

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/24/99 H3/10/99 H3/30/99

A Bill

HOUSE BILL 1570

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE ARKANSAS DEPARTMENT OF
11 COMMUNITY PUNISHMENT FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 2001; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT FOR THE ARKANSAS DEPARTMENT
16 OF COMMUNITY PUNISHMENT APPROPRIATION
17 FOR THE 1999-2001 BIENNIUM."
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
23 Department of Community Punishment for the 1999-2001 biennium, the following
24 maximum number of regular employees whose salaries shall be governed by the
25 provisions of the Uniform Classification and Compensation Act (Arkansas Code
26 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
27 Provided, however, that any position to which a specific maximum annual salary
28 is set out herein in dollars, shall be exempt from the provisions of said
29 Uniform Classification and Compensation Act. All persons occupying positions
30 authorized herein are hereby governed by the provisions of the Regular
31 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
32 successor.
33

		Maximum Annual
	Maximum	Salary Rate
Item Class	No. of	Fiscal Years

KCA066

0211990531.KCA066

	No.	Code	Title	Employees	1999-2000	2000-2001
1						
2	(1)	8052	COMMUNITY PUNISHMENT DIRECTOR	1	\$77,567	\$79,738
3	(2)	8053	COMM PUNISHMENT DEPUTY DIRECTOR	1	\$61,923	\$63,656
4	(3)	8801	DCP INSTITUTIONAL ADMINISTRATOR	1	\$59,916	\$61,593
5	(4)	8906	CP ASST DIRECTOR FIELD OPERATIONS	1	\$57,404	\$59,011
6	(5)	8905	COMMUNITY PUNISHMENT PROGRAM ADMR	3	\$51,320	\$52,756
7	(6)	102Z	WARDEN II	4		GRADE 26
8	(7)	L124	PSYCHOLOGIST	1		GRADE 25
9	(8)	R170	ATTORNEY SPECIALIST	1		GRADE 25
10	(9)	110Z	A&D ABUSE PREV ASST DEP DIR/PRG DEV	1		GRADE 24
11	(10)	962Z	CP/COR ACCOUNTING SUPERVISOR	1		GRADE 24
12	(11)	091Z	ASST WARDEN	4		GRADE 23
13	(12)	181Z	COMPLIANCE ADMINISTRATOR	1		GRADE 23
14	(13)	N334	COR ASST TO THE DIR/PUB RELATIONS	1		GRADE 23
15	(14)	T014	CHIEF SECURITY OFFICER	4		GRADE 22
16	(15)	119Z	CP/COR PERSONNEL MANAGER	1		GRADE 22
17	(16)	E051	TRAINING PROJECT MANAGER	1		GRADE 22
18	(17)	R298	AGENCY PROGRAM COORDINATOR	6		GRADE 21
19	(18)	T001	COR INSTITUTIONAL PAROLE ADMR	1		GRADE 21
20	(19)	T008	CP/COR OFFICER IV	6		GRADE 21
21	(20)	R172	INTERSTATE COMPACT ADMR	1		GRADE 21
22	(21)	L122	PSYCHOLOGICAL EXAMINER II	1		GRADE 21
23	(22)	V012	PURCHASING MANAGER	1		GRADE 21
24	(23)	D036	SR PROGRAMMER/ANALYST	2		GRADE 21
25	(24)	M045	COR REHAB FACILITY SUPERVISOR	5		GRADE 20
26	(25)	T006	CP/COR OFFICER III	24		GRADE 20
27	(26)	R266	MANAGEMENT PROJECT ANALYST II	11		GRADE 20
28	(27)	T034	PAROLE/PROBATION OFFICER SUPV	19		GRADE 20
29	(28)	M088	SOCIAL WORKER II	2		GRADE 20
30	(29)	M016	SR CHAPLAIN	4		GRADE 20
31	(30)	A087	BUDGET OFFICER	1		GRADE 19
32	(31)	H030	CP/COR FOOD PRODUCTION MGR II	15		GRADE 19
33	(32)	T010	CP/COR SERGEANT	60		GRADE 19
34	(33)	R068	EEO/GRIEVANCE OFFICER	1		GRADE 19
35	(34)	A103	FIELD AUDITOR	7		GRADE 19
36	(35)	M086	SOCIAL WORKER I	1		GRADE 19

