

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Correction - Contingent Positions for the ~~2014-2015~~2015-2016 fiscal year, the following maximum number of regular employees.

AGENCY REQUEST

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM NO.	CLASS CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE	
				2014-2015	2015-2016
(01)		CHIEF OF MEDICAL SERVICES	1	\$225,000	
(02)		CHIEF OF DENTAL SERVICES	1	175,000	
(03)		PHYSICIANS SPECIALIST	15	170,000	
(04)		CHIEF OF PHARMACY	1	125,000	
(05)		CHIEF OF NURSING SERVICES	1	90,000	
(06)		UNIT/FACILITY MEDICAL MGR	15	90,000	
(07)		RNP/PA	13	85,000	
(08)		DIR OF MEDICAL RECORDS	1	75,000	
PATIENT CARE -					
(09)	L011N	DENTIST	15	GRADE N916	
(10)	L016N	REGISTERED PHARMACIST	3	GRADE N911	
(11)	L019C	REGISTERED NURSE COORD	13	GRADE C123	
(12)	L027C	REGISTERED NURSE SUPV	45	GRADE C122	
(13)	L064C	RADIOLOGY TECHNICIAN	8	GRADE C114	
(14)	L069C	LICENSED PRACTICAL NURSE	180	GRADE C113	

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(15)B111C	LABORATORY TECHNICIAN	3	GRADE C110	
PATIENT CARE - CLASSIFIED POSITIONS				
(16)L071C	DENTAL HYGIENIST	8	GRADE C113	
(17) C056C	ADMINISTRATIVE SPEC III	11	GRADE C112	
(18) C053C	MEDICAL RECORDS TECH	26	GRADE C112	
(19) C073C	ADMINISTRATIVE SPEC II	9	GRADE C109	
(20)L081C	DENTAL ASSISTANT	14	GRADE C109	
CLASSIFIED - NON-PATIENT CARE				
(21)	CHIEF PSYCHIATRIC SERV.	1	\$400,000	
(22)	VP OPERATIONS	1	\$200,000	
(23)	REGIONAL MANAGER	3	\$120,000	
(24)	PSYCHIATRIC SPECIALIST	6	GRADE N919	
(25)	FISCAL DIVISION MANAGER	1	GRADE C127	
(26)	INFO SYSTEMS COORDINATOR	1	GRADE C124	
(27)	POLICY DEVELOP.			
	COORDINATOR	1	GRADE C117	
(28)	ACCOUNTANT I	1	GRADE C116	
(29)	BUYER	2	GRADE C116	
(30)	COMPUTER SUPPORT TECH	1	GRADE C115	
(31)	INSTITUTIONAL HR			
	COORDINATOR	1	GRADE C115	
(32)	HR SPECIALIST	1	GRADE C113	
(33)	<del>GOODS RECEIPT</del> FISCAL SUPPORT SPECIALIST	1	GRADE	
			C112	
(34)	NURSING ASSISTANT	53	GRADE C110	

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(35)	ACCOUNTING TECH	4 GRADE C109	
(36)	PURCHASING ASSISTANT	1 GRADE C106	
GRAND TOTAL CONTINGENT EMPLOYEES		462	
<p>If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.</p> <p>The provisions of this section shall be in effect only from July 1, <del>2014</del> <u>2015</u> through June 30, <del>2015</del> <u>2016</u>.</p>			

