

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

A Bill

HOUSE BILL 1347

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE
10 DEPARTMENT OF COMMUNITY CORRECTION FOR THE FISCAL
11 YEAR ENDING JUNE 30, 2012; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF COMMUNITY
16 CORRECTION APPROPRIATION FOR THE 2011-2012
17 FISCAL YEAR.
18
19
20

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

23 SECTION 1. REGULAR SALARIES. There is hereby established for the
24 Department of Community Correction for the 2011-2012 fiscal year, the
25 following maximum number of regular employees.
26

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



| | | | | | |
|----|------|-------|--------------------------------------|-----|------------|
| 1 | (7) | M001C | DCC TREATMENT ADMINISTRATOR | 2 | GRADE C128 |
| 2 | (8) | D007C | INFORMATION SYSTEMS MANAGER | 1 | GRADE C128 |
| 3 | (9) | T005C | ADC/DCC CORRECTIONAL WARDEN | 6 | GRADE C127 |
| 4 | (10) | A021C | AGENCY CONTROLLER I | 1 | GRADE C126 |
| 5 | (11) | G047C | ATTORNEY SPECIALIST | 1 | GRADE C126 |
| 6 | (12) | G046C | DCC PLANNING & MGMT SVCS ADMIN | 1 | GRADE C126 |
| 7 | (13) | R006C | HUMAN RESOURCES ADMINISTRATOR | 1 | GRADE C126 |
| 8 | (14) | T015C | ADC/DCC DEPUTY WARDEN | 6 | GRADE C124 |
| 9 | (15) | D030C | INFORMATION SYSTEMS COORDINATOR | 1 | GRADE C124 |
| 10 | (16) | R013C | AGENCY HUMAN RESOURCES MANAGER | 1 | GRADE C123 |
| 11 | (17) | X025C | DCC PAROLE/PROBATION AREA MANAGER | 16 | GRADE C123 |
| 12 | (18) | P004C | PUBLIC INFORMATION MANAGER | 1 | GRADE C123 |
| 13 | (19) | D038C | SENIOR SOFTWARE SUPPORT ANALYST | 2 | GRADE C123 |
| 14 | (20) | M007C | DCC ASST TREATMENT PROGRAM MGR | 6 | GRADE C122 |
| 15 | (21) | G222C | ADC/DCC INTERNAL AFFAIRS ADMIN | 1 | GRADE C121 |
| 16 | (22) | T027C | ADC/DCC TRAINING ADMINISTRATOR | 1 | GRADE C121 |
| 17 | (23) | X042C | DCC PAROLE/PROBATION ASST AREA MGR | 36 | GRADE C121 |
| 18 | (24) | D052C | SOFTWARE SUPPORT ANALYST | 5 | GRADE C121 |
| 19 | (25) | T033C | ADC/DCC MAJOR | 3 | GRADE C120 |
| 20 | (26) | T038C | ADC TRAINING ACADEMY SUPERVISOR | 1 | GRADE C119 |
| 21 | (27) | R021C | BUDGET ANALYST | 1 | GRADE C119 |
| 22 | (28) | G154C | DCC PROGRAM COORDINATOR | 6 | GRADE C119 |
| 23 | (29) | M021C | DCC TREATMENT SUPERVISOR | 7 | GRADE C119 |
| 24 | (30) | D061C | INFO SYSTEMS COORDINATION SPECIALIST | 1 | GRADE C119 |
| 25 | (31) | V007C | PROCUREMENT COORDINATOR | 1 | GRADE C119 |
| 26 | (32) | T048C | ADC/DCC CAPTAIN | 6 | GRADE C118 |
| 27 | (33) | T045C | DCC PAROLE/PROBATION OFFICER | 440 | GRADE C118 |
| 28 | (34) | C010C | EXECUTIVE ASSISTANT TO THE DIRECTOR | 1 | GRADE C118 |
| 29 | (35) | A074C | FISCAL SUPPORT SUPERVISOR | 3 | GRADE C118 |
| 30 | (36) | M026C | LICENSED SOCIAL WORKER | 1 | GRADE C118 |
| 31 | (37) | T054C | ADC/DCC LIEUTENANT | 31 | GRADE C117 |
| 32 | (38) | M046C | ADC/DCC TREATMENT COORDINATOR | 19 | GRADE C117 |
| 33 | (39) | T093C | DCC PAROLE/PROBATION OFFICER II | 1 | GRADE C117 |
| 34 | (40) | G180C | GRANTS ANALYST | 2 | GRADE C117 |
| 35 | (41) | S026C | ADC/DCC ASST MAINTENANCE SUPERVISOR | 8 | GRADE C116 |
| 36 | (42) | T059C | ADC/DCC FOOD PREPARATION MANAGER | 10 | GRADE C116 |

