

Hall of the House of Representatives

85th General Assembly - Regular Session, 2005

Amendment Form

JBC 02/22/05 (5)

Subtitle of House Bill No. 1449

"AN ACT FOR THE DEPARTMENT OF CORRECTION APPROPRIATION FOR THE 2005-
2007 BIENNIUM."

Amendment No. 1 to House Bill No. 1449.

Amend House Bill No. 1449 as originally introduced:

Page 5, line 35, delete "one hundred seventy (170)" and substitute "one hundred twenty (120)"

AND

Delete SECTIONS 3, 4, 5, 6 AND 7 of the bill in their entirety and substitute the following new sections:

"SECTION 3. APPROPRIATION - INMATE CARE & 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 and operating expenses of the Department of Correction - Inmate Care & Custody for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 113,489,557	\$ 116,794,755
(02) EXTRA HELP	100,000	100,000
(03) PERSONAL SERVICES MATCHING	40,286,648	41,027,196
(04) OVERTIME	550,000	550,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	30,428,739	30,428,739
(B) CONF. & TRAVEL	149,035	149,035
(C) PROF. FEES	35,663,508	35,663,508
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	831,494	831,494
(06) JAIL CONTRACTS	<u>1,533,000</u>	<u>1,533,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 223,031,981</u>	<u>\$ 227,077,727</u>

SECTION 4. APPROPRIATIONS - INMATE WELFARE PROGRAM. There is hereby appropriated, to the Department of Correction, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Correction, for



personal services and operating expenses of the Department of Correction - Inmate Welfare Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 869,618	\$ 896,198
(02) PERSONAL SERVICES MATCHING	344,732	350,690
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	8,972,389	10,261,589
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	250,000	250,000
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 10,436,739</u>	<u>\$ 11,758,477</u>

SECTION 5. APPROPRIATIONS - WORK RELEASE PROGRAM. There is hereby appropriated, to the Department of Correction, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Correction, for operating expenses and debt service of the Department of Correction - Work Release Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 3,080,096	\$ 3,067,617
(B) CONF. & TRAVEL	42,520	42,520
(C) PROF. FEES	1,000,000	1,000,000
(D) CAP. OUTLAY	1,587,747	1,543,224
(E) DATA PROC.	226,440	226,440
(02) DEBT SERVICE	500,000	500,000
TOTAL AMOUNT APPROPRIATED	<u>\$ 6,436,803</u>	<u>\$ 6,379,801</u>

SECTION 6. APPROPRIATION - PRISON INDUSTRY PROGRAM. There is hereby appropriated, to the Department of Correction, to be payable from the Department of Correction Prison Industry Fund, for personal services and operating expenses of the Department of Correction - Prison Industry Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 1,882,232	\$ 1,938,323
(02) EXTRA HELP	10,000	10,000
(03) PERSONAL SERVICES MATCHING	631,208	643,576
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	5,565,356	5,561,856
(B) CONF. & TRAVEL	5,000	5,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	343,900	787,600

(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 8,437,696</u>	<u>\$ 8,946,355</u>

SECTION 7. EXTRA HELP - PRISON INDUSTRY PROGRAM. There is hereby authorized, for the Department of Correction - Prison Industry Program for the 2005-2007 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: twenty five (25) 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 8. APPROPRIATION - FARM OPERATIONS PROGRAM. There is hereby appropriated, to the Department of Correction, to be payable from the Department of Correction Farm Fund, for personal services and operating expenses of the Department of Correction - Farm Operations Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 1,970,072	\$ 2,028,623
(02) EXTRA HELP	10,000	10,000
(03) PERSONAL SERVICES MATCHING	657,860	670,995
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	6,544,388	6,544,388
(B) CONF. & TRAVEL	5,750	5,750
(C) PROF. FEES	115,376	114,452
(D) CAP. OUTLAY	1,303,500	1,131,000
(E) DATA PROC.	0	0
(05) PURCHASE CATTLE / MEAT	<u>300,000</u>	<u>300,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 10,906,946</u>	<u>\$ 10,805,208</u>