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MEDICAL/MENTAL HEALTH SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in Section 3 of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY REIMBURSEMENT RATE RESTRICTION. Notwithstanding any other provision of law or departmental commitment which may exist to the contrary, the Board of Corrections shall not increase any reimbursement rate for payments made to any county for the purpose of reimbursing the expenses of the care and custody of state inmates, without first seeking and receiving the approval of the Governor and the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL REIMBURSEMENT. In the event the Department of Correction cannot accept inmates from county jails due to insufficient bed space, the Department shall reimburse the counties at a rate determined by the Chief Fiscal Officer of the State, after consultation with the Division of Legislative Audit and the Department of Correction, and upon approval by the Governor, until the appropriation and funding for such purpose, is exhausted. The reimbursement rate shall include the county's cost of transporting the inmates to the department. The appropriation provided by Item (06) of Section 3 may be used for contracts with county jails for pre release inmates.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF APPROPRIATION WITHIN CAPITAL IMPROVEMENT PROJECTS. The Department of Correction is hereby authorized to transfer appropriation between and/or among the various capital improvements/construction projects authorized by the General Assembly. Such transfers may be made only after approval by the Governor and after prior approval by the Arkansas Legislative Council or Joint Budget Committee. Such authorization shall in no way mean that the total amount of funds or appropriations for capital improvement/construction projects be greater than that provided by the General Assembly for the Department of Correction.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~  
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**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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

- a) Costs to open and operate temporary beds;
- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;

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**EXECUTIVE RECOMMENDATION**

- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction and the Department of 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, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

HOLIDAY COMPENSATION. The Department of Correction is authorized to pay employees for hours of unused holidays in the employee's holiday account 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 Correction will be eligible for all holiday pay accrued. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Correction has verified that sufficient revenues are available to make such payments to employees who have served in the following classifications, with the exception that those employees wishing to accrue banked hours be allowed the option to bank unused holiday hours in the employee's holiday account, not to exceed one-hundred fifty (150) hours:

Class

<u>Code</u>	<u>Title</u>	<u>Grade</u>
T033C	ADC/DCCMAJOR	GRADE C120
T048C	ADC/DCC CAPTAIN	GRADE C118
T054C	ADC/DCC LIEUTENANT	GRADE C117
TO65C	ADC/DCC CORRECTIONAL SERGEANT	GRADE C115
S044C	FOOD PREPARATION MANAGER	GRADE C114
T075C	ADC/DCC CORPORAL	GRADE C113
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE C112
S056C	FOOD PREPARATION SUPERVISOR	GRADE C111

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015-2016~~.

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**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EMPLOYEE COMPENSATION REPORT. The Department of Finance and Administration Office of Budget shall prepare and submit to the Arkansas Legislative Council or Joint Budget Committee a report reflecting the amount of appropriation and funding necessary for the Department of Correction to sufficiently budget for the expenditure of payments to employees for all Holiday Liability, Straight Time Liability, Overtime, and Hazardous Duty Compensation incurred, including the current balances of said liabilities. This report shall be included in the summary budget information manual submitted during the biennial budget process.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ADC SEX OFFENDER ASSESSMENT. The Arkansas Department of Correction is authorized to enter into a cooperative agreement with a qualified state treatment and assessment agency to conduct assessments of juvenile sex or child offenders as required by provisions of ACA 12-12-901 et. seq. and pay for services upon receipt of invoice.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

INMATE COST REPORTING - STATE FACILITIES.

AGENCY REQUEST

(a) Within 90 days of the close of each state fiscal year, the Arkansas Department of Correction (ADC) shall submit to the Arkansas Legislative Council a report of all direct and indirect costs incurred by the State of Arkansas in housing and caring for inmates incarcerated in the State's facilities. Such costs shall be calculated and reported in total for the Department and in total by each facility. The report shall also reflect overall cost per inmate per day, cost per inmate per day for each facility, overall cost per bed per day, and cost per bed per day for each facility.

(b) In compiling costs and reporting to the Arkansas Legislative Council in accordance with subsection (a) of this section of this Act, the Department of Correction shall:

(1) Record all expenditures in a manner that provides for the association of costs with each facility. Costs not directly attributable to a particular facility (overhead, administration, treatment, etc.) shall be allocated to each facility on the basis of inmate population.

(2) Maintain documentation to support all elements of costs and cost reimbursement both in total and by facility;

(3) Exclude capital outlay disbursements. However, depreciation expense for all ADC fixed assets shall be included. Depreciation expense not directly associated with the fixed assets of a particular facility shall be allocated to each facility on the basis of inmate population.