| | | | | | |
|----|------|-------|-------------------------------------|-----------|------------|
| 1 | (43) | C024C | ADC/DCC RECORDS SUPERVISOR | 8 | GRADE C116 |
| 2 | (44) | C022C | BUSINESS OPERATIONS SPECIALIST | 6 | GRADE C116 |
| 3 | (45) | V014C | BUYER | 4 | GRADE C116 |
| 4 | (46) | G200C | CLASSIFICATION & ASSIGNMENT OFFICER | 4 | GRADE C116 |
| 5 | (47) | E048C | EDUCATION & INSTRUCTION SPECIALIST | 2 | GRADE C116 |
| 6 | (48) | R030C | EEO/GRIEVANCE OFFICER | 1 | GRADE C116 |
| 7 | (49) | M048C | SUBSTANCE ABUSE PROGRAM LEADER | 45 | GRADE C116 |
| 8 | (50) | E046C | TRAINING INSTRUCTOR | 4 | GRADE C116 |
| 9 | (51) | M059C | ADC/DCC ADVISOR | 114 | GRADE C115 |
| 10 | (52) | T065C | ADC/DCC CORRECTIONAL SERGEANT | 68 | GRADE C115 |
| 11 | (53) | M058C | ADC/DCC PROGRAM SPECIALIST | 10 | GRADE C115 |
| 12 | (54) | C037C | ADMINISTRATIVE ANALYST | 11 | GRADE C115 |
| 13 | (55) | R033C | BENEFITS ANALYST | 1 | GRADE C115 |
| 14 | (56) | M057C | CHAPLAIN | 6 | GRADE C115 |
| 15 | (57) | A091C | FISCAL SUPPORT ANALYST | 1 | GRADE C115 |
| 16 | (58) | R031C | INSTITUTION HUMAN RESOURCES COORD | 6 | GRADE C115 |
| 17 | (59) | A090C | PAYROLL SERVICES SPECIALIST | 1 | GRADE C115 |
| 18 | (60) | T070C | ADC/DCC FOOD PREPARATION SUPERVISOR | 20 | GRADE C114 |
| 19 | (61) | G215C | CAREER PLANNING & PLACEMENT SPEC | 14 | GRADE C114 |
| 20 | (62) | E051C | STAFF DEVELOPMENT SPECIALIST | 1 | GRADE C114 |
| 21 | (63) | T076C | ADC/DCC ADMIN REVIEW OFFICER | 7 | GRADE C113 |
| 22 | (64) | T075C | ADC/DCC CORPORAL | 211 | GRADE C113 |
| 23 | (65) | R036C | HUMAN RESOURCES SPECIALIST | 1 | GRADE C113 |
| 24 | (66) | T083C | ADC/DCC CORRECTIONAL OFFICER I | 1 | GRADE C112 |
| 25 | (67) | C056C | ADMINISTRATIVE SPECIALIST III | 100 | GRADE C112 |
| 26 | (68) | T081C | COMMISSARY MANAGER | 6 | GRADE C112 |
| 27 | (69) | A098C | FISCAL SUPPORT SPECIALIST | 11 | GRADE C112 |
| 28 | (70) | A097C | PAYROLL TECHNICIAN | 1 | GRADE C112 |
| 29 | (71) | C073C | ADMINISTRATIVE SPECIALIST II | <u>73</u> | GRADE C109 |
| 30 | | | MAX. NO. OF EMPLOYEES | 1,376 | |

31

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

1 provided in the Uniform Classification and Compensation Act, or its
 2 successor, or this act for the appropriate classification.

