

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/23/09

A Bill

HOUSE BILL 1436

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, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF COMMUNITY
17 CORRECTION APPROPRIATION FOR THE
18 2009-2010 FISCAL YEAR.
19
20
21

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

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Community Correction for the 2009-2010 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	2009-2010
4	(1)	U084U	DCC DIRECTOR	1	\$100,990
5	(2)	U083U	DCC CHIEF DEPUTY DIRECTOR	1	\$87,165
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	1	GRADE C122
24	(21)	T027C	ADC/DCC TRAINING ADMINISTRATOR	1	GRADE C121
25	(22)	X042C	DCC PAROLE/PROBATION ASST AREA MGR	40	GRADE C121
26	(23)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE C121
27	(24)	T033C	ADC/DCC MAJOR	3	GRADE C120
28	(25)	X053C	INTERNAL AFFAIRS MANAGER	1	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)	T048C	ADC/DCC CAPTAIN	6	GRADE C118
34	(31)	T045C	DCC PAROLE/PROBATION OFFICER	443	GRADE C118
35	(32)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
36	(33)	A074C	FISCAL SUPPORT SUPERVISOR	3	GRADE C118

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

36

1 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for
 2 the Department of Community Correction - State Operations for the 2009-2010
 3 fiscal year, the following maximum number of part-time or temporary
 4 employees, to be known as "Extra Help", payable from funds appropriated
 5 herein for such purposes: ten (10) temporary or part-time employees, when
 6 needed, at rates of pay not to exceed those provided in the Uniform
 7 Classification and Compensation Act, or its successor, or this act for the
 8 appropriate classification.

9
 10 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 11 to the Department of Community Correction, to be payable from the Department
 12 of Community Correction Fund Account, for personal services and operating
 13 expenses of the Department of Community Correction - State Operations for the
 14 fiscal year ending June 30, 2010, the following:

16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2009-2010</u>
18 (01) REGULAR SALARIES	\$ 37,635,913
19 (02) EXTRA HELP	25,000
20 (03) PERSONAL SERVICES MATCHING	13,212,559
21 (04) MAINT. & GEN. OPERATION	
22 (A) OPER. EXPENSE	10,337,335
23 (B) CONF. & TRAVEL	39,400
24 (C) PROF. FEES	6,792,922
25 (D) CAP. OUTLAY	0
26 (E) DATA PROC.	<u>0</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$ 68,043,129</u>

28
 29 SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby
 30 appropriated, to the Department of Community Correction, to be payable from
 31 the Community Correction Revolving Fund, for personal services and operating
 32 expenses of the Department of Community Correction - Special Revenue
 33 Operations for the fiscal year ending June 30, 2010, the following:

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2009-2010</u>

1	(01) REGULAR SALARIES	\$ 4,203,052
2	(02) PERSONAL SERVICES MATCHING	1,420,976
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>\$ 11,315,376</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, 2010, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2009-2010</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, 2010, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2009-2010</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, 2010, the following:

17		
18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2009-2010</u>
20	(01) REIMBURSEMENT TO COUNTIES HOUSING	
21	STATE INMATES	<u>\$ 2,000,000</u>
22		

23 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

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

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

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

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

29 Corrections, is authorized to use funds appropriated for "Community

30 Correction Programs" line item in this Act to construct new or renovate

31 existing facilities to support the development of community correction

32 facilities in the state.

33 Determining the maximum number of employees and the maximum amount of

34 appropriation and general revenue funding for a state agency each fiscal year

35 is the prerogative of the General Assembly. This is usually accomplished by

36 delineating such maximums in the appropriation act(s) for a state agency and

1 the general revenue allocations authorized for each fund and fund account by
2 amendment to the Revenue Stabilization law. Further, the General Assembly
3 has determined that the Department of Community Correction may operate more
4 efficiently if some flexibility is provided to the Department of Community
5 Correction authorizing broad powers under this Section. Therefore, it is both
6 necessary and appropriate that the General Assembly maintain oversight by
7 requiring prior approval of the Legislative Council or Joint Budget Committee
8 as 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 of competent jurisdiction,
12 this entire section is void.

13 The provisions of this section shall be in effect only from July 1, ~~2007~~
14 2009 through June 30, ~~2009~~ 2010.

15

16 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR
18 VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby
19 authorized to purchase motor vehicles from the appropriations authorized for
20 Capital Outlay in Section 3 and Section 4 in this Act.