(4) Include any interest expense incurred by ADC or another state governmental entity as a result of prison construction;

(5) Exclude all payments to local governments for care of inmates housed

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**EXECUTIVE RECOMMENDATION**

in local government facilities;

(6) Exclude all payments to local governments for Act 309 prisoners;

(7) Include the state matching requirements associated with federal grant expenditures. Documentation shall be maintained sufficient to identify such costs by grant.

(8) Deduct reimbursements for costs incurred. The amount of the reimbursement deducted shall be equal to or less than the cost with which the reimbursement is associated.

(9) Include all ancillary costs. These costs shall include, but are not limited to:

(A) ADC expenses incurred through fund transfers;

(B) Retirement costs;

(C) Audit costs;

(D) ADC cost for shared employees paid by another state governmental entity;

(E) Inmate educational and rehabilitation costs;

(F) Inmate related expenses incurred by the Attorney General; however; expenses shall not include costs of defending Habeas Corpus cases.

(c) In determining costs per inmate per day for reporting to the Arkansas Legislative Council in accordance with subsection (a) of this section, ADC shall:

(1) Accumulate the number of inmates housed at each ADC facility each day throughout the state fiscal year for which costs are being reported. This accumulation shall result in total inmate days and shall be divided into total direct and indirect costs compiled in accordance with subsections (a)

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**EXECUTIVE RECOMMENDATION**

and (b) of this section.

(2) Exclude those ADC inmates housed in local governmental facilities and Act 309 prisoners from the number of inmates housed at ADC facilities.

(3) Maintain documentation supporting the number of inmates housed at ADC facilities.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL REIMBURSEMENT FUND YEAR-END FUND BALANCE CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the County Jail Reimbursement Fund at the end of a fiscal year shall remain in the County Jail Reimbursement Fund and made available to fund appropriations authorized by law payable from the County Jail Reimbursement Fund for the following fiscal year.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

- (1) Prior to June 30, ~~2015~~ 2016 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward from the first fiscal year to the second fiscal year by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward from the first fiscal year to the second fiscal year, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;
- (3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30)

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days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

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**EXECUTIVE RECOMMENDATION**

REFUND TO EXPENDITURE. The proceeds from the sale of feeder cattle by the Department of Correction shall be deposited into the State Treasury as a refund to expenditure to the credit of the appropriation available to the Department of Correction for the "Purchase Cattle/Meat" line item.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 24**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

USE OF MAINTENANCE AND OPERATION APPROPRIATION AND SALVAGED MATERIALS CONSTRUCTION. The Department of Correction is hereby authorized to utilize Maintenance and General Operation Appropriation in conjunction with surplus and/or salvageable materials for the purpose of implementing construction projects to benefit the Department and its various programs. Before such projects may be undertaken, a Method of Finance must be submitted for prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, and review and approval by the Department of Finance and Administration and the Arkansas Building Authority.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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

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**EXECUTIVE RECOMMENDATION**

court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~  
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**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

UTILITY RATE INCREASE TRANSFER. In the event of a ten percent (10%) increase in utility rates and fuel rates, the Department of Correction is authorized to transfer any line item appropriation in this Act to the Maintenance and Operation line item for support of the increase after receiving approval of the Chief Fiscal Officer of the State. Prior to the utilization of the transfer authority, a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of the transfer.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 26**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MENTAL HEALTH SERVICES. In the event the Department determines to enter into a professional contract for mental health services, the Department may, upon approval of the Chief Fiscal Officer of the State and after prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, make appropriate transfers from regular salaries, personal services matching and various maintenance and operation classifications to the professional fees and services classification for payment of the contractual amount.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**SECTION#: 27**

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**EXECUTIVE RECOMMENDATION**

SPECIAL REVENUE/CASH FUNDS TRANSFER. The Department of Correction is authorized to transfer funds from various Special Revenue and Cash Funds into the Inmate Care and Custody Fund Account in order to adjust to the budget needs upon prior approval by the Arkansas Legislative Council or Joint Budget Committee and approval of the Board of Corrections and the Chief Fiscal Officer of the State.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

