

Stricken language will be deleted and underlined language will be added.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H2/21/23  
**A Bill**

HOUSE BILL 1134

By: Joint Budget Committee

**For An Act To Be Entitled**

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF CORRECTIONS - DIVISION OF COMMUNITY CORRECTION FOR THE FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.

**Subtitle**

AN ACT FOR THE DEPARTMENT OF CORRECTIONS - DIVISION OF COMMUNITY CORRECTION APPROPRIATION FOR THE 2023-2024 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Corrections - Division of Community Correction for the 2023-2024 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
(1)	U084U	DCC DIRECTOR	1	GRADE SE02
(2)	N129N	DCC DEPUTY DIR PAROLE/PROBATION SERV	1	GRADE GS14
(3)	N114N	DCC DEPUTY DIR RESIDENTIAL SVCS	1	GRADE GS14
(4)	T005C	DOC CORRECTIONAL WARDEN	6	GRADE GS12
(5)	T004C	DCC PROGRAM ADMR PAROLE & PROBATION	6	GRADE GS11



(6)	M001C DCC TREATMENT ADMINISTRATOR	1	GRADE GS11
(7)	X025C DCC PAROLE/PROBATION AREA MANAGER	17	GRADE GS10
(8)	T015C DOC DEPUTY WARDEN	4	GRADE GS10
(9)	G222C DOC INTERNAL AFFAIRS ADMINISTRATOR	1	GRADE GS09
(10)	T033C DOC MAJOR	3	GRADE GS09
(11)	S094C ADC CONSTRUCTION/MAINTENANCE COORD	2	GRADE GS08
(12)	M007C DCC ASST TREATMENT PROGRAM MGR	7	GRADE GS08
(13)	X042C DCC PAROLE/PROBATION ASST AREA MGR	46	GRADE GS08
(14)	M021C DCC TREATMENT SUPERVISOR	7	GRADE GS08
(15)	T048C DOC CAPTAIN	4	GRADE GS08
(16)	T045C DCC PAROLE/PROBATION OFFICER	548	GRADE GS07
(17)	G154C DCC PROGRAM COORDINATOR	6	GRADE GS07
(18)	T059C DOC FOOD PREPARATION MANAGER	11	GRADE GS07
(19)	T054C DOC LIEUTENANT	33	GRADE GS07
(20)	M046C DOC TREATMENT COORDINATOR	18	GRADE GS07
(21)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
(22)	A063C RESEARCH & STATISTICS SUPERVISOR	1	GRADE GS07
(23)	C037C ADMINISTRATIVE ANALYST	6	GRADE GS06
(24)	M057C CHAPLAIN	6	GRADE GS06
(25)	T065C DOC CORRECTIONAL SERGEANT	67	GRADE GS06
(26)	T070C DOC FOOD PREPARATION SUPERVISOR	19	GRADE GS06
(27)	G180C GRANTS ANALYST	1	GRADE GS06
(28)	M048C SUBSTANCE ABUSE PROGRAM LEADER	58	GRADE GS06
(29)	C022C BUSINESS OPERATIONS SPECIALIST	7	GRADE GS05
(30)	G215C CAREER PLANNING & PLACEMENT SPECIALIST	14	GRADE GS05
(31)	G200C CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE GS05
(32)	X128C CORRECTIONAL UNIT ACCREDITATION SPEC	1	GRADE GS05
(33)	T092C DCC PAROLE/PROBATION OFFICER I	1	GRADE GS05
(34)	T076C DOC ADMIN REVIEW OFFICER	7	GRADE GS05
(35)	M059C DOC ADVISOR	136	GRADE GS05
(36)	S026C DOC ASST MAINTENANCE SUPERVISOR	9	GRADE GS05
(37)	T075C DOC CORPORAL	296	GRADE GS05
(38)	M058C DOC PROGRAM SPECIALIST	10	GRADE GS05
(39)	C024C DOC RECORDS SUPERVISOR	8	GRADE GS05
(40)	R031C INSTITUTION HUMAN RESOURCES COORD	6	GRADE GS05
(41)	C056C ADMINISTRATIVE SPECIALIST III	91	GRADE GS04

(42)	T083C DOC CORRECTIONAL OFFICER I	1	GRADE GS04
(43)	A098C FISCAL SUPPORT SPECIALIST	4	GRADE GS04
(44)	C073C ADMINISTRATIVE SPECIALIST II	67	GRADE GS03
(45)	M084C BEHAV HLTH AIDE	<u>1</u>	GRADE GS03
	MAX. NO. OF EMPLOYEES	1,545	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of Corrections - Division of Community Correction for the 2023-2024 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 Corrections, to be payable from the Division of Community Correction Fund Account, for personal services and operating expenses of the Department of Corrections - Division of Community Correction - State Operations for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$70,615,896
(02) EXTRA HELP	100,000
(03) PERSONAL SERVICES MATCHING	27,969,075
(04) OVERTIME	210,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	13,054,409
(B) CONF. & TRAVEL	32,880
(C) PROF. FEES	168,729
(D) CAP. OUTLAY	125,000
(E) DATA PROC.	0
(06) REENTRY	<u>5,285,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$117,560,989</u>

