADE 20
27	(5) L115 LPN II/LPTN II	<u>20</u> 16	GRADE 15
28	(6) R009 ADMIN ASSISTANT I	1	GRADE 15 <u>17</u>
29	MAXIMUM NUMBER OF CONTINGENT		
30	EMPLOYEES MEDICAL SVCS	<u>34</u> 29	

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

35 The provisions of this section shall be in effect only from July 1, 2003
36 2005 through June 30, ~~2005~~ 2007.

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 2 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 4 BALANCES RESIDENTS SERVICES CASH FUND. (A) For all appropriations as
 5 provided in this Act, the agency disbursing officer shall monitor the level
 6 of fund balances in relation to expenditures on a monthly basis. If any
 7 proposed expenditures would cause the Residents Services Cash Fund to decline
 8 below three hundred sixty nine thousand seven hundred seventy dollars
 9 (\$369,770), the disbursing officer shall immediately notify the executive
 10 head of the agency. Prior to any obligations being made under these
 11 circumstances, the agency head shall file written documentation with the
 12 Chief Fiscal Officer of the State requesting approval of the expenditures.
 13 Such documentation shall provide sufficient financial data to justify the
 14 expenditures and shall include the following:

- 15 1) a plan that clearly indicates the specific fiscal impact of such
- 16 expenditures on the fund balance.
- 17 2) information clearly indicating and explaining what programs would be cut
- 18 or any other measures to be taken by the agency to restore the fund balance.
- 19 3) the extent to which any of the planned expenditures are for one-time costs
- 20 or one-time purchase of capitalized items.
- 21 4) a statement certifying that the expenditure of fund balances will not
- 22 jeopardize the financial health of the agency, nor result in a permanent
- 23 depletion of the fund balance.

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

27 The provisions of this section shall be in effect only from July 1, ~~2003~~
 28 2005 through June 30, ~~2005~~ 2007.

29
 30 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 31 by this act shall be limited to the appropriation for such agency and funds
 32 made available by law for the support of such appropriations; and the
 33 restrictions of the State Procurement Law, the General Accounting and
 34 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 35 Procedures and Restrictions Act, or their successors, and other fiscal
 36 control laws of this State, where applicable, and regulations promulgated by

1 the Department of Finance and Administration, as authorized by law, shall be
2 strictly complied with in disbursement of said funds.

3
4 SECTION 16. LEGISLATIVE INTENT. It is the intent of the General Assembly
5 that any funds disbursed under the authority of the appropriations contained
6 in this act shall be in compliance with the stated reasons for which this act
7 was adopted, as evidenced by the Agency Requests, Executive Recommendations
8 and Legislative Recommendations contained in the budget manuals prepared by
9 the Department of Finance and Administration, letters, or summarized oral
10 testimony in the official minutes of the Arkansas Legislative Council or
11 Joint Budget Committee which relate to its passage and adoption.

12
13 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General
14 Assembly, that the Constitution of the State of Arkansas prohibits the
15 appropriation of funds for more than a two (2) year period; that the
16 effectiveness of this Act on July 1, 2005 is essential to the operation of
17 the agency for which the appropriations in this Act are provided, and that in
18 the event of an extension of the Regular Session, the delay in the effective
19 date of this Act beyond July 1, 2005 could work irreparable harm upon the
20 proper administration and provision of essential governmental programs.
21 Therefore, an emergency is hereby declared to exist and this Act being
22 necessary for the immediate preservation of the public peace, health and
23 safety shall be in full force and effect from and after July 1, 2005.