

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

# A Bill

SENATE BILL 275

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

SECTION 2. APPROPRIATIONS - PRISON INDUSTRY. There is hereby appropriated, to the Department of Correction, to be payable from the Department of Correction Prison Industry Fund, for personal services for providing hazardous duty pay to eligible security personnel of the Department

1 of Correction - Prison Industry for the biennial period ending June 30, 1997,  
2 the following:

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

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

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

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

31

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

1                   T005                   CP/COR OFFICER II  
2                   T003                   CP/COR OFFICER I  
3                   T068                   WORK RELEASE CENTER SUPERVISOR I  
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5           The amounts received under the provisions of this section shall not be  
6 considered as exceeding the maximum authorized annual salary allowance for  
7 employees in receipt of such funds. Such funds shall be considered as Regular  
8 Salary and the Department of Finance and Administration shall adopt the  
9 necessary rules and regulations for the administration of this provision.  
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11           *SECTION 5. APPROPRIATIONS - COMMUNITY PUNISHMENT. There is hereby*  
12 *appropriated, to the Department of Community Punishment, to be payable from*  
13 *the Department of Community Punishment Fund Account, for personal services*  
14 *for providing hazardous duty pay to eligible security personnel of the*  
15 *Department of Community Punishment for the biennial period ending June 30,*  
16 *1997, the following:*  
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<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>1995-1996</i></u>	<u><i>1996-97</i></u>
<i>(01) REGULAR SALARIES</i>	<i>\$1,092,000</i>	<i>\$1,092,000</i>
<i>(02) PERSONAL SERVICES MATCHING</i>	<u><i>221,130</i></u>	<u><i>221,130</i></u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u><i>\$1,313,130</i></u>	<u><i>\$1,313,130</i></u>

23  
24           *SECTION 6. Employees covered by the provisions of this act shall be*  
25 *eligible for special compensation for hazardous duty only upon a*  
26 *determination by the Chief Fiscal Officer of the State that sufficient*  
27 *general revenues are available to sustain payment of the additional*  
28 *compensation levels herein authorized. It is the intent of this section that*  
29 *such payments shall be optional, at the discretion of the Chief Fiscal*  
30 *Officer of the State and the Directors of the Department of Correction and*  
31 *the Department of Community Punishment, dependent upon sufficient revenues*  
32 *and shall not be implemented using funds specifically set aside for other*  
33 *programs within the Department.*  
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35           SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

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

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

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

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

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

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32       SECTION 12. EMERGENCY CLAUSE. It is hereby found and determined by  
33 the Eightieth General Assembly, that the Constitution of the State of  
34 Arkansas prohibits the appropriation of funds for more than a two (2) year  
35 period; that the effectiveness of this Act on July 1, 1995 is essential to

1 the operation of the agency for which the appropriations in this Act are  
2 provided, and that in the event of an extension of the Regular Session, the  
3 delay in the effective date of this Act beyond July 1, 1995 could work  
4 irreparable harm upon the proper administration and provision of essential  
5 governmental programs. Therefore, an emergency is hereby declared to exist  
6 and this Act being necessary for the immediate preservation of the public  
7 peace, health and safety shall be in full force and effect from and after  
8 July 1, 1995.

9 */s/Russ*

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***As Engrossed: 3/2/95 3/9/95 3/24/95 3/28/95***

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