

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Joint Budget Committee**

A Bill

ACT 1155 OF 1995
SENATE BILL 275

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 FOR THE DEPARTMENT OF CORRECTION AND DEPARTMENT OF
10 COMMUNITY PUNISHMENT FOR THE BIENNIAL PERIOD ENDING JUNE
11 30, 1997; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE DEPARTMENT OF CORRECTION
15 APPROPRIATION FOR THE 1995-97 BIENNIUM."

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

19 SECTION 1. APPROPRIATIONS - INMATE CARE AND CUSTODY. There is hereby
20 appropriated, to the Department of Correction, to be payable from the
21 Department of Correction Inmate Care and Custody Fund Account, for personal
22 services for providing hazardous duty pay to eligible security personnel of
23 the Department of Correction for the biennial period ending June 30, 1997, the
24 following:

26 ITEM	27 FISCAL YEARS	
NO.	1995-96	1996-97
28 (01) REGULAR SALARIES	\$ 5,868,000	\$ 5,868,000
29 (02) PERSONAL SERVICES MATCHING	<u>1,188,270</u>	<u>1,188,270</u>
30 TOTAL AMOUNT APPROPRIATED	<u>\$ 7,056,270</u>	<u>\$ 7,056,270</u>

32 SECTION 2. APPROPRIATIONS - PRISON INDUSTRY. There is hereby
33 appropriated, to the Department of Correction, to be payable from the
34 Department of Correction Prison Industry Fund, for personal services for
35 providing hazardous duty pay to eligible security personnel of the Department
36 of Correction - Prison Industry for the biennial period ending June 30, 1997,

1 the following:

2

3 ITEM	FISCAL YEARS	
4 NO.	1995-96	1996-97
5 (01) REGULAR SALARIES	\$ 33,000	\$ 33,000
6 (02) PERSONAL SERVICES MATCHING	<u>6,683</u>	<u>6,683</u>
7 TOTAL AMOUNT APPROPRIATED	<u>\$ 39,683</u>	<u>\$ 39,683</u>

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9 SECTION 3. APPROPRIATIONS - FARM OPERATION. There is hereby
10 appropriated, to the Department of Correction, to be payable from the
11 Department of Correction Farm Fund, for personal services for providing
12 hazardous duty pay to eligible security personnel of the Department of
13 Correction - Farm Operation for the biennial period ending June 30, 1997, the
14 following:

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16 ITEM	FISCAL YEARS	
17 NO.	1995-96	1996-97
18 (01) REGULAR SALARIES	\$ 3,000	\$ 3,000
19 (02) PERSONAL SERVICES MATCHING	<u>608</u>	<u>608</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,608</u>	<u>\$ 3,608</u>

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22 SECTION 4. HAZARDOUS DUTY PAY. The Department of Correction and
23 *Department of Community Punishment* are hereby authorized to pay hazardous duty
24 pay to provide special compensation to eligible security personnel to
25 compensate for the increased risk of personal injury. The hazardous duty pay
26 authorized herein shall not exceed an amount equal to five and one-half
27 percent (5.5%) of the annual salary authorized by law to any eligible employee
28 and shall only be made available to the personnel occupying the following
29 positions:

30

31 Class Code	Title
32 T008	CP/COR OFFICER IV
33 T006	CP/COR OFFICER III
34 T010	CP/COR SERGEANT
35 T005	CP/COR OFFICER II

1 T003 CP/COR OFFICER I
 2 T068 WORK RELEASE CENTER SUPERVISOR I

3

4 The amounts received under the provisions of this section shall not be
 5 considered as exceeding the maximum authorized annual salary allowance for
 6 employees in receipt of such funds. Such funds shall be considered as Regular
 7 Salary and the Department of Finance and Administration shall adopt the
 8 necessary rules and regulations for the administration of this provision.

9

10 SECTION 5. APPROPRIATIONS - COMMUNITY PUNISHMENT. There is hereby
 11 appropriated, to the Department of Community Punishment, to be payable from
 12 the Department of Community Punishment Fund Account, for personal services for
 13 providing hazardous duty pay to eligible security personnel of the Department
 14 of Community Punishment for the biennial period ending June 30, 1997, the
 15 following:

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17 ITEM	FISCAL YEARS	
18 NO.	1995-1996	1996-97
19 (01) REGULAR SALARIES	\$1,092,000	\$1,092,000
20 (02) PERSONAL SERVICES MATCHING	<u>221,130</u>	<u>221,130</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$1,313,130</u>	<u>\$1,313,130</u>

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23 SECTION 6. Employees covered by the provisions of this act shall be
 24 eligible for special compensation for hazardous duty only upon a determination
 25 by the Chief Fiscal Officer of the State that sufficient general revenues are
 26 available to sustain payment of the additional compensation levels herein
 27 authorized. It is the intent of this section that such payments shall be
 28 optional, at the discretion of the Chief Fiscal Officer of the State and the
 29 Directors of the Department of Correction and the Department of Community
 30 Punishment, dependent upon sufficient revenues and shall not be implemented
 31 using funds specifically set aside for other programs within the Department.

32

33 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 34 authorized by this Act shall be limited to the appropriation for such agency
 35 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Purchasing Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal control
4 laws of this State, where applicable, and regulations promulgated by the
5 Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7

8 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this Act shall be in compliance with the stated reasons for which
11 this Act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

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17 SECTION 9. CODE. All provisions of this Act of a general and permanent
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
19 Code Revision Commission shall incorporate the same in the Code.

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

26

27 SECTION 11. GENERAL REPEALER. All laws and parts of laws in conflict
28 with this Act are hereby repealed.

29

30 SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by the
31 Eightieth General Assembly, that the Constitution of the State of Arkansas
32 prohibits the appropriation of funds for more than a two (2) year period; that
33 the effectiveness of this Act on July 1, 1995 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, and that in
35 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 1995 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 1995.

6 /s/Russ

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8 APPROVED: 4-11-95
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.As Engrossed: 3/2/95 3/9/95 3/24/95 3/28/95

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