

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010  
4

# A Bill

HOUSE BILL 1092

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, 2011; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF COMMUNITY  
17 CORRECTION APPROPRIATION FOR THE 2010-  
18 2011 FISCAL YEAR.  
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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 2010-2011 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



				Maximum	Salary Rate
	Item	Class		No. of	Fiscal Year
	No.	Code	Title	Employees	2010-2011
1					
2					
3					
4	(1)	U084U	DCC DIRECTOR	1	\$103,312
5	(2)	U083U	DCC CHIEF DEPUTY DIRECTOR	1	\$89,169
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	5	GRADE C122
24	(21)	T027C	ADC/DCC TRAINING ADMINISTRATOR	1	GRADE C121
25	(22)	X042C	DCC PAROLE/PROBATION ASST AREA MGR	36	GRADE C121
26	(23)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE C121
27	(24)	G222C	ADC/DCC INTERNAL AFFAIRS ADMIN	1	GRADE C121
28	(25)	T033C	ADC/DCC MAJOR	3	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)	E100C	ADC/DCC TRAINING ACADEMY SUPERVISOR	1	GRADE C119
34	(31)	T048C	ADC/DCC CAPTAIN	6	GRADE C118
35	(32)	T045C	DCC PAROLE/PROBATION OFFICER	443	GRADE C118
36	(33)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118

1	(34)	A074C	FISCAL SUPPORT SUPERVISOR	3	GRADE C118
2	(35)	T054C	ADC/DCC LIEUTENANT	32	GRADE C117
3	(36)	M046C	ADC/DCC TREATMENT COORDINATOR	21	GRADE C117
4	(37)	G180C	GRANTS ANALYST	2	GRADE C117
5	(38)	S026C	ADC/DCC ASST MAINTENANCE SUPERVISOR	8	GRADE C116
6	(39)	T059C	ADC/DCC FOOD PREPARATION MANAGER	10	GRADE C116
7	(40)	C024C	ADC/DCC RECORDS SUPERVISOR	7	GRADE C116
8	(41)	C022C	BUSINESS OPERATIONS SPECIALIST	6	GRADE C116
9	(42)	V014C	BUYER	4	GRADE C116
10	(43)	G200C	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE C116
11	(44)	E048C	EDUCATION & INSTRUCTION SPECIALIST	2	GRADE C116
12	(45)	R030C	EEO/GRIEVANCE OFFICER	1	GRADE C116
13	(46)	M048C	SUBSTANCE ABUSE PROGRAM LEADER	47	GRADE C116
14	(47)	E046C	TRAINING INSTRUCTOR	4	GRADE C116
15	(48)	M059C	ADC/DCC ADVISOR	109	GRADE C115
16	(49)	T065C	ADC/DCC CORRECTIONAL SERGEANT	71	GRADE C115
17	(50)	M058C	ADC/DCC PROGRAM SPECIALIST	9	GRADE C115
18	(51)	C037C	ADMINISTRATIVE ANALYST	8	GRADE C115
19	(52)	R033C	BENEFITS ANALYST	1	GRADE C115
20	(53)	M057C	CHAPLAIN	6	GRADE C115
21	(54)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
22	(55)	R031C	INSTITUTION HUMAN RESOURCES COORD	6	GRADE C115
23	(56)	A090C	PAYROLL SERVICES SPECIALIST	1	GRADE C115
24	(57)	T070C	ADC/DCC FOOD PREPARATION SUPERVISOR	20	GRADE C114
25	(58)	G215C	CAREER PLANNING & PLACEMENT SPEC	16	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

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Community Correction - State Operations for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: ten (10) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Community Correction, to be payable from the Department of Community Correction Fund Account, for personal services and operating expenses of the Department of Community Correction - State Operations for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 42,340,220
(02) EXTRA HELP	25,000
(03) PERSONAL SERVICES MATCHING	14,726,143
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,143,786
(B) CONF. & TRAVEL	39,400
(C) PROF. FEES	10,906,647
(D) CAP. OUTLAY	47,216
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 80,228,412</u>

SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby appropriated, to the Department of Community Correction, to be payable from the Community Correction Revolving Fund, for personal services and operating expenses of the Department of Community Correction - Special Revenue Operations for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>

1	(01) REGULAR SALARIES	\$ 4,301,249
2	(02) PERSONAL SERVICES MATCHING	1,440,112
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>\$ 11,432,709</u>
13		

SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Community Correction, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses of the Department of Community Correction - Federal Programs for the fiscal year ending June 30, 2011, the following:

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</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		

SECTION 6. APPROPRIATION - RESIDENTS SERVICES FUND - CASH. There is hereby appropriated, to the Department of Community Correction, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Community Correction - Residents Services Fund - Cash for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 1,717,354
(B) CONF. & TRAVEL	62,870
(C) PROF. FEES	101,800
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,882,024</u>

SECTION 7. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby appropriated, to the Department of Community Correction, to be payable from the County Jail Reimbursement Fund, for reimbursement to counties housing state inmates of the Department of Community Correction for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REIMBURSEMENT TO COUNTIES HOUSING	
STATE INMATES	<u>\$ 3,000,000</u>

SECTION 8. APPROPRIATION - VICTIM ASSISTANCE ACADEMY PROGRAM. There is hereby appropriated, to the Department of Community Correction, to be payable from the General Improvement Fund or its successor fund or fund accounts, for regular salaries, personal services matching, extra help, maintenance, operations and related expenses of the Department of Community Correction - Victim Assistance Academy Program for the fiscal year ending June 30, 2011, the sum of .....\$210,000.

SECTION 9. 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 approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction, as authorized by the Board of

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

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, ~~2007~~  
 22 2010 through June 30, ~~2009~~ 2011.

23  
 24 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR  
 26 VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby  
 27 authorized to purchase motor vehicles from the appropriations authorized for  
 28 Capital Outlay in Section 3 and Section 4 in this Act.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 30 2010 through June 30, ~~2009~~ 2011.

31  
 32 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING  
 34 FEES. On July 1, of each year the Department of Community Correction shall  
 35 pay from the appropriation provided herein from non-general revenue, the  
 36 total amount appropriated for War Memorial Stadium Commission Parking

1 Services from Fees to the War Memorial Stadium Commission.

2 The provisions of this section shall be in effect only from July 1, 2007  
3 2010 through June 30, ~~2009~~ 2011.

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

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

29 The provisions of this section shall be in effect only from July 1, 2007  
30 2010 through June 30, ~~2009~~ 2011.

31  
32 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
34 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections  
35 that a reallocation of resources within the Department of Community  
36 Correction and Department of Correction is necessary for the efficient and

1 effective operation of the departments, the Board, with approval of the  
2 Governor and approval by the Arkansas Legislative Council or Joint Budget  
3 Committee, shall have the authority to instruct the department directors, to  
4 request from the Chief Fiscal Officer of the State, a transfer of positions,  
5 programs, funds, appropriations, and line-item appropriations within or  
6 between existing and newly created divisions, offices, sections, or units of  
7 the departments. If it is determined that the requested transfer should be  
8 made, the Chief Fiscal Officer of the State shall then initiate the necessary  
9 transfer documents to reflect the transfers upon the fiscal records of the  
10 State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,  
11 and the Departments of Correction and Community Correction. Provided,  
12 however, that the Board shall be limited to submitting no more than two  
13 requests, encompassing a single purpose listed in this section, during any  
14 fiscal year per department. Transfer authority shall further be limited to  
15 no more than five percent (5%) of the total General Revenue and Special  
16 Revenue appropriation, funding, and positions specific to each agency.  
17 However, there shall be no transfers to or from the County Jail Reimbursement  
18 Fund. A Reallocation of Resources Transfer shall be limited to the following  
19 specific purposes:

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

29 Determining the maximum number of employees and the maximum amount of  
30 appropriation and general revenue funding for a state agency each fiscal year  
31 is the prerogative of the General Assembly. This is usually accomplished by  
32 delineating such maximums in the appropriation act(s) for a state agency and  
33 the general revenue allocations authorized for each fund and fund account by  
34 amendment to the Revenue Stabilization law. Further, the General Assembly  
35 has determined that the Department of Correction and the Department of  
36 Community Correction may operate more efficiently if some flexibility is

provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

SECTION 14. 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. Payments of unused holiday hours must be processed on or before June 1st in each fiscal 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:

		Maximum Annual
		Salary Rate
Class		Fiscal Year
<u>Code</u>	<u>Title</u>	<u><del>2009-2010</del> 2010-2011</u>
T033C	ADC/DCC MAJOR	GRADE C120
T048C	ADC/DCC CAPTAIN	GRADE C118
T054C	ADC/DCC LIEUTENANT	GRADE C117
T065C	ADC/DCC CORRECTIONAL SERGEANT	GRADE C115
T075C	ADC/DCC CORPORAL	GRADE C113
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE C112

The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2010 through June 30, ~~2009~~ 2011.

