

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1575

4
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 DEPARTMENT OF COMMUNITY
11 PUNISHMENT FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2003; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT FOR THE DEPARTMENT OF COMMUNITY
16 PUNISHMENT APPROPRIATION FOR THE
17 2001-2003 BIENNIAL PERIOD.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the
24 Department of Community Punishment for the 2001-2003 biennium, the following
25 maximum number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual salary
29 is set out herein in dollars, shall be exempt from the provisions of said
30 Uniform Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.
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Maximum Annual
Maximum Salary Rate

Item	Class	No. of	Fiscal Years			
No.	Code	Title	Empl oyees	2001-2002	2002-2003	
3	(1)	8052	COMMUNI TY PUNI SHMENT DI RECTOR	1	\$81, 811	\$83, 938
4	(2)	8053	COMM PUNI SHMENT DEPUTY DI RECTOR	1	\$65, 311	\$67, 009
5	(3)	8801	DCP INSTI TUTI ONAL ADMI NI STRATOR	1	\$63, 194	\$64, 837
6	(4)	8906	CP ASST DI RECTOR FI EL D OPERATI ONS	1	\$60, 545	\$62, 119
7	(5)	8905	COMMUNI TY PUNI SHMENT PROGRAM ADMR	3	\$54, 127	\$55, 534
8	(6)	102Z	CORRECTI ONAL WARDEN	4	GRADE 26	
9	(7)	R170	ATTORNEY SPECI ALI ST	1	GRADE 25	
10	(8)	L124	PSYCHOLOGI ST	1	GRADE 25	
11	(9)	019Z	DCP ADMI N SVCS MGR	1	GRADE 25	
12	(10)	110Z	A&D ABUSE PREV ASST DEP DI R/PRG DEV	1	GRADE 24	
13	(11)	T015	PAROLE/PROBATI ON AREA MANAGER	20	GRADE 23	
14	(12)	181Z	COMPLI ANCE ADMI NI STRATOR	1	GRADE 23	
15	(13)	091Z	ASST WARDEN	4	GRADE 23	
16	(14)	N334	COR ASST TO THE DI R/PUB RELATI ONS	1	GRADE 23	
17	(15)	E051	TRAI NI NG PROJECT MANAGER	1	GRADE 22	
18	(16)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE 22	
19	(17)	T014	CHI EF SECURI TY OFFI CER	4	GRADE 22	
20	(18)	T002	PAROLE/PROBATI ON ASST AREA MGR	23	GRADE 21	
21	(19)	V012	PURCHASI NG MANAGER	1	GRADE 21	
22	(20)	D036	SR PROGRAMMER/ANALYST	2	GRADE 21	
23	(21)	R172	INTERSTATE COMPACT ADMR	1	GRADE 21	
24	(22)	T001	COR INSTI TUTI ONAL PAROLE ADMR	1	GRADE 21	
25	(23)	R298	AGENCY PROGRAM COORDI NATOR	7	GRADE 21	
26	(24)	T008	CP/COR OFFI CER I V	6	GRADE 21	
27	(25)	L122	PSYCHOLOGI CAL EXAMI NER I I	2	GRADE 21	
28	(26)	M045	COR REHAB FACI LI TY SUPERVI SOR	11	GRADE 20	
29	(27)	R266	MANAGEMENT PROJECT ANALYST I I	15	GRADE 20	
30	(28)	T034	PAROLE/PROBATI ON OFFI CER I I	245	GRADE 20	
31	(29)	M016	SR CHAPLAI N	4	GRADE 20	
32	(30)	T006	CP/COR OFFI CER I I I	23	GRADE 20	
33	(31)	M088	SOCI AL WORKER I I	1	GRADE 20	
34	(32)	L070	NURSE I I	2	GRADE 20	
35	(33)	A103	FI EL D AUDI TOR	6	GRADE 19	
36	(34)	A087	BUDGET OFFI CER	1	GRADE 19	