SECTION 4. APPROPRIATION - OPERATIONS - SPECIAL REVENUE. There is hereby appropriated, to the Department of Corrections, to be payable from the Community Correction Revolving Fund, for operating expenses of the Department of Corrections - Division of Community Correction - Operations - Special Revenue for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$3,552,870
(B) CONF. & TRAVEL	100,000
(C) PROF. FEES	1,000,000
(D) CAP. OUTLAY	2,061,389
(E) DATA PROC.	0
(02) WAR MEMORIAL	10,000
(03) COMMUNITY CORRECTION PROGRAMS	6,000,000
(04) TRANSITIONAL HOUSING	<u>2,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$14,724,259</u>

SECTION 5. APPROPRIATION - RESIDENTS SERVICES - CASH. There is hereby appropriated, to the Department of Corrections, 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 Corrections - Division of Community Correction - Residents Services - Cash for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$2,557,846
(B) CONF. & TRAVEL	0
(C) PROF. FEES	101,800
(D) CAP. OUTLAY	1,000,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$3,659,646</u>

SECTION 6. APPROPRIATION - FEDERAL ASSET FORFEITURE. There is hereby appropriated, to the Department of Corrections, 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 Corrections - Division of Community Correction - Federal Asset Forfeiture for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) ASSET FORFEITURE	<u>\$500,000</u>

SECTION 7. 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 Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Programs" line item of the Operations - Special Revenue appropriation provided in this Act to construct new or renovate existing facilities to support the development of community correction facilities in 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 Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division of Community 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING FEES. On July 1, of each year the Department of Corrections - Division of Community Correction shall pay from the appropriation provided herein from non-general revenue, the total amount appropriated for War Memorial Parking Services from Fees to War Memorial.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer of the State and review and approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction is authorized to transfer appropriation from any line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act to any other line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act. 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 Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division of Community 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections, at the request of the Secretary of Corrections, that a reallocation of resources within the Department of Corrections - Divisions of Community Correction and Corrections 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 Secretary, 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 Department of Corrections - Divisions 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 division. However, there shall be no 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;
- 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 Corrections - Divisions of Correction and 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 11. 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 Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use the appropriations authorized under the line item established herein for "Community Correction Programs" are to be used by the Department of Corrections - Division of

Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent (10%) increase in utility and fuel rates, the Department of Corrections - Division of Community Correction is authorized to transfer from any line item in the State Operations Appropriation to the Operating Expense line item in the State Operations Appropriation 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 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 Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division of Community 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 13. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 12-27-114, concerning state inmates housed in a county jail and the reimbursement to the county, is amended to codify special language in appropriation acts to add an additional subsection to read as follows:

(d)(1)(A) The Division of Correction and Division of Community Correction shall prepare a monthly report of county jail reimbursement invoices under this section for payment from the County Jail Reimbursement Fund.

(B) The monthly report under subdivision (d)(1)(A) of this section shall:

(i) Be posted on the website of the Division of Correction and the website of the Division of Community Correction for at least three (3) years; and

(ii) 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.

(2) The monthly reports under subdivision (d)(1)(A) of this section shall be combined into one (1) annual report at the end of each fiscal year.

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR VEHICLE PURCHASE PROVISION. The Department of Corrections - Division of Community Correction is hereby authorized to purchase motor vehicles from the appropriations authorized for Capital Outlay in the State Operations and Special Revenue Operations appropriations in this Act.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

SECTION 15. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 12-27-140 is amended to codify special language in appropriation acts to read as

follows:

12-27-140. Division of Community Correction annual report - Quarterly report of position vacancies.

(a)(1) On July 31 of each year, the Division of Community Correction shall submit an annual report to the Legislative Council showing the number of persons sentenced or transferred to the division during the fiscal year for each criminal offense classification.

(2) Persons sentenced or transferred for multiple offenses shall be noted in the report.

(b) The report shall include a breakdown by race of all persons charged in each criminal offense classification.

(c) The division shall cooperate with and upon request make presentations and provide various reports, to the extent the division's budget will allow, to the Legislative Council concerning division policy and criteria on discretionary offender programs and services.

(d) The division shall report quarterly to the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, the:

(1) Number of parole or probation officer positions currently vacant in the division;

(2) Number of parole or probation assistant area manager positions currently vacant in the division;

(3) Number of parole or probation area manager positions currently vacant in the division; and

(4) Average case load being assigned to each parole or probation officer.

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

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

SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2023 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2023 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2023.

*/s/ Joint Budget Committee*