

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Joint Budget Committee**

# A Bill

**ACT 953 OF 1993**  
**SENATE BILL 440**

## For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND  
9 OPERATING EXPENSES FOR THE *DEPARTMENT OF COMMUNITY*  
10 *PUNISHMENT* FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1995;  
11 AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT FOR THE *DEPARTMENT OF COMMUNITY PUNISHMENT*  
15 APPROPRIATION."

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

19 SECTION 1. REGULAR SALARIES. There is hereby established for the  
20 *Department of Community Punishment* for the 1993-95 biennium, the following  
21 maximum number of regular employees whose salaries shall be governed by the  
22 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
23 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
24 Provided, however, that any position to which a specific maximum annual salary  
25 is set out herein in dollars, shall be exempt from the provisions of said  
26 Uniform Classification and Compensation Act. All persons occupying positions  
27 authorized herein are hereby governed by the provisions of the Regular  
28 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
29 successor.

		Maximum Annual			
		Maximum	Salary Rate		
Item	Class	No. of	Fiscal Years		
<del>No.</del>	<del>Code</del>	<del>Title</del>	<del>Employees</del>	<del>1993-94</del>	<del>1994-95</del>
35	(1)	8052	COMMUNITY PUNISHMENT DIR	1	\$ 61,316 \$ 63,462
36	(2)	8053	COMMUNITY PUNISHMENT DEPUTY DIR	1	48,950 50,663

1	(3)	8906 ASST. DIR. FIELD OPERATIONS	1	45,378	46,966
2	(4)	8905 COMMUNITY PUNISHMENT PROG. ADMR	3	40,570	41,989
3	(5)	R170 ATTORNEY SPECIALIST	1		GRADE 25
4	(6)	D130 INFORMATION SYSTEMS ADMINISTRATOR	1		GRADE 24
5	(7)	181Z COMPLIANCE ADMINISTRATOR	1		GRADE 23
6	(8)	D066 SYSTEMS COORD. ANALYST II	1		GRADE 22
7		A032 AGENCY FISCAL MANAGER	1		
8		119Z CP/COR PERSONNEL MANAGER	1		
9	(9)	R172 INTERSTATE COMPACT ADMR	1		GRADE 21
10		T001 CP/COR PARDONS & PAROLES ASST. ADMR	1		
11		D036 SR. PROGRAMMER/ANALYST	1		
12	(10)	R266 MANAGEMENT PROJECT ANALYST II	2		GRADE 20
13		T034 PAROLE/PROBATION OFFICER SUPERVISOR	20		
14	(11)	A103 FIELD AUDITOR	8		GRADE 19
15		M114 SUBSTANCE ABUSE PROG. LDR.	1		
16	(12)	D034 PROGRAMMER ANALYST	1		GRADE 18
17		R264 MANAGEMENT PROJECT ANALYST I	2		
18		A111 ACCOUNTANT	1		
19		R183 COMMUNITY PUNISHMENT SPECIALIST	1		
20		T062 PAROLE/PROBATION OFFICER	254		
21		E050 STAFF DEVELOPMENT SPECIALIST II	3		
22	(13)	R430 ADMINISTRATIVE OFFICER	1		GRADE 17
23		M125 CP/COR WORK PROG. ADVISOR	4		
24	(14)	X318 CP/COR ADMINISTRATIVE REVIEW OFF	2		GRADE 16
25		T003 CP/COR OFFICER I	28		
26	(15)	K011 ADMIN SUPPORT SUPERVISOR	1		GRADE 15
27		A108 ACCOUNTING TECHNICIAN II	2		
28		R009 ADMINISTRATIVE ASST. I	1		
29	(16)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2		GRADE 14
30	(17)	K153 SECRETARY II	17		GRADE 13
31	(18)	A106 ACCOUNTING TECHNICIAN I	26		GRADE 12
32	(19)	K155 SECRETARY I	<u>2</u>		GRADE 11
33		MAXIMUM NO. OF EMPLOYEES	394		