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

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

32

33 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
35 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
36 of the State and review and approval by the Arkansas Legislative Council or

1 Joint Budget Committee, the Director of the Department of Community
2 Correction is authorized to transfer appropriation from any line item
3 authorized in Section 3 and Section 4 of this Act to any other line item
4 authorized in Section 3 and Section 4 of this Act.

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,
22 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

23
24 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections
27 that a reallocation of resources within the Department of Community
28 Correction and Department of Correction is necessary for the efficient and
29 effective operation of the departments, the Board, with approval of the
30 Governor and approval by the Arkansas Legislative Council or Joint Budget
31 Committee, shall have the authority to instruct the department directors, to
32 request from the Chief Fiscal Officer of the State, a transfer of positions,
33 programs, funds, appropriations, and line-item appropriations within or
34 between existing and newly created divisions, offices, sections, or units of
35 the departments. If it is determined that the requested transfer should be
36 made, the Chief Fiscal Officer of the State shall then initiate the necessary

1 transfer documents to reflect the transfers upon the fiscal records of the
2 State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,
3 and the Departments of Correction and Community Correction. Provided,
4 however, that the Board shall be limited to submitting no more than ~~four~~ two
5 ~~requests~~, encompassing a single purpose listed in this section, ~~for~~
6 ~~Reallocation of Resources Transfer requests~~ during any fiscal year per
7 department. Transfer authority shall further be limited to no more than five
8 percent (5%) of the total General Revenue and Special Revenue appropriation,
9 funding, and positions specific to each agency. However, there shall be no
10 transfers to or from the County Jail Reimbursement Fund. A Reallocation of
11 Resources Transfer shall be limited to the following specific purposes:
12 a) Costs to open and operate temporary beds;
13 b) Payment of Debt Service;
14 c) Payment of Overtime Expenses;
15 d) Unanticipated increases for medical or private prison contracts;
16 e) Construction/renovation/equipping of new beds;
17 f) Deficits in Farm or Industry Program;
18 g) Losses not covered by insurance proceeds;
19 h) Costs of personnel for critical services or necessary to carry out the
20 mission of the agency.

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

1 section is void.

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

4
5 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY
7 COMPENSATION. The Department of Community Correction is authorized to pay
8 employees for up to ninety-six (96) hours of unused holidays exceeding a
9 balance in the employee's holiday account of one-hundred fifty (150) hours
10 following the end of the calendar year. Payments of unused holiday hours must
11 be processed on or before June 1st in each fiscal year. Employees terminating
12 employment from the Department of Community Correction will be eligible for
13 all holiday pay accrued during the years of service. This request is
14 contingent on approval by the Chief Fiscal Officer of the State after the
15 Director of the Department of Community Correction has verified that
16 sufficient revenues are available to make such payments to employees in the
17 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>	GP/COR Officer IV <u>ADC/DCC CAPTAIN</u>	Grade 21 <u>GRADE C118</u>
T006 <u>T054C</u>	GP/COR Officer III <u>ADC/DCC LIEUTENANT</u>	Grade 20 <u>GRADE C117</u>
T010 <u>T065C</u>	GP/COR Sergeant <u>ADC/DCC CORRECTIONAL SERGEANT</u>	Grade 19 <u>GRADE C115</u>
T005 <u>T075C</u>	GP/COR Officer II <u>ADC/DCC CORPORAL</u>	Grade 18 <u>GRADE C113</u>
T003 <u>T083C</u>	GP/COR Officer <u>ADC/DCC CORRECTIONAL OFFICER I</u>	Grade 16 <u>GRADE C112</u>

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

30
31 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
33 SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of
34 Corrections that the Department of Community Correction cannot continue a
35 medical contract with a private provider and the Board deems it necessary to
36 utilize Department staff to provide the required services, the Department is

1 allowed, upon notification of the Chief Fiscal Officer of the State and after
 2 seeking prior review by the Arkansas Legislative Council or Joint Budget
 3 Committee, to utilize the contingent positions for medical services contained
 4 in this Act and make the appropriate transfers from the Professional Fees and
 5 Services line item contained in Section 3 of this Act to Regular Salaries,
 6 Personal Services Matching and various Maintenance and General Operations
 7 classifications. Further, the Department may utilize the service(s) of a
 8 state-based or national-based Professional Recruitment Service, or network,
 9 as may be necessary to recruit, fill, or maintain the occupancy of the
 10 positions stated herein.