1	(35)	E074	TRAINING REPRESENTATIVE	1	GRADE 19
2	(36)	T010	CP/COR SERGEANT	56	GRADE 19
3	(37)	M114	SUBSTANCE ABUSE PROGRAM LEADER	21	GRADE 19
4	(38)	H030	CP/COR FOOD PRODUCTION MGR II	16	GRADE 19
5	(39)	V022	LEASING SPECIALIST II	1	GRADE 19
6	(40)	R068	EEO/GRIEVANCE OFFICER	1	GRADE 19
7	(41)	T062	PAROLE/PROBATION OFFICER	11	GRADE 18
8	(42)	M105	CP/COR COUNSELOR	27	GRADE 18
9	(43)	E050	STAFF DEVELOPMENT SPECIALIST II	14	GRADE 18
10	(44)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
11	(45)	A111	ACCOUNTANT	1	GRADE 18
12	(46)	W009	CP/COR RECORDS SUPERVISOR	7	GRADE 18
13	(47)	T005	CP/COR OFFICER II	134	GRADE 18
14	(48)	R322	CP/COR UNIT PERS & TRNG OFFICER	4	GRADE 18
15	(49)	Y131	CP/COR CONSTR/MAINT SUPV I	4	GRADE 18
16	(50)	M096	CP/COR PROGRAM COORD	8	GRADE 18
17	(51)	T012	DISCIPLINARY HEARING OFFICER	1	GRADE 18
18	(52)	A114	CP/COR BUSINESS MANAGER	4	GRADE 18
19	(53)	R010	ADMINISTRATIVE ASSISTANT II	5	GRADE 17
20	(54)	R430	ADMINISTRATIVE OFFICER	1	GRADE 17
21	(55)	E055	CP/COR UNIT TRAINER	1	GRADE 17
22	(56)	R049	CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE 17
23	(57)	H029	CP/COR FOOD PRODUCTION MGR I	2	GRADE 17
24	(58)	E022	INSTITUTIONAL INSTRUCTOR I	4	GRADE 17
25	(59)	M125	WORK PROGRAM ADVISOR	18	GRADE 17
26	(60)	T003	CP/COR OFFICER I	37	GRADE 16
27	(61)	A053	INSURANCE SPECIALIST II	1	GRADE 16
28	(62)	X318	CP/COR ADMIN REVIEW OFFICER	5	GRADE 16
29	(63)	R009	ADMINISTRATIVE ASSISTANT I	32	GRADE 15
30	(64)	A108	ACCOUNTING TECHNICIAN II	29	GRADE 15
31	(65)	V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15
32	(66)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
33	(67)	H023	COMMISSARY MANAGER	4	GRADE 14
34	(68)	K153	SECRETARY II	35	GRADE 13
35	(69)	A106	ACCOUNTING TECHNICIAN I	3	GRADE 12
36	(70)	K155	SECRETARY I	<u>3</u>	GRADE 11

1 MAX. NO. OF EMPLOYEES 898

2

3 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for
4 the Department of Community Punishment - State Operations for the 2001-2003
5 biennium, the following maximum number of part-time or temporary employees, to
6 be known as "Extra Help", payable from funds appropriated herein for such
7 purposes: ten (10) temporary or part-time employees, when needed, at rates of
8 pay not to exceed those provided in the Uniform Classification and
9 Compensation Act, or its successor, or this act for the appropriate
10 classification.

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12 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
13 to the Department of Community Punishment, to be payable from the Department
14 of Community Punishment Fund Account, for personal services and operating
15 expenses of the Department of Community Punishment - State Operations for the
16 biennial period ending June 30, 2003, the following:

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18	ITEM	FISCAL YEARS	
19	NO.	2001-2002	2002-2003
20	(01) REGULAR SALARIES	\$ 19,679,876	\$ 20,191,517
21	(02) EXTRA HELP	50,000	50,000
22	(03) PERSONAL SERV MATCHING	5,762,083	5,854,812
23	(04) OVERTIME	30,000	30,000
24	(05) MAINT. & GEN. OPERATION		
25	(A) OPER. EXPENSE	6,484,338	6,570,663
26	(B) CONF. & TRAVEL	36,000	36,000
27	(C) PROF. FEES	1,953,245	2,151,504
28	(D) CAP. OUTLAY	5,645	0
29	(E) DATA PROC.	<u>10,621</u>	<u>10,621</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$ 34,011,808</u>	<u>\$ 34,895,117</u>

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32 SECTION 4. APPROPRIATION - SPECIAL REVENUE OPERATIONS. There is hereby
33 appropriated, to the Department of Community Punishment, to be payable from
34 the Community Punishment Revolving Fund, for personal services and operating
35 expenses of the Department of Community Punishment - Special Revenue
36 Operations for the biennial period ending June 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 3,163,380	\$ 3,245,664
(02) PERSONAL SERV MATCHING	968,093	983,039
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	153,417	153,417
(B) CONF. & TRAVEL	4,000	4,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) WAR MEMORIAL STADIUM COMMISSION		
PARKING SERVICES FROM FEES	10,000	10,000
(05) COMMUNITY PUNISHMENT PROGRAMS	<u>1,977,469</u>	<u>1,977,469</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 6,276,359</u>	<u>\$ 6,373,589</u>

SECTION 5. APPROPRIATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Community Punishment, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Community Punishment - Federal Programs for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 630,452	\$ 646,839
(02) PERSONAL SERV MATCHING	197,361	200,335
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	74,211	64,705
(B) CONF. & TRAVEL	32,273	32,273
(C) PROF. FEES	137,500	150,000
(D) CAP. OUTLAY	39,100	30,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,110,897</u>	<u>\$ 1,124,152</u>