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

| 10 ITEM | FISCAL YEAR |
|------------------------------------|---------------------|
| 11 <u>NO.</u> | <u>2011-2012</u> |
| 12 (01) REGULAR SALARIES | \$43,148,685 |
| 13 (02) EXTRA HELP | 25,000 |
| 14 (03) PERSONAL SERVICES MATCHING | 14,886,870 |
| 15 (04) MAINT. & GEN. OPERATION | |
| 16 (A) OPER. EXPENSE | 11,079,733 |
| 17 (B) CONF. & TRAVEL | 21,807 |
| 18 (C) PROF. FEES | 10,028,841 |
| 19 (D) CAP. OUTLAY | 488,577 |
| 20 (E) DATA PROC. | <u>0</u> |
| 21 TOTAL AMOUNT APPROPRIATED | <u>\$79,679,513</u> |

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

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

| | | |
|---|--------------------------------------|---------------------|
| 1 | (D) CAP. OUTLAY | 663,825 |
| 2 | (E) DATA PROC. | 0 |
| 3 | (04) WAR MEMORIAL STADIUM COMMISSION | |
| 4 | PARKING SERVICES FROM FEES | 10,000 |
| 5 | (05) COMMUNITY CORRECTION PROGRAM | <u>5,192,745</u> |
| 6 | TOTAL AMOUNT APPROPRIATED | <u>\$11,887,096</u> |

7

8 SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby

9 appropriated, to the Department of Community Correction, to be payable from

10 the federal funds as designated by the Chief Fiscal Officer of the State, for

11 operating expenses of the Department of Community Correction - Federal

12 Programs for the fiscal year ending June 30, 2012, the following:

| 14 | ITEM | FISCAL YEAR |
|----|------------------------------|--------------------|
| 15 | <u>NO.</u> | <u>2011-2012</u> |
| 16 | (01) MAINT. & GEN. OPERATION | |
| 17 | (A) OPER. EXPENSE | \$206,270 |
| 18 | (B) CONF. & TRAVEL | 74,415 |
| 19 | (C) PROF. FEES | 3,210,386 |
| 20 | (D) CAP. OUTLAY | 0 |
| 21 | (E) DATA PROC. | 0 |
| 22 | (02) FEDERAL GRANTS AND AID | <u>646,811</u> |
| 23 | TOTAL AMOUNT APPROPRIATED | <u>\$4,137,882</u> |

24

25 SECTION 6. APPROPRIATION - RESIDENTS SERVICES - CASH. There is hereby

26 appropriated, to the Department of Community Correction, to be payable from

27 the cash fund deposited in the State Treasury as determined by the Chief

28 Fiscal Officer of the State, for operating expenses of the Department of

29 Community Correction - Residents Services for the fiscal year ending June 30,

30 2012, the following:

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

| | | |
|---|---------------------------|---------------------------|
| 1 | (C) PROF. FEES | 101,800 |
| 2 | (D) CAP. OUTLAY | 0 |
| 3 | (E) DATA PROC. | <u>0</u> |
| 4 | TOTAL AMOUNT APPROPRIATED | <u><u>\$1,882,024</u></u> |

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

| | | |
|----|--|---------------------------|
| 11 | | |
| 12 | ITEM | FISCAL YEAR |
| 13 | <u>NO.</u> | <u>2011-2012</u> |
| 14 | (01) REIMBURSEMENT TO COUNTIES HOUSING | |
| 15 | STATE INMATES | <u><u>\$3,453,572</u></u> |

16
 17 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
 19 CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of
 20 the Governor and Chief Fiscal Officer of the State and upon approval by the
 21 Arkansas Legislative Council or Joint Budget Committee, the Director of the
 22 Department of Community Correction, as authorized by the Board of
 23 Corrections, is authorized to use funds appropriated for "Community
 24 Correction Programs" line item in this Act to construct new or renovate
 25 existing facilities to support the development of community correction
 26 facilities in the state.

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

1 requiring prior approval of the Legislative Council or Joint Budget Committee
2 as provided by this section. The requirement of approval by the Legislative
3 Council or Joint Budget Committee is not a severable part of this section.
4 If the requirement of approval by the Legislative Council or Joint Budget
5 Committee is ruled unconstitutional by a court of competent jurisdiction,
6 this entire section is void.

