

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 H2/26/09 H3/25/09*

# 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	\$ 41,410,353
19 (02) EXTRA HELP	25,000
20 (03) PERSONAL SERVICES MATCHING	14,544,897
21 (04) MAINT. & GEN. OPERATION	
22 (A) OPER. EXPENSE	11,719,963
23 (B) CONF. & TRAVEL	39,400
24 (C) PROF. FEES	9,351,646
25 (D) CAP. OUTLAY	245,768
26 (E) DATA PROC.	<u>0</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$ 77,337,027</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>\$ 3,000,000</u>
22		

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

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

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

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

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

28 Victim Assistance Academy Program for the fiscal year ending June 30, 2010

29 the following:

30		
31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) VICTIM ASSISTANCE ACADEMY PROGRAM	<u>\$ 210,000</u>
34		

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

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

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

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

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

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

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

35  
36 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING  
2 FEES. On July 1, of each year the Department of Community Correction shall  
3 pay from the appropriation provided herein from non-general revenue, the  
4 total amount appropriated for War Memorial Stadium Commission Parking  
5 Services from Fees to the War Memorial Stadium Commission.

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

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

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

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

35  
36 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

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

16  
 17 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY  
 19 COMPENSATION. The Department of Community Correction is authorized to pay  
 20 employees for up to ninety-six (96) hours of unused holidays exceeding a  
 21 balance in the employee's holiday account of one-hundred fifty (150) hours  
 22 following the end of the calendar year. Payments of unused holiday hours must  
 23 be processed on or before June 1st in each fiscal year. Employees terminating  
 24 employment from the Department of Community Correction will be eligible for  
 25 all holiday pay accrued during the years of service. This request is  
 26 contingent on approval by the Chief Fiscal Officer of the State after the  
 27 Director of the Department of Community Correction has verified that  
 28 sufficient revenues are available to make such payments to employees in the  
 29 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>
<del>T014</del> <u>T033C</u>	<del>Chief Security Officer</del> <u>ADC/DCC MAJOR</u>	<del>Grade 22</del> <u>GRADE C120</u>
<del>T008</del> <u>T048C</u>	<del>CP/COR Officer IV</del> <u>ADC/DCC CAPTAIN</u>	<del>Grade 21</del> <u>GRADE C118</u>
<del>T006</del> <u>T054C</u>	<del>CP/COR Officer III</del> <u>ADC/DCC LIEUTENANT</u>	<del>Grade 20</del> <u>GRADE C117</u>

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

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

6  
7 SECTION 15. 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, ~~2007~~  
24 2009 through June 30, ~~2009~~ 2010.

25  
26 SECTION 16. 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 ~~2007-2009~~  
30 ~~biennium~~ 2009-2010 fiscal year, the following maximum number of regular  
31 employees whose salaries shall be governed by the provisions of the Uniform  
32 Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its  
33 successor, and all laws amendatory thereto. Provided, however, that any  
34 position to which a specific maximum annual salary is set out herein in  
35 dollars, shall be exempt from the provisions of said Uniform Classification  
36 and Compensation Act. All persons occupying positions authorized herein are



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

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

28

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

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

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

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

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

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*/s/ Joint Budget Committee*