1	(36)	M114	SUBSTANCE ABUSE PROGRAM LEADER	11	GRADE 19
2	(37)	A111	ACCOUNTANT	1	GRADE 18
3	(38)	A114	CP/COR BUSINESS MANAGER	4	GRADE 18
4	(39)	Y131	CP/COR CONSTR/MAINT SUPV I	4	GRADE 18
5	(40)	M105	CP/COR COUNSELOR	21	GRADE 18
6	(41)	X450	CP/COR INTERNAL AFFAIRS INVESTGTR	1	GRADE 18
7	(42)	T005	CP/COR OFFICER II	134	GRADE 18
8	(43)	M096	CP/COR PROGRAM COORD	6	GRADE 18
9	(44)	W009	CP/COR RECORDS SUPERVISOR	6	GRADE 18
10	(45)	R322	CP/COR UNIT PERS & TRNG OFFICER	4	GRADE 18
11	(46)	T012	DISCIPLINARY HEARING OFFICER	1	GRADE 18
12	(47)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
13	(48)	T062	PAROLE/PROBATION OFFICER	259	GRADE 18
14	(49)	E050	STAFF DEVELOPMENT SPECIALIST II	12	GRADE 18
15	(50)	R010	ADMINISTRATIVE ASSISTANT II	4	GRADE 17
16	(51)	R430	ADMINISTRATIVE OFFICER	1	GRADE 17
17	(52)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE 17
18	(53)	E055	CP/COR UNIT TRAINER	3	GRADE 17
19	(54)	M125	WORK PROGRAM ADVISOR	19	GRADE 17
20	(55)	X318	CP/COR ADMIN REVIEW OFFICER	5	GRADE 16
21	(56)	T003	CP/COR OFFICER I	23	GRADE 16
22	(57)	A053	INSURANCE SPECIALIST II	1	GRADE 16
23	(58)	L116	LPN III/LPTN III	1	GRADE 16
24	(59)	A108	ACCOUNTING TECHNICIAN II	30	GRADE 15
25	(60)	R009	ADMINISTRATIVE ASSISTANT I	2	GRADE 15
26	(61)	A063	PAYROLL OFFICER	1	GRADE 15
27	(62)	V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15
28	(63)	M048	RECREATIONAL ACTIVITY LEADER II	1	GRADE 15
29	(64)	H023	COMMISSARY MANAGER	4	GRADE 14
30	(65)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
31	(66)	K153	SECRETARY II	26	GRADE 13
32	(67)	A106	ACCOUNTING TECHNICIAN I	3	GRADE 12
33	(68)	K155	SECRETARY I	6	GRADE 11
34	(69)	K023	CLERK TYPIST	<u>1</u>	GRADE 10
35		MAX. NO. OF EMPLOYEES		797	

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SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Arkansas Department of Community Punishment - State Operations for the 1999-2001 biennium, 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 Arkansas Department of Community Punishment, to be payable from the Department of Community Punishment Fund Account, for personal services and operating expenses of the Arkansas Department of Community Punishment - State Operations for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) REGULAR SALARIES	\$ 16,905,548	\$ 17,378,851
(02) EXTRA HELP	50,000	50,000
(03) PERSONAL SERV MATCHING	5,239,514	5,326,112
(04) OVERTIME	30,000	30,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	6,256,514	6,256,514
(B) CONF. & TRAVEL	31,800	31,800
(C) PROF. FEES	1,619,671	1,619,671
(D) CAP. OUTLAY	300,000	300,000
(E) DATA PROC.	<u>10,621</u>	<u>10,621</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 30,443,668</u>	<u>\$ 31,003,569</u>

SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby appropriated, to the Arkansas Department of Community Punishment, to be payable from the Community Punishment Revolving Fund, for personal services and operating expenses of the Arkansas Department of Community Punishment - Special Revenue Operations for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) REGULAR SALARIES	\$ 3,010,186	\$ 3,094,451
(02) PERSONAL SERV MATCHING	990,485	1,005,871
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	219,500	219,500
(B) CONF. & TRAVEL	4,000	4,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	78,900	10,000
(E) DATA PROC.	0	0
(04) COMMUNITY PUNISHMENT PROGRAMS	3,900,930	3,900,930
(05) WAR MEMORIAL STADIUM COMMISSION		
PARKING SERVICES FROM FEES	<u>10,000</u>	<u>10,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 8,214,001</u>	<u>\$ 8,244,752</u>

SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Arkansas Department of Community Punishment, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for Operating Expenses of the Arkansas Department of Community Punishment - Federal Programs for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	41,905	41,905
(B) CONF. & TRAVEL	16,273	16,273
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 58,178</u>	<u>\$ 58,178</u>

SECTION 6. APPROPRIATIONS - RESIDENTS SERVICES FUND - CASH. There is hereby appropriated, to the Arkansas Department of Community Punishment, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Department of Community Punishment, for Operating Expenses of the Arkansas Department of Community Punishment - Residents Services Fund for the biennial

1 period ending June 30, 2001, the following:

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3 ITEM	FISCAL YEARS	
4 NO.	1999-2000	2000-2001
5 (01) MAINT. & GEN. OPERATION		
6 (A) OPER. EXPENSE	1,248,598	1,256,798
7 (B) CONF. & TRAVEL	0	0
8 (C) PROF. FEES	0	0
9 (D) CAP. OUTLAY	0	0
10 (E) DATA PROC.	0	0
11 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,248,598</u>	<u>\$ 1,256,798</u>

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13 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 14 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 15 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
 16 of the State and review by the Arkansas Legislative Council or Joint Budget
 17 Committee, the Director of the Department of Community Punishment is
 18 authorized to transfer appropriation from any line item authorized in Section
 19 3 and Section 4 of this Act to any other line item authorized in Section 3 and
 20 Section 4 of this Act.