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CONTINGENT POSITIONS

					Maximum Annual
				Maximum	Salary Rate
<del>3</del>	<del>Item</del>	<del>Class</del>	<del>No. of</del>	<del>Fiscal Years</del>	
4	No.	Code	Title	Employees	1993-94 1994-95
5	(1)	102Z	WARDEN II	7	GRADE 26
6	(2)	091Z	ASST. WARDEN	1	GRADE 23
7	(3)	T014	CHIEF SECURITY OFFICER	2	GRADE 22
8	(4)	L122	PSYCHOLOGICAL EXAMINER II	1	GRADE 21
9		T008	CP/COR OFFICER IV	12	
10	(5)	T006	CP/COR OFFICER III	42	GRADE 20
11		M016	SENIOR CHAPLAIN	1	
12		M088	SOCIAL WORKER II	2	
13	(6)	T010	CP/COR SERGEANT	97	GRADE 19
14		M114	SUBSTANCE ABUSE PROG. LDR.	7	
15		H030	CP/COR FOOD PROD MGR II	7	
16	(7)	T005	CP/COR OFFICER II	7	GRADE 18
17		Y131	CP/COR CONSTRUCTION/MAINT. SUPV. I	2	
18		R322	CP/COR UNIT PERSONNEL & TRAINING OFF	1	
19		M105	CP/COR COUNSELOR	12	
20		M096	CP/COR PROGRAM COORDINATOR	8	
21		T012	DISCIPLINARY HEARING OFFICER	2	
22		X450	CP/COR INTERNAL AFFAIRS INVESTIGATOR	1	
23	(8)	H029	CP/COR FOOD PRODUCTION MANAGER I	23	GRADE 17
24		E055	CP/COR UNIT TRAINER	1	
25		A114	CP/COR BUSINESS MANAGER	7	
26		R049	CLASSIFICATION/ASSIGNMENT OFFICER	1	
27	(9)	X318	CP/COR ADMINISTRATIVE REVIEW OFF	1	GRADE 16
28		T003	CP/COR PUNISHMENT OFFICER I	180	
29	(10)	W009	CP/COR RECORDS SUPV.	7	GRADE 15
30		M048	RECREATION/ACTIVITY LEADER II	1	
31	(11)	H023	COMMISSARY MANAGER	1	GRADE 14
32	(12)	K153	SECRETARY II	7	GRADE 13
33	(13)	A106	ACCOUNTING TECHNICIAN I	2	GRADE 12
34	(14)	K155	SECRETARY I	15	GRADE 11
35	(15)	K023	CLERK TYPIST	<u>2</u>	GRADE 10

1           MAX. NO. OF CONTINGENT EMPLOYEES           460  
 2           GRAND TOTAL MAX. NO. OF EMPLOYEES       854;

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4           SECTION 2. EXTRA HELP. There is hereby authorized, for the  
 5 *Department of Community Punishment* for the 1993-95 biennium, the following  
 6 maximum number of part-time or temporary employees, to be known as "Extra  
 7 Help", payable from funds appropriated herein for such purposes: four (4)  
 8 temporary or part-time employees, when needed, at rates of pay not to exceed  
 9 those provided in the Uniform Classification and Compensation Act, or its  
 10 successor, or this act for the appropriate classification.