2  
3 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL  
5 SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of  
6 Corrections that the Department of Community Correction cannot continue a  
7 medical contract with a private provider and the Board deems it necessary to  
8 utilize Department staff to provide the required services, the Department is  
9 allowed, upon notification of the Chief Fiscal Officer of the State and after  
10 seeking prior review by the Arkansas Legislative Council or Joint Budget  
11 Committee, to utilize the contingent positions for medical services contained  
12 in this Act and make the appropriate transfers from the Professional Fees and  
13 Services line item contained in Section 3 of this Act to Regular Salaries,  
14 Personal Services Matching and various Maintenance and General Operations  
15 classifications. Further, the Department may utilize the service(s) of a  
16 state-based or national-based Professional Recruitment Service, or network,  
17 as may be necessary to recruit, fill, or maintain the occupancy of the  
18 positions stated herein.

19 The provisions of this section shall be in effect only from July 1, ~~2007~~  
20 2010 through June 30, ~~2009~~ 2011.

21  
22 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR  
24 SALARIES - CONTINGENT POSITIONS. There is hereby established for the  
25 Department of Community Correction - Contingent Positions for the ~~2009-2010~~  
26 2010-2011 fiscal year, the following maximum number of regular employees  
27 whose salaries shall be governed by the provisions of the Uniform  
28 Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its  
29 successor, and all laws amendatory thereto. Provided, however, that any  
30 position to which a specific maximum annual salary is set out herein in  
31 dollars, shall be exempt from the provisions of said Uniform Classification  
32 and Compensation Act. All persons occupying positions authorized herein are  
33 hereby governed by the provisions of the Regular Salaries Procedures and  
34 Restrictions Act (Arkansas Code 21-5-101), or its successor.

35  
36 CONTINGENT POSITIONS - MEDICAL SERVICES

1				MAXIMUM ANNUAL
2			MAXIMUM	SALARY RATE
3	ITEM	CLASS	NO. OF	FISCAL YEAR
4	<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES</u> <u>2009-2010-2010-2011</u>
5	(1)	L009C	NURSE MANAGER	1 GRADE C125
6	(2)	L033C	PSYCH. EXAMINER	1 GRADE C121
7	(3)	M026C	LICENSED SOCIAL WORKER	6 GRADE C118
8	(4)	L032C	REGISTERED NURSE HOSPITAL	7 GRADE C121
9	(5)	L069C	LIC PRACT NURSE	25 GRADE C113
10	(6)	C056C	ADMIN SPECIALIST III	<u>2</u> GRADE C112
11			MAXIMUM NUMBER OF CONTINGENT	
12			EMPLOYEES - MEDICAL SERVICES	42

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

16 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 17 2010 through June 30, ~~2009~~ 2011.

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

30 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 31 2010 through June 30, ~~2009~~ 2011.

33 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 35 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent  
 36 (10%) increase in utility and fuel rates, the Department of Community

1 Correction is authorized to transfer from any line item in Section 3 - State  
2 Operations to Operating Expense Item (04)(A) in Section 3 - State Operations  
3 for support of the increase after receiving approval of the Chief Fiscal  
4 Officer of the State. Prior to the utilization of the transfer authority a  
5 report shall be made to the Arkansas Legislative Council or Joint Budget  
6 Committee including justification for the transfer and the amount of  
7 transfer.

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

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

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

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

21 SECTION 22. EMERGENCY CLAUSE. It is found and determined by the General  
22 Assembly, that the Constitution of the State of Arkansas prohibits the  
23 appropriation of funds for more than a one (1) year period; that the  
24 effectiveness of this Act on July 1, 2010 is essential to the operation of  
25 the agency for which the appropriations in this Act are provided, and that in  
26 the event of an extension of the legislative session, the delay in the  
27 effective date of this Act beyond July 1, 2010 could work irreparable harm  
28 upon the proper administration and provision of essential governmental  
29 programs. Therefore, an emergency is hereby declared to exist and this Act  
30 being necessary for the immediate preservation of the public peace, health  
31 and safety shall be in full force and effect from and after July 1, 2010.  
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