

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

JBC 03/15/07 (1)

Subtitle of House Bill No. 1375

"AN ACT FOR THE DEPARTMENT OF COMMUNITY CORRECTION APPROPRIATION
FOR THE 2007-2009 BIENNIUM."

Amendment No. 3 to House Bill No. 1375.

Amend House Bill No. 1375 as engrossed, H3/15/07 (version: 03-15-2007 09:57)

Delete SECTION 12 in its entirety and substitute the following:

" SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Department of Community Correction and Department of Correction is necessary for the efficient and effective operation of the departments, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the department directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds, appropriations, and line-item appropriations within or between existing and newly created divisions, offices, sections, or units of the departments. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Departments of Correction and Community Correction. Provided, however, that the Board shall be limited to submitting no more than ~~Four individual transaction transfer~~ four requests, encompassing a single purpose listed in this section, for Reallocation of Resources Transfer requests during any fiscal year per department. Transfer authority ~~for unforeseen purposes~~ shall further be limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, and positions specific to each agency. However, there shall be no transfers to or from the County Jail Reimbursement Fund. ~~Other than for unforeseen purposes, transfers~~ A Reallocation of Resources Transfer shall be limited to the following specific purposes:

- a) Costs to open and operate temporary beds;
- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;



- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

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 and the Department of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. 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 jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSITIONAL HOUSING PROGRAM FUNDING REQUIREMENTS. A minimum of one million five hundred thousand (\$1,500,000) dollars each fiscal year shall be expended for Transitional Housing costs associated with inmate and/or parolee placement. In the event that a minimum of one million five hundred thousand (\$1,500,000) dollars can not be expended each fiscal year for Transitional Housing Program costs, the Director of the Department of Community Correction shall notify and seek approval by the Arkansas Legislative Council or Joint Budget Committee."

AND

Renumber the subsequent sections of the bill.

The Amendment was read _____
By: Joint Budget Committee
TCW/W - 03-15-2007 12:36
TCW178

Chief Clerk