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12           SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the  
 13 *Department of Community Punishment* to be payable from the *Department of*  
 14 *Community Punishment Fund Account*, for personal services and operating  
 15 expenses of the *Department of Community Punishment* for the biennial period  
 16 ending June 30, 1995, the following:

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18 ITEM	FISCAL YEARS	
19 NO.	1993-94	1994-95
20 (01) REGULAR SALARIES	\$ 6,775,216	\$ 8,156,055
21 (02) EXTRA HELP	4,800	4,800
22 (03) PERSONAL SERV MATCHING	2,024,218	2,436,539
23 (04) MAINT. & GEN. OPERATION		
24       (A) OPER. EXPENSE	\$ 2,169,487	\$ 2,396,660
25       (B) CONF. & TRVL.	11,102	11,102
26       (C) PROF. FEES	861,036	1,012,036
27       (D) CAP. OUTLAY	537,608	128,500
28       (E) DATA PROC.	<u>241,155</u>	<u>170,000</u>
29       TOTAL MAINT. & GEN. OPER.	3,820,388	3,718,298
30 (05) SPECIAL OFFENDER PROGRAM GRANTS	250,000	250,000
31 (06) COMMUNITY PUNISHMENT PROGRAMS	<u>6,000,000</u>	<u>8,000,000</u>
32       TOTAL AMOUNT APPROPRIATED	<u>\$ 18,874,622</u>	<u>\$ 22,565,692</u>

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34           SECTION 4. APPROPRIATIONS - DRUG LAW ENFORCEMENT PROGRAM. There is  
 35 hereby appropriated, to the *Department of Community Punishment*, to be payable

1 from the federal funds as designated by the Chief Fiscal Officer of the State,  
2 for operating expenses of the *Department of Community Punishment - Drug Law*  
3 *Enforcement Program* for the biennial period ending June 30, 1995, the  
4 ~~following:~~

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6 ITEM		FISCAL YEARS	
7 NO.		1993-94	1994-95
8 (01)	MAINT. & GEN. OPERATION		
9	(A) OPER. EXPENSE \$	58,732 \$	58,732
10	(B) CONF. & TRVL.	3,273	3,273
11	(C) PROF. FEES	32,400	32,400
12	(D) CAP. OUTLAY	8,631	8,631
13	(E) DATA PROC.	<u>0</u>	<u>0</u>
14	TOTAL MAINT. & GEN. OPER.	103,036	103,036
15 (02)	AUDIT	<u>\$ 1,000</u>	<u>\$ 1,000</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 104,036</u>	<u>\$ 104,036</u>

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18 *SECTION 5. COMMUNITY PUNISHMENT REVOLVING FUND. There is hereby created*  
19 *and established on the books of the State Treasurer, State Auditor and Chief*  
20 *Fiscal Officer of the State a fund to be known as the "Community Punishment*  
21 *Revolving Fund" which shall consist of those special revenues as specified in*  
22 *subdivision (31) of Arkansas Code §19-6-301 and fees and sanctions levied by*  
23 *the courts or authorized by the Board of Correction and Community Punishment*  
24 *for participation in specified programs to be paid by offenders on community*  
25 *punishment, there to be used for continuation and expansion of community*  
26 *punishment programs as established and approved by the Board of Correction and*  
27 *Community Punishment and as may be provided by law. Any fund balances of the*  
28 *Arkansas Adult Probation Commission Fund and the Community Services Revolving*  
29 *Fund on June 30, 1993 shall be transferred to the Community Punishment*  
30 *Revolving Fund.*

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32 *SECTION 6. APPROPRIATIONS - COMMUNITY PUNISHMENT PROGRAMS. There is*  
33 *hereby appropriated, to the Department of Community Punishment, to be payable*  
34 *from the Community Punishment Revolving Fund, for personal services and*  
35 *operating expenses of the Department of Community Punishment - Community*

1 ~~Punishment Programs, for the biennial period ending June 30, 1995, the~~  
2 following:

ITEM		FISCAL YEARS	
NO.		1993-94	1994-95
(01)	REGULAR SALARIES	\$ 623,684	\$ 645,674
(02)	PERSONAL SERV MATCHING	198,478	201,948
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSE	\$ 700,000	\$ 700,000
	(B) CONF. & TRVL.	4,000	4,000
	(C) PROF. FEES	0	0
	(D) CAP. OUTLAY	500,000	500,000
	(E) DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL MAINT. & GEN. OPER.	1,204,000	1,204,000
(04)	COMMUNITY PUNISHMENT PROGRAMS	<u>4,000,000</u>	<u>4,000,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 6,026,162</u>	<u>\$ 6,051,622</u>