7 The provisions of this section shall be in effect only from July 1,
8 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

15 The provisions of this section shall be in effect only from July 1,
16 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

17
18 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING
20 FEES. On July 1, of each year the Department of Community Correction shall
21 pay from the appropriation provided herein from non-general revenue, the
22 total amount appropriated for War Memorial Stadium Commission Parking
23 Services from Fees to the War Memorial Stadium Commission.

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

26
27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
29 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
30 of the State and review and approval by the Arkansas Legislative Council or
31 Joint Budget Committee, the Director of the Department of Community
32 Correction is authorized to transfer appropriation from any line item
33 authorized in Section 3 and Section 4 of this Act to any other line item
34 authorized in Section 3 and Section 4 of this Act.

35 Determining the maximum number of employees and the maximum amount of
36 appropriation and general revenue funding for a state agency each fiscal year

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

15 The provisions of this section shall be in effect only from July 1, ~~2010~~
16 2011 through June 30, ~~2011~~ 2012.

17
18 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections
21 that a reallocation of resources within the Department of Community
22 Correction and Department of Correction is necessary for the efficient and
23 effective operation of the departments, the Board, with approval of the
24 Governor and approval by the Arkansas Legislative Council or Joint Budget
25 Committee, shall have the authority to instruct the department directors, to
26 request from the Chief Fiscal Officer of the State, a transfer of positions,
27 programs, funds, appropriations, and line-item appropriations within or
28 between existing and newly created divisions, offices, sections, or units of
29 the departments. If it is determined that the requested transfer should be
30 made, the Chief Fiscal Officer of the State shall then initiate the necessary
31 transfer documents to reflect the transfers upon the fiscal records of the
32 State Treasurer, the State Auditor, the Chief Fiscal Officer of the State,
33 and the Departments of Correction and Community Correction. Provided,
34 however, that the Board shall be limited to submitting no more than two
35 requests, encompassing a single purpose listed in this section, during any
36 fiscal year per department. Transfer authority shall further be limited to

1 no more than five percent (5%) of the total General Revenue and Special
2 Revenue appropriation, funding, and positions specific to each agency.
3 However, there shall be no transfers to or from the County Jail Reimbursement
4 Fund. A Reallocation of Resources Transfer shall be limited to the following
5 specific purposes:

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

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

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

34
35 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY

1 COMPENSATION. The Department of Community Correction is authorized to pay
 2 employees for up to ninety-six (96) hours of unused holidays exceeding a
 3 balance in the employee's holiday account of one-hundred fifty (150) hours
 4 following the end of the calendar year. Payments of unused holiday hours must
 5 be processed on or before June 1st in each fiscal year. Employees terminating
 6 employment from the Department of Community Correction will be eligible for
 7 all holiday pay accrued during the years of service. This request is
 8 contingent on approval by the Chief Fiscal Officer of the State after the
 9 Director of the Department of Community Correction has verified that
 10 sufficient revenues are available to make such payments to employees in the
 11 following classifications:

| Class | Maximum Annual Salary Rate Fiscal Year |
|--------------------------------------|--|
| <u>Code Title</u> | <u>2010-2011</u> <u>2011-2012</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 |

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

26 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
 28 SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of
 29 Corrections that the Department of Community Correction cannot continue a
 30 medical contract with a private provider and the Board deems it necessary to
 31 utilize Department staff to provide the required services, the Department is
 32 allowed, upon notification of the Chief Fiscal Officer of the State and after
 33 seeking prior review by the Arkansas Legislative Council or Joint Budget
 34 Committee, to utilize the contingent positions for medical services contained
 35 in this Act and make the appropriate transfers from the Professional Fees and
 36 Services line item contained in Section 3 of this Act to Regular Salaries,

1 Personal Services Matching and various Maintenance and General Operations
 2 classifications. Further, the Department may utilize the service(s) of a
 3 state-based or national-based Professional Recruitment Service, or network,
 4 as may be necessary to recruit, fill, or maintain the occupancy of the
 5 positions stated herein.

6 The provisions of this section shall be in effect only from July 1,
 7 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

9 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR
 11 SALARIES - CONTINGENT POSITIONS. There is hereby established for the
 12 Department of Community Correction - Contingent Positions for the ~~2010-2011~~
 13 2011-2012 fiscal year, the following maximum number of regular employees.