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
 12 2009 through June 30, ~~2009~~ 2010.

13
 14 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 16 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
 17 Department of Community Correction - Contingent Positions for the ~~2007-2009~~
 18 ~~biennium~~ 2009-2010 fiscal year, the following maximum number of regular
 19 employees whose salaries shall be governed by the provisions of the Uniform
 20 Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its
 21 successor, and all laws amendatory thereto. Provided, however, that any
 22 position to which a specific maximum annual salary is set out herein in
 23 dollars, shall be exempt from the provisions of said Uniform Classification
 24 and Compensation Act. All persons occupying positions authorized herein are
 25 hereby governed by the provisions of the Regular Salaries Procedures and
 26 Restrictions Act (Arkansas Code 21-5-101), or its successor.

27
 28 CONTINGENT POSITIONS - MEDICAL SERVICES

				MAXIMUM ANNUAL
		MAXIMUM		SALARY RATE
ITEM	CLASS	NO. OF		FISCAL YEARS
<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES</u>	<u>2007-08 2008-09 2009-2010</u>
33	(1) 108Z <u>L009C</u>	GOR MED/DENTAL ADMR <u>NURSE MANAGER</u>	1	GRADE 23 <u>C125</u>
34	(2) L122 <u>L033C</u>	PSYCH. EXAMINER II	1	GRADE 21 <u>C121</u>
35	(3) M088 <u>M026C</u>	<u>LICENSED SOCIAL WORKER</u> II	6	GRADE 20 <u>C118</u>
36	(4) L070 <u>L032C</u>	<u>REGISTERED NURSE</u> II HOSPITAL	7	GRADE 20 <u>C121</u>

1	(5)	L115 <u>L069C</u>	LPN II/LPTN II <u>LIC PRACT NURSE</u>	25	GRADE 15 <u>C113</u>
2	(6)	R009 <u>C056C</u>	ADMIN ASSISTANT I <u>SPECIALIST III</u>	<u>2</u>	GRADE 17 <u>C112</u>

3 MAXIMUM NUMBER OF CONTINGENT

4 EMPLOYEES - MEDICAL SERVICES 42

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

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2009 through June 30, ~~2009~~ 2010.

10
11 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
13 CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized under the
14 line item established herein for "Community Correction Programs" are to be
15 used by the Department of Community Correction for establishment and
16 operation of, to include construction, renovation, and contracting for
17 establishment and operation of, residential and non-residential community
18 correction programs such as, but not limited to, community correction
19 centers, drug, alcohol, and mental health treatments, intensive supervision,
20 restitution, and others as established and approved by the Board of
21 Corrections and as may be provided by law.

22 The provisions of this section shall be in effect only from July 1, ~~2007~~
23 2009 through June 30, ~~2009~~ 2010.

24
25 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
27 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent
28 (10%) increase in utility and fuel rates, the Department of Community
29 Correction is authorized to transfer from any line item in Section 3 - State
30 Operations to Operating Expense Item ~~(05)~~(04)(A) in Section 3 - State
31 Operations for support of the increase after receiving approval of the Chief
32 Fiscal Officer of the State. Prior to the utilization of the transfer
33 authority a report shall be made to the Arkansas Legislative Council or Joint
34 Budget Committee including justification for the transfer and the amount of
35 transfer.

36 Determining the maximum number of employees and the maximum amount of

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

16

17 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
19 JAIL INVOICE SUMMARY. The Departments of Correction and Community
20 Correction, shall at a minimum and on a fiscal year basis, prepare and post
21 on the applicable agency web site, a monthly summary of county jail
22 reimbursement invoices prepared and forwarded to each county sheriff for
23 verification by the Departments and for payment from the County Jail
24 Reimbursement Fund. In addition, the report shall include a summary of
25 invoices returned by each county for payment for previous months within the
26 fiscal year, the amounts paid, and any balances owed. Each fiscal year-end
27 report shall be maintained on the web sites for a period of no less than
28 three (3) years.

29

30 SECTION 19. 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 20. 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 21. 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 one (1) year period; that the
16 effectiveness of this Act on July 1, 2009 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, 2009 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, 2009.

24
25 /s/ Joint Budget Committee
26
27
28
29
30
31
32
33
34
35
36