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18 SECTION 7. TRANSFER PROVISION. Upon seeking and receiving approval from  
 19 the Chief Fiscal Officer of the State and review by the Arkansas Legislative  
 20 Council or Joint Budget Committee, the Director of the Department of Community  
 21 Punishment is authorized to transfer appropriation from any line item  
 22 authorized in Section 3 and Section 6 of this Act to any other line item  
 23 authorized in Section 3 and Section 6 of this Act.

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25 SECTION 8. REALLOCATION OF RESOURCES. Upon determination by the Board  
 26 of Correction and Community Punishment that a reallocation of resources within  
 27 the Department of Community Punishment and Department of Correction is  
 28 necessary for the efficient and effective operation of the departments, the  
 29 Board, with approval of the Governor and review by the Arkansas Legislative  
 30 Council or Joint Budget Committee, shall have the authority to instruct the  
 31 department directors, to request from the Chief Fiscal Officer of the State, a  
 32 transfer of positions, programs, funds, appropriations, and line-item  
 33 appropriations within or between existing and newly created divisions,  
 34 offices, sections, or units of the departments. If it is determined that the  
 35 requested transfer should be made, the Chief Fiscal Officer of the State shall

1 then initiate the necessary transfer documents to reflect the transfers upon  
2 the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal  
3 Officer of the State, and the Departments of Correction and Community  
4 Punishment.

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6       SECTION 9. The appropriations authorized under the line item established  
7 herein for "Community Punishment Programs" are to be used by the Department of  
8 Community Punishment for establishment and operation of, to include  
9 construction, renovation, and contracting for establishment and operation of,  
10 residential and non-residential community punishment programs such as, but not  
11 limited to, community punishment centers, drug, alcohol, and mental health  
12 treatments, intensive supervision, restitution, and others as established and  
13 approved by the Board of Correction and Community Punishment and as may be  
14 provided by law.

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16       SECTION 10. After seeking and receiving approval of the Governor and  
17 Chief Fiscal Officer of the State and upon review by the Arkansas Legislative  
18 Council or Joint Budget Committee, the Director of the Department of Community  
19 Punishment, as authorized by the Board of Correction and Community Punishment,  
20 is authorized to use funds appropriated for "Community Punishment Programs"  
21 line items in this Act to construct new or renovate existing facilities to  
22 support the development of community punishment facilities in the state.

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24       SECTION 11. In the event the Board of Correction and Community  
25 Punishment determines to operate community punishment centers, the Department  
26 may, upon approval of the Chief Fiscal Officer of the State and review by the  
27 Arkansas Legislative Council or Joint Budget Committee, utilize the contingent  
28 positions contained in Section 1 of this Act and make the appropriate  
29 transfers from the Community Punishment Programs Line Item contained in  
30 Section 3 and Section 6 of this Act to Regular Salaries, Personal Services  
31 Matching, and various Maintenance and Operations classifications.

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33       SECTION 12. The Department of Community Punishment is hereby authorized  
34 to purchase motor vehicles from the appropriations authorized for Capital  
35 Outlay in Section 3 and Section 6 of this Act.

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SECTION 13. Notwithstanding any other provision of law, the Governor shall initially appoint the Director of the Department of Community Punishment after which the Board of Correction and Community Punishment shall appoint the Director of the Department with the advice of the Governor.

