

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Scott**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 12-27-116 AND 19-4-1607 TO
9 REPLACE THE ISSUANCE OF SURPLUS ITEMS PRODUCED BY THE
10 FARMING OPERATION AND THE \$25.00 COMMISSARY ALLOWANCE
11 PROVIDED TO EMERGENCY FORCE PERSONNEL OF THE DEPARTMENT OF
12 CORRECTION WITH AN ALLOWANCE OF \$1,170.00 PER YEAR; AND
13 FOR OTHER PURPOSES."

Subtitle

16 "TO REPLACE ISSUANCE OF FARM SURPLUS ITEMS AND COMMISSARY
17 DRAW WITH \$1,170 PER YEAR TO EMERGENCY FORCE PERSONNEL AT
18 DEPARTMENT OF CORRECTION."

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

22 SECTION 1. Arkansas Code 12-27-116 is amended to read as follows:
23 "12-27-116. Use of fuel and provisions - Issuance or sale of items
24 produced.

25 (a) Except as authorized by the Board of Correction, no officer of the
26 Department of Correction or employee of the Department of Correction shall
27 give to anyone any fuel, forage, provisions, or manufactured articles under
28 his charge, nor permit such things to be taken or used except for the use and
29 benefit of the state.

30 (b) The Department of Correction shall adopt rules and regulations to
31 establish a program to provide for the orderly and equitable issuance or sale
32 of surplus items produced by the farming operations of the Arkansas Department
33 of Correction to employees and, in addition, will implement a monitoring
34 system to guarantee fiscal accountability in that program."

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1 SECTION 2. Individuals identified as emergency force personnel will
2 receive a food allowance in the amount of \$1,170.00 per year payable in equal
3 amounts of 1/26th of the annual amount each pay period. Such amount shall be
4 added to and included with the bi-weekly pay warrant for each designated
5 employee. Emergency force personnel are defined as individuals meeting the
6 following requirements:

7 (A) Whose duties require long working hours beyond the normal workday
8 of approximately 8:00 a.m. to 5:00 p.m., and the normal workweek of five (5)
9 days a week;

10 (B) That require long working hours, regularly worked weekends and
11 holidays; or

12 (C) On twenty-four (24) hour call, seven (7) days a week.

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14 SECTION 3. Arkansas Code 19-4-1607(b) is amended by adding a new
15 subdivision at the end to read as follows:

16 "(5) Bi-weekly payments in lieu of food allowances to emergency force
17 personnel at the Arkansas Department of Correction."

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19 SECTION 4. Food allowance payments authorized by this section shall be
20 subject to withholding of all applicable state and federal taxes but shall not
21 be included by retirement systems in determining benefits. Food allowance
22 payments shall not be included in calculating changes in the regular salary to
23 which an employee may become entitled by virtue of promotion, demotion, or
24 other actions which might affect their regular salary. An employee who is
25 receiving additional compensation under the provisions of this section and
26 then is removed from the Emergency Force shall no longer be entitled to
27 receive such food allowance payments.

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29 SECTION 5. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 6. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 7. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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7 SECTION 8. EMERGENCY. It is hereby found and determined by the General
8 Assembly that the provisions of this act are of critical importance to the
9 provisions of governmental goods and services to the people of the state of
10 Arkansas. Therefore an emergency is hereby declared to exist and this act
11 being necessary for the preservation of the public peace, health and safety
12 shall be in full force and effect on July 1, 1993.

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