SECTION 9. EXTRA HELP - FARM OPERATIONS PROGRAM. There is hereby authorized, for the Department of Correction - Farm Operations Program for the 2005-2007 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: twenty five (25) 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 10. APPROPRIATIONS - REGIONAL FACILITIES OPERATIONS ACCOUNT. There is hereby appropriated, to the Department of Correction, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Correction, for Debt Service of the Department of Correction - Regional Facilities Operations Account for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007

(01) DEBT SERVICE \$ 800,000 \$ 800,000

SECTION 11. APPROPRIATIONS - PRISONER HOUSING CONTRACT ACCOUNT. There is hereby appropriated, to the Department of Correction, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Correction, for Debt Service of the Department of Correction - Prisoner Housing Contract Account for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) DEBT SERVICE	\$ <u>200,000</u>	\$ <u>200,000</u>

SECTION 12. APPROPRIATIONS - CONSTRUCTION FUND DEFICIENCY ACCOUNT. There is hereby appropriated, to the Department of Correction, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Correction, for Debt Service of the Department of Correction - Construction Fund Deficiency Account for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) DEBT SERVICE	\$ <u>500,000</u>	\$ <u>500,000</u>

SECTION 13. APPROPRIATIONS - NON-TAX REVENUE RECEIPTS PROGRAM. There is hereby appropriated, to the Department of Correction, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Correction, for operating expenses of the Department of Correction - Non-Tax Revenue Receipts Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 3,284,355	\$ 3,168,983
(B) CONF. & TRAVEL	20,000	20,000
(C) PROF. FEES	93,000	93,000
(D) CAP. OUTLAY	1,100,000	1,100,000
(E) DATA PROC.	0	0
(02) CONSTRUCTION	<u>1,000,000</u>	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,497,355</u>	<u>\$ 5,381,983</u>

SECTION 14. APPROPRIATION - SUBSTANCE ABUSE TREATMENT PROGRAM - FEDERAL. There is hereby appropriated, to the Department of Correction, 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 Correction - Substance Abuse Treatment Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 407,843	\$ 420,124
(02) PERSONAL SERVICES MATCHING	141,358	144,112
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	62,750	62,750
(B) CONF. & TRAVEL	13,000	13,000
(C) PROF. FEES	298,000	298,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 922,951</u>	<u>\$ 937,986</u>

SECTION 15. APPROPRIATION - COUNTY JAIL REIMBURSEMENT. There is hereby appropriated, to the Department of Correction, to be payable from the County Jail Reimbursement Fund, for reimbursement to counties housing state inmates of the Department of Correction - County Jail Reimbursement for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REIMBURSEMENT TO COUNTIES HOUSING STATE INMATES	<u>\$ 2,806,592</u>	<u>\$ 2,806,592</u>

AND

Page 13, line 15, delete "~~Act and make the appropriate transfers from the Professional Fees and~~" and substitute "Act and make the appropriate transfers from the Professional Fees and"

AND

Page 13, delete lines 16 and 17 in their entirety and substitute "Services line item contained in Section 3 of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations"

AND

Page 13, line 18, delete "~~classifications~~" and substitute "classifications"

AND

Page 14, line 24, delete "~~appropriation and funding County Jail Reimbursement Fund, provided~~" and substitute "appropriation and funding"

AND

Page 14, line 26, delete "~~The appropriation~~" and substitute "The appropriation"

AND

Page 14, delete lines 27 and 28 in their entirety and substitute "provided by Item ~~(08)~~ (06) of Section 3 may be used for contracts with county jails for pre release inmates."