SECTION 14. The Department of Community Punishment shall administer in cooperation with the circuit courts, the provision of probation services as prescribed by the circuit courts. The department shall establish an acceptable procedure that ensures the selection of qualified applicants to meet the needs of the circuit courts and includes subject matter experts from the Arkansas circuit courts. Any existing employee of an Arkansas circuit court adult probation department whose salary is paid in whole or part with State aid (probation supervision fees and/or financial aid regulated or funded by the Arkansas Adult Probation Commission) who is employed with an Arkansas circuit court adult probation department on June 30, 1993, shall be deemed a State employee for all purposes, and therefore shall enjoy the same benefits as regular State employees. An Arkansas circuit court adult probation department employee who becomes a State employee on July 1, 1993, who was employed at any time between April 1, 1984 and June 30, 1993, is entitled to credited service in the former position for the purposes of establishing eligibility for the same benefits as regular state employees.

SECTION 15. It is hereby authorized that the Department of Community Punishment may move an incumbent classified as a Community Punishment/Correctional Officer I, Grade 16, up to Pay Level II of Grade 16, after the following criteria has been met: the incumbent Community Punishment/Correctional Officer I must have completed at least six (6) months continuous service as a Community Punishment/Correctional Officer I; and the incumbent must have completed a minimum of two hundred (200) hours Community Punishment/Correctional Officer training; and the incumbent must have passed a six (6) months evaluation.

SECTION 16. Arkansas Code §19-5-302 is hereby amended to add the following Subsection:



1 '(13) (A) DEPARTMENT OF COMMUNITY PUNISHMENT FUND ACCOUNT. The Department of  
2 Community Punishment Fund Account shall be used for the maintenance,  
3 operation, and improvement of the Department of Community Punishment required  
4 in carrying out those powers, functions, and duties as established by law.

5 (B) The fund account shall consist of:

6 (i) Those general revenues as may be provided by law;

7 (ii) Nonrevenue income derived from services provided by the probation, parole  
8 and community punishment program;

9 (iii) Any other funds provided by law.'

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11 SECTION 17. Arkansas Code 19-6-432 is hereby repealed.

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13 SECTION 18. Such appropriations, funding and regular employees as may be  
14 authorized by the 79th General Assembly for the biennial period ending June  
15 30, 1995, for the personal services and operating expenses of the Department  
16 of Community Punishment as created in Act 549 of 1993, shall hereby be made  
17 available to the Arkansas Adult Probation Commission as currently established  
18 in law, until such time as the provisions of Act 549 are effective.

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

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30 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General  
31 Assembly that any funds disbursed under the authority of the appropriations  
32 contained in this Act shall be in compliance with the stated reasons for which  
33 this Act was adopted, as evidenced by the Agency Requests, Executive  
34 Recommendations and Legislative Recommendations contained in the budget  
35 manuals prepared by the Department of Finance and Administration, letters, or

1 summarized oral testimony in the official minutes of the Arkansas Legislative  
2 Council or Joint Budget Committee which relate to its passage and adoption.

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4 SECTION 21. CODE. All provisions of this Act of a general and  
5 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the  
6 Arkansas Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 22. SEVERABILITY. If any provision of this Act or the  
9 application thereof to any person or circumstance is held invalid, such  
10 invalidity shall not affect other provisions or applications of the Act which  
11 can be given effect without the invalid provision or application, and to this  
12 end the provisions of this Act are declared to be severable.

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14 SECTION 23. GENERAL REPEALER. All laws and parts of laws in conflict  
15 with this Act are hereby repealed.

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17 SECTION 24. EMERGENCY CLAUSE. It is hereby found and determined by the  
18 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas  
19 prohibits the appropriation of funds for more than a two (2) year period; that  
20 the effectiveness of this Act on July 1, 1993 is essential to the operation of  
21 the agency for which the appropriations in this Act are provided, and that in  
22 the event of an extension of the Regular Session, the delay in the effective  
23 date of this Act beyond July 1, 1993 could work irreparable harm upon the  
24 proper administration and provision of essential governmental programs.  
25 Therefore, an emergency is hereby declared to exist and this Act being  
26 necessary for the immediate preservation of the public peace, health and  
27 safety shall be in full force and effect from and after July 1, 1993.

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*/s/Senator Russ*

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APPROVED: 4/8/93

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