NEW FACILITIES. If it is found that contracting for the operation of new facilities is economically beneficial to the State of Arkansas, the Department of Correction may, after receiving approval of the Chief Fiscal Officer, and seeking prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, transfer from any line item appropriation contained in Section 3 of this Act into the Professional Fees and Services line item contained in Section 3 of this Act to operate new facilities.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

APPROPRIATION TRANSFER FOR CONSTRUCTING AND EQUIPPING. The Department of Correction is hereby authorized to transfer appropriations between any line items authorized herein but only for the purpose of financing construction or equipment for a facility of the department. Any transfers authorized by this section shall require the approval of the Chief Fiscal Officer of the State after prior review and approval by the Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 30**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FOOD SERVICE CONTRACT. In the event the Department is able to contract with a private provider for food services at a unit(s), transfers may be made from Regular Salaries, Personal Services Matching, and Maintenance and Operations line items to Professional Fees and Services upon approval by the Chief Fiscal Officer of the State and after receiving prior review and approval by the Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 31**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL INVOICE SUMMARY. The Departments of Correction and Community Correction, shall at a minimum and on a fiscal year basis, prepare and post on the applicable agency web site, a monthly summary of county jail reimbursement invoices prepared and forwarded to each county sheriff for verification by the Departments and for payment from the County Jail Reimbursement Fund. In addition, the report shall include a summary of invoices returned by each county for payment for previous months within the fiscal year, the amounts paid, and any balances owed. Each fiscal year-end report shall be maintained on the web sites for a period of no less than three (3) years.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 32**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MOTOR VEHICLE PURCHASE PROVISION. The Department of Correction is hereby authorized to purchase motor vehicles as may be approved for the purpose of equipping new bed additions at the various institutions from the appropriations authorized for Capital Outlay in Section 3 of this Act.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 33**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF APPROPRIATION TO THE COUNTY JAIL REIMBURSEMENT FUND. If any savings of general revenue appropriation and funds accrue during the ~~2014-2015~~2015-2016 fiscal year in the operations of the Department of Correction, the Director of the Department of Correction may request a transfer of appropriation from any line item appropriation in the Inmate Care and Custody Fund Account to the County Jail Reimbursement Fund in order to meet obligations to counties for housing state inmates. Such transfer request shall be made upon the approval of the Chief Fiscal Officer of the State and prior review and approval by the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 34**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LOCAL GOVERNMENT INMATE COST REPORT. Each calendar year, the Association of Arkansas Counties shall compile and submit a report to the Arkansas Legislative Council, of all costs incurred, excluding construction costs, by local government units housing inmates sentenced to the Department of Correction and Department of Community Correction. The cost report shall be a representative sample of all counties housing and caring for state inmates. The report shall be submitted no later than July 1 of the calendar year immediately following the reporting year.

The Association of Arkansas Counties in coordination with Legislative Audit shall determine which counties will be included in the sample and shall include a sufficient number of counties from each classification based upon population and each congressional district to ensure a fair representation of costs incurred. Guidelines for preparing this cost report shall be developed by the Division of Legislative Audit in coordination with the Association of Arkansas Counties. The Division of Legislative Audit shall test the accuracy of the information submitted during the routine audit of the applicable county.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 35**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ESSENTIAL SERVICES STIPEND. The Arkansas Department of Correction (ADC) may award additional compensation to those exempt employees who are members of the emergency response unit. These employees are eligible to receive up to 3% per hour additional compensation for the actual number of hours that an employee spends on an emergency response action.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST

**2015 - 2017 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 284**

**SECTION#: 36**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

USE OF MARKETING AND REDISTRIBUTION PROCEEDS FROM SALE OF STATE PROPERTY. The proceeds from the sale of state property through the Marketing and Redistribution Section of the Department of Finance and Administration, may be deposited into the Cash in State Treasury fund in an amount not to exceed \$100,000 there to be used for operating expenses for the Paws in Prison program.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

AGENCY REQUEST