AND

Page 15, line 19, delete "funds and appropriations, ~~and line-item appropriations within~~" and substitute "funds, appropriations, and line-item appropriations within"

AND

Page 15, line 20, delete "~~newly created divisions, offices, sections, or units~~" and substitute "newly created divisions, offices, sections, or units"

AND

Page 15, line 21, delete "programs of" and substitute "of"

AND

Page 18, line 32, delete "Section ~~15~~ 8" and substitute "the Special Language section "REGULAR SALARIES - CONTINGENT POSITIONS""

AND

Page 21, line 35, delete "Section 22 (a)" and substitute "subsection (a) of this section"

AND

Page 22, line 35, delete "Section 22 (a)" and substitute "subsection (a) of this section"

AND

Page 23, line 4, delete "Section 22 (a)(b)" and substitute "subsections (a) and (b) of this section"

AND

Page 23, line 33, delete "The appropriations"

AND

Page 23, delete lines 34 through 36 in their entirety

AND

Page 24, delete line 1 in its entirety

AND

Page 24, line 2, delete "county jail reimbursements."

AND

Immediately following SECTION 25, add the following additional sections to read as follows:

"SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO EXPENDITURE. The proceeds from the sale of feeder cattle by the Department of Correction shall be deposited into the State Treasury as a refund to expenditure to the credit of the appropriation available to the Department of Correction for the "Purchase Cattle/Meat" line item.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ July 1, 2007.

SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. USE OF MAINTENANCE AND OPERATION APPROPRIATION AND SALVAGED MATERIALS CONSTRUCTION. The Department of Correction is hereby authorized to utilize Maintenance and General Operation Appropriation in conjunction with surplus and/or salvageable materials for the purpose of implementing construction projects to benefit the Department and its various programs. Before such projects may be undertaken, a Method of Finance must be submitted for prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, and review and approval by the Department of Finance and Administration and the Arkansas State Building Services.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. UTILITY RATE INCREASE TRANSFER. In the event of a substantial increase in utility rates, the Department of Correction is authorized to transfer any line item appropriation in this Act to the Maintenance and Operation line item for

support of the increase after receiving approval of the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MENTAL HEALTH SERVICES. In the event the Department determines to enter into a professional contract for mental health services, the Department may, upon approval of the Chief Fiscal Officer of the State and after prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, make appropriate transfers from regular salaries, personal services matching and various maintenance and operation classifications to the professional fees and services classification for payment of the contractual amount. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL REVENUE/CASH FUNDS TRANSFER. The Department of Correction is authorized to transfer funds from various Special Revenue and Cash Funds into the Inmate Care and Custody Fund Account in order to adjust to the budget needs upon prior approval by the Arkansas Legislative Council or Joint Budget Committee and approval of the Board of Corrections and the Chief Fiscal Officer of the State.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by

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

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NEW FACILITIES. If it is found that contracting for the operation of new facilities is economically beneficial to the State of Arkansas, the Department of Correction may, after receiving approval of the Chief Fiscal Officer, and seeking prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, transfer from any line item appropriation contained in Section 3 of this Act into the Professional Fees and Services line item contained in Section 3 of this Act to operate new facilities opened during the biennium.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATION TRANSFER FOR CONSTRUCTING AND EQUIPPING. The Department of Correction is hereby authorized to transfer appropriations between any line items authorized herein but only for the purpose of financing construction or equipment for a facility of the department. Any transfers authorized by this section shall require the approval of the Chief Fiscal Officer of the State after prior review and approval by the Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly

has determined that the Department of Correction may operate more efficiently if some flexibility is provided to the Department of Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOOD SERVICE CONTRACT. In the event the Department is able to contract with a private provider for food services at a unit(s), transfers may be made from Regular Salaries, Personal Services Matching, and Maintenance and Operations line items to Professional Fees and Services upon approval by the Chief Fiscal Officer of the State and after receiving prior review by the Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007."

AND

Appropriately renumber the sections of the bill.

The Amendment was read _____
By: Joint Budget Committee
PDA/PDA - 03-10-2005 10:32
PDA020

Chief Clerk