14
 15 CONTINGENT POSITIONS - MEDICAL SERVICES

| | | | | MAXIMUM ANNUAL | |
|---------------------------------|-------------|--------------|---------------------------|------------------|---------------------------------------|
| | | | | MAXIMUM | SALARY RATE |
| ITEM | CLASS | | | NO. OF | FISCAL YEAR |
| <u>NO.</u> | <u>CODE</u> | <u>TITLE</u> | | <u>EMPLOYEES</u> | 2010-2011 <u>2011-2012</u> |
| 20 | (1) | L009C | NURSE MANAGER | 1 | GRADE C125 |
| 21 | (2) | L033C | PSYCH. EXAMINER | 1 | GRADE C121 |
| 22 | (3) | M026C | LICENSED SOCIAL WORKER | 6 | GRADE C118 |
| 23 | (4) | L032C | REGISTERED NURSE HOSPITAL | 7 | GRADE C121 |
| 24 | (5) | L069C | LIC PRACT NURSE | 25 | GRADE C113 |
| 25 | (6) | C056C | ADMIN SPECIALIST III | <u>2</u> | GRADE C112 |
| 26 MAXIMUM NUMBER OF CONTINGENT | | | | | |
| 27 EMPLOYEES - MEDICAL SERVICES | | | | 42 | |

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

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

34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
 36 CORRECTION PROGRAMS LINE ITEM USES. The appropriations authorized under the

1 line item established herein for "Community Correction Programs" are to be
2 used by the Department of Community Correction for establishment and
3 operation of, to include construction, renovation, and contracting for
4 establishment and operation of, residential and non-residential community
5 correction programs such as, but not limited to, community correction
6 centers, drug, alcohol, and mental health treatments, intensive supervision,
7 restitution, and others as established and approved by the Board of
8 Corrections and as may be provided by law.

9 The provisions of this section shall be in effect only from July 1,
10 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

11
12 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
14 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent
15 (10%) increase in utility and fuel rates, the Department of Community
16 Correction is authorized to transfer from any line item in Section 3 - State
17 Operations to Operating Expense Item (04)(A) in Section 3 - State Operations
18 for support of the increase after receiving approval of the Chief Fiscal
19 Officer of the State. Prior to the utilization of the transfer authority a
20 report shall be made to the Arkansas Legislative Council or Joint Budget
21 Committee including justification for the transfer and the amount of
22 transfer.

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

1 Budget Committee is ruled unconstitutional by a court of competent
2 jurisdiction, this entire section is void.

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

16
17 SECTION 19. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
18 authorized by this act shall be limited to the appropriation for such agency
19 and funds made available by law for the support of such appropriations; and
20 the restrictions of the State Procurement Law, the General Accounting and
21 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
22 Procedures and Restrictions Act, or their successors, and other fiscal
23 control laws of this State, where applicable, and regulations promulgated by
24 the Department of Finance and Administration, as authorized by law, shall be
25 strictly complied with in disbursement of said funds.

26
27 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General
28 Assembly that any funds disbursed under the authority of the appropriations
29 contained in this act shall be in compliance with the stated reasons for
30 which this act was adopted, as evidenced by the Agency Requests, Executive
31 Recommendations and Legislative Recommendations contained in the budget
32 manuals prepared by the Department of Finance and Administration, letters, or
33 summarized oral testimony in the official minutes of the Arkansas Legislative
34 Council or Joint Budget Committee which relate to its passage and adoption.

35
36 SECTION 21. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly, that the Constitution of the State of Arkansas prohibits
2 the appropriation of funds for more than a one (1) year period; that the
3 effectiveness of this Act on July 1, 2011 is essential to the operation of
4 the agency for which the appropriations in this Act are provided, and that in
5 the event of an extension of the legislative session, the delay in the
6 effective date of this Act beyond July 1, 2011 could work irreparable harm
7 upon the proper administration and provision of essential governmental
8 programs. Therefore, an emergency is hereby declared to exist and this Act
9 being necessary for the immediate preservation of the public peace, health
10 and safety shall be in full force and effect from and after July 1, 2011.

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