SECTION 6. APPROPRIATIONS - RESIDENTS SERVICES FUND. There is hereby

1 appropriated, to the Department of Community Punishment, to be payable from
 2 cash funds as defined by Arkansas Code 19-4-801 of the Department of Community
 3 Punishment, for operating expenses of the Department of Community Punishment -
 4 Residents Services Fund for the biennial period ending June 30, 2003, the
 5 following:

7 ITEM	FISCAL YEARS	
8 NO.	2001-2002	2002-2003
9 (01) MAINT. & GEN. OPERATION		
10 (A) OPER. EXPENSE	769,198	769,198
11 (B) CONF. & TRAVEL	50,000	50,000
12 (C) PROF. FEES	50,000	50,000
13 (D) CAP. OUTLAY	500,000	500,000
14 (E) DATA PROC.	<u>0</u>	<u>0</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,369,198</u>	<u>\$ 1,369,198</u>

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 17 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 18 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
 19 PUNISHMENT PROGRAMS LINE ITEM USES. After seeking and receiving approval of
 20 the Governor and Chief Fiscal Officer of the State and upon review by the
 21 Arkansas Legislative Council or Joint Budget Committee, the Director of the
 22 Department of Community Punishment, as authorized by the Board of Correction
 23 and Community Punishment, is authorized to use funds appropriated for
 24 "Community Punishment Programs" line item in this Act to construct new or
 25 renovate existing facilities to support the development of community
 26 punishment facilities in the state.

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 28 The provisions of this section shall be in effect only from July 1, 2001
 29 through June 30, 2003.

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 31 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 32 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR VEHICLE
 33 PURCHASE PROVISION. The Department of Community Punishment is hereby
 34 authorized to purchase motor vehicles from the appropriations authorized for
 35 Capital Outlay in Section 3 and Section 4 of this Act.

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1 The provisions of this section shall be in effect only from July 1, 2001
2 through June 30, 2003.

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4 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
5 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING FEES.
6 On July 1, of each year the Department of Community punishment shall pay from
7 the appropriation provided herein from non-general revenue, the total amount
8 appropriated for War Memorial Stadium Commission Parking Services from Fees to
9 the War Memorial Stadium Commission.

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11 The provisions of this section shall be in effect only from July 1, 2001
12 through June 30, 2003.

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14 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
16 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
17 of the State and review by the Arkansas Legislative Council or Joint Budget
18 Committee, the Director of the Department of Community Punishment is
19 authorized to transfer appropriation from any line item authorized in Section
20 3 and Section 4 of this Act to any other line item authorized in Section 3 and
21 Section 4 of this Act.

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23 The provisions of this section shall be in effect only from July 1, 2001
24 through June 30, 2003.

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26 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
28 REALLOCATION OF RESOURCES. Upon determination by the Board of Correction and
29 Community Punishment that a reallocation of resources within the Department of
30 Community Punishment and Department of Correction is necessary for the
31 efficient and effective operation of the departments, the Board, with approval
32 of the Governor and approval by the Arkansas Legislative Council or Joint
33 Budget Committee, shall have the authority to instruct the department
34 directors, to request from the Chief Fiscal Officer of the State, a transfer
35 of positions, programs, funds, appropriations, and line-item appropriations
36 within or between existing and newly created divisions, offices, sections, or

1 units of the departments. If it is determined that the requested transfer
2 should be made, the Chief Fiscal Officer of the State shall then initiate the
3 necessary transfer documents to reflect the transfers upon the fiscal records
4 of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the
5 State, and the Departments of Correction and Community Punishment. Provided,
6 however, that the Board shall be limited to submitting no more than Four
7 requests during any fiscal year. Transfer authority for unforeseen purposes
8 shall further be limited to no more than five percent (5%) of the total
9 appropriation, funding, and positions specific to each agency. Other than for
10 unforeseen purposes, transfers shall be limited to the following specific
11 purposes:

12

- 13 a) Payment of County Jail Reimbursement expenses;
- 14 b) Costs to open and operate temporary beds;
- 15 c) Payment of Debt Service;
- 16 d) Payment of Overtime Expenses;
- 17 e) Unanticipated increases for medical or private prison contracts;
- 18 f) Construction/renovation/equipping of new beds;
- 19 g) Deficits in Farm or Industry Program;
- 20 h) Losses not covered by insurance proceeds;
- 21 i) Costs of personnel for critical services or necessary to carry out the
22 mission of the agency.