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

1 be limited to submitting no more than Four requests during any fiscal year.
2 Transfer authority for unforeseen purposes shall further be limited to no more
3 than five percent (5%) of the total appropriation, funding, and positions
4 specific to each agency. Other than for unforeseen purposes, transfers shall
5 be limited to the following specific purposes:

6
7 a) Payment of County Jail Reimbursement expenses;

8 b) Costs to open and operate temporary beds;

9 c) Payment of Debt Service;

10 d) Payment of Overtime Expenses;

11 e) Unanticipated increases for medical or private prison contracts;

12 f) Construction/renovation/equipping of new beds;

13 g) Deficits in Farm or Industry Program;

14 h) Losses not covered by insurance proceeds;

15 i) Costs of personnel for critical services or necessary to carry out the
16 mission of the agency.

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18 Determining the maximum number of employees and the maximum amount of
19 appropriation and general revenue funding for a state agency each fiscal year
20 is the prerogative of the General Assembly. This is usually accomplished by
21 delineating such maximums in the appropriation act(s) for a state agency and
22 the general revenue allocations authorized for each fund and fund account by
23 amendment to the Revenue Stabilization law. Further, the General Assembly has
24 determined that the Department of Correction and the Department of Community
25 Punishment may operate more efficiently if some flexibility is provided to the
26 Board of Correction and Community Punishment authorizing broad powers under
27 the Reallocation of Resources provisions herein. Therefore, it is both
28 necessary and appropriate that the General Assembly maintain oversight by
29 requiring prior approval of the Legislative Council or Joint Budget Committee
30 as provided by this section. The requirement of approval by the Legislative
31 Council or Joint Budget Committee is not a severable part of this section. If
32 the requirement of approval by the Legislative Council or Joint Budget
33 Committee is ruled unconstitutional by a court jurisdiction, this entire
34 section is void.

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36 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE

1 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
2 PUNISHMENT PROGRAMS LINE ITEM USES. The appropriations authorized under the
3 line item established herein for "Community Punishment Programs" are to be
4 used by the Department of Community Punishment for establishment and operation
5 of, to include construction, renovation, and contracting for establishment and
6 operation of, residential and non-residential community punishment programs
7 such as, but not limited to, community punishment centers, drug, alcohol, and
8 mental health treatments, intensive supervision, restitution, and others as
9 established and approved by the Board of Correction and Community Punishment
10 and as may be provided by law.

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12 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
14 PUNISHMENT PROGRAMS LINE ITEM USES. After seeking and receiving approval of
15 the Governor and Chief Fiscal Officer of the State and upon review by the
16 Arkansas Legislative Council or Joint Budget Committee, the Director of the
17 Department of Community Punishment, as authorized by the Board of Correction
18 and Community Punishment, is authorized to use funds appropriated for
19 "Community Punishment Programs" line items in this Act to construct new or
20 renovate existing facilities to support the development of community
21 punishment facilities in the state.

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23 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR
25 VEHICLE PURCHASE PROVISION. The Department of Community Punishment is hereby
26 authorized to purchase motor vehicles from the appropriations authorized for
27 Capital Outlay in Section 3 and Section 4 of this Act.

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29 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING
31 FEES. On July 1, of each year the Department of Community punishment shall
32 pay from the appropriation provided herein from non-general revenue, the total
33 amount appropriated for War Memorial Stadium Commission Parking Services from
34 Fees to the War Memorial Stadium Commission.

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36 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized

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

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

18
19 SECTION 15. CODE. All provisions of this Act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.

22
23 SECTION 16. SEVERABILITY. If any provision of this act or the application
24 thereof to any person or circumstance is held invalid, such invalidity shall
25 not affect other provisions or applications of the act which can be given
26 effect without the invalid provision or application, and to this end the
27 provisions of this act are declared to be severable, *except as provided in*
28 *Section 8 herein.*

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30 SECTION 17. GENERAL REPEALER. All laws and parts of laws in conflict with
31 this act are hereby repealed.

32
33 SECTION 18. EMERGENCY CLAUSE. It is hereby found and determined by the
34 Eighty-second General Assembly, that the Constitution of the State of Arkansas
35 prohibits the appropriation of funds for more than a two (2) year period; that
36 the effectiveness of this Act on July 1, 1999 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the Regular Session, the delay in the effective
3 date of this Act beyond July 1, 1999 could work irreparable harm upon the
4 proper administration and provision of essential governmental programs.
5 Therefore, an emergency is hereby declared to exist and this Act being
6 necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after July 1, 1999.

8
9 */s/ Joint Budget Committee*

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