23

24 Determining the maximum number of employees and the maximum amount of
25 appropriation and general revenue funding for a state agency each fiscal year
26 is the prerogative of the General Assembly. This is usually accomplished by
27 delineating such maximums in the appropriation act(s) for a state agency and
28 the general revenue allocations authorized for each fund and fund account by
29 amendment to the Revenue Stabilization Law. Further, the General Assembly has
30 determined that the Department of Correction and the Department of Community
31 Punishment may operate more efficiently if some flexibility is provided to the
32 Board of Correction and Community Punishment authorizing broad powers under
33 the Reallocation of Resources provisions herein. Therefore, it is both
34 necessary and appropriate that the General Assembly maintain oversight by
35 requiring prior approval of the Legislative Council or Joint Budget Committee
36 as provided by this section. The requirement of approval by the Legislative

1 Council or Joint Budget Committee is not a severable part of this section. If
2 the requirement of approval by the Legislative Council or Joint Budget
3 Committee is ruled unconstitutional by a court jurisdiction, this entire
4 section is void.

5
6 The provisions of this section shall be in effect only from July 1, 2001
7 through June 30, 2003.

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9 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
11 PUNISHMENT PROGRAMS LINE ITEM USES. The appropriations authorized under the
12 line item established herein for "Community Punishment Programs" are to be
13 used by the Department of Community Punishment for establishment and operation
14 of, to include construction, renovation, and contracting for establishment and
15 operation of, residential and non-residential community punishment programs
16 such as, but not limited to, community punishment centers, drug, alcohol, and
17 mental health treatments, intensive supervision, restitution, and others as
18 established and approved by the Board of Correction and Community Punishment
19 and as may be provided by law.

20
21 The provisions of this section shall be in effect only from July 1, 2001
22 through June 30, 2003.

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24 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
25 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

26 HOLIDAY COMPENSATION. The Department of Community Punishment is authorized to
27 pay employees for up to ninety-six (96) hours of unused holidays exceeding a
28 balance in the employee's holiday account of one-hundred fifty (150) hours
29 following the end of the calendar year. Employees terminating employment from
30 the Department of Community Punishment will be eligible for all holiday pay
31 accrued during the years of service. This request is contingent on approval by
32 the Chief Fiscal Officer of the State after the Director of the Department of
33 Community Punishment has verified that sufficient revenues are available to
34 make such payments to employees in the following classifications:

35
36 T003 CP/COR Officer Grade 16

1	<u>T005 CP/COR Officer II</u>	<u>Grade 18</u>
2	<u>T010 CP/COR Sergeant</u>	<u>Grade 19</u>
3	<u>T006 CP/COR Officer III</u>	<u>Grade 20</u>
4	<u>T008 CP/COR Officer IV</u>	<u>Grade 21</u>
5	<u>T014 Chief Security Officer</u>	<u>Grade 22</u>

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7 The provisions of this section shall be in effect only from July 1, 2001
8 through June 30, 2003.

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10 SECTION 14. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
11 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
12 appropriations as provided in this Act, the agency disbursing officer shall
13 monitor the level of fund balances in relation to expenditures on a monthly
14 basis. If any proposed expenditures would cause a fund balance to decline to
15 less than fifty percent (50%) of the balance available on July 1, 2001, the
16 disbursing officer shall immediately notify the executive head of the agency.
17 Prior to any obligations being made under these circumstances, the agency head
18 shall file written documentation with the Chief Fiscal Officer of the State
19 requesting approval of the expenditures. Such documentation shall provide
20 sufficient financial data to justify the expenditures and shall include the
21 following:

- 22 1) a plan that clearly indicates the specific fiscal impact of such
23 expenditures on the fund balance.
- 24 2) information clearly indicating and explaining what programs would be cut or
25 any other measures to be taken by the agency to restore the fund balance.
- 26 3) the extent to which any of the planned expenditures are for one-time costs
27 or one-time purchase of capitalized items.
- 28 4) a statement certifying that the expenditure of fund balances will not
29 jeopardize the financial health of the agency, nor result in a permanent
30 depletion of the fund balance.

31 (B) The Chief Fiscal Officer of the State shall review the request and
32 approve or disapprove all or any part of the request , after having sought
33 prior review by the Legislative Council.

34

35 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
36 by this act shall be limited to the appropriation for such agency and funds

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

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

17
18 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a two (2) year period; that the
21 effectiveness of this Act on July 1, 2001 is essential to the operation of the
22 agency for which the appropriations in this Act are provided, and that in the
23 event of an extension of the Regular Session, the delay in the effective date
24 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
25 administration and provision of essential governmental programs. Therefore, an
26 emergency is hereby declared to exist and this Act being necessary for the
27 immediate preservation of the public peace, health and safety shall be in full
28 force and effect from and after July 1, 2001.