

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

JBC 03/15/07 (1)

Subtitle of House Bill No. 1440

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

Amendment No. 3 to House Bill No. 1440.

Amend House Bill No. 1440 as engrossed, H3/5/07 (version: 03-05-2007 14:48)

Delete SECTION 18 in its entirety and substitute the following:

" SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Correction - Contingent Positions for the ~~2005-2007~~ 2007-2009 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM NO.	CLASS CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE	
				FISCAL YEARS	FISCAL YEARS
				2005-06	2006-07
				<u>2007-08</u>	<u>2008-09</u>
GEN ADMIN - NON-Classified Positions					
<u>(01)</u>		<u>CORR PSYCHIATRIST</u>	<u>6</u>	<u>180,000</u>	<u>183,600</u>
(01)		COR CHIEF OF MED SVCS	1	155,304	158,544
<u>(02)</u>				<u>161,714</u>	<u>164,949</u>
(02)		COR CHIEF OF DENTAL SVCS	1	142,296	145,341
<u>(03)</u>				<u>148,247</u>	<u>151,212</u>
(03)		COR CHIEF OF PHARM SVCS	1	100,444	102,861
<u>(04)</u>				<u>104,918</u>	<u>107,016</u>
(04)		COR HEALTH SVCS ADM	1	97,947	100,327
<u>(05)</u>				<u>102,333</u>	<u>104,380</u>
<u>(06)</u>		<u>PHYSICIAN SPECIALIST</u>	<u>5</u>	<u>133,966</u>	<u>136,676</u>



(05)	COR ASST HEALTH SVCS ADM	3	85,024	87,190
<u>(07)</u>			<u>88,933</u>	<u>90,712</u>
(06)	COR CHIEF OF NURSING SVCS	1	88,365	90,594
<u>(08)</u>			<u>92,773</u>	<u>94,628</u>
(07)	COR DIR OF MED RECORDS	1	85,430	87,603
<u>(09)</u>			<u>89,355</u>	<u>91,142</u>
(08)	COR UNIT/FACILITY MED MGR	11	71,282	73,186
<u>(10)</u>			<u>74,649</u>	<u>76,142</u>
(09)	COR UNIT/FACILITY MED SUPV	7	54,308	55,889
<u>(11)</u>			<u>57,006</u>	<u>58,146</u>
(10)	COR MED SVC SPEC	8	72,742	74,674
<u>(12)</u>			<u>76,167</u>	<u>77,690</u>

PATIENT CARE – NON-CLASSIFIED POSITIONS

(11)	6603 COR STAFF PHYSICIAN	17	142,296	145,340
<u>(13)</u>			<u>148,246</u>	<u>151,211</u>
(12)	6601 COR STAFF DENTIST	15	112,446	115,042
<u>(14)</u>			<u>117,342</u>	<u>119,689</u>
(13)	COR STAFF PHARM	3	98,390	100,776
<u>(15)</u>			<u>102,791</u>	<u>104,847</u>
(14)	COR NURSE PRAC/PHYS. ASST	13	72,742	74,674
<u>(16)</u>			<u>76,167</u>	<u>77,690</u>
(15)	COR HEAD NURSE- HOSPITAL	1	78,548	80,590
<u>(17)</u>			<u>82,201</u>	<u>83,845</u>
(16)	COR REGISTERED NURSE SUPV	40	74,711	76,681
<u>(18)</u>		<u>41</u>	<u>78,214</u>	<u>79,778</u>
(17)	COR LICENSED PRAC NURSE	172	48,641	50,100
<u>(19)</u>			<u>51,102</u>	<u>52,124</u>
(18)	COR LABORATORY SPECIALIST	5	41,841	43,096
<u>(20)</u>			<u>43,957</u>	<u>44,837</u>
(19)	COR RADIOLOGY SPECIALIST	5	41,254	42,492
<u>(21)</u>			<u>43,341</u>	<u>44,208</u>

PATIENT CARE - CLASSIFIED POSITIONS

(20)	L124 PSYCHOLOGIST	2		GRADE 25
<u>(22)</u>		<u>10</u>		
<u>(23)</u>	904Z REHABILITATION PROG.ADMIN.	<u>7</u>		GRADE 22
(21)	L122 PSYCH. EXAMINER II	2		GRADE 21
<u>(24)</u>		<u>12</u>		
(22)	M088 SOCIAL WORKER II	3		GRADE 20
<u>(25)</u>		<u>10</u>		
<u>(26)</u>	M045 COR.REHAB FACILITY SUPER	<u>2</u>		GRADE 20
<u>(27)</u>	M086 SOCIAL WORKER I	<u>4</u>		GRADE 19
(23)	M107 COR COUNSELOR PRO LDR	7		GRADE 19
<u>(28)</u>		<u>15</u>		
<u>(29)</u>	M105 COR COUNSELOR	<u>28</u>		GRADE 18
(24)	R010 ADMINISTRATIVE ASST II	4		GRADE 17
<u>(30)</u>				
(25)	L026 DENTAL HYGIENIST	8		GRADE 16
<u>(31)</u>				
(26)	W015 MEDICAL RECORDS TECH	24		GRADE 15
<u>(32)</u>				

(27)	K041	EXECUTIVE SECRETARY	4	GRADE 14
<u>(33)</u>				
(28)	K117	MEDICAL SECRETARY	15	GRADE 14
<u>(34)</u>				
<u>(35)</u>	K153	SECRETARY II	<u>2</u>	GRADE 13
(29)	K155	SECRETARY I	10	GRADE 11
<u>(36)</u>			<u>8</u>	
(30)	L025	DENTAL ASST	12	GRADE 11
<u>(37)</u>				

CLASSIFIED NON-PATIENT CARE

(31)		ACCTG TECHS	3	GRADE 15
(32)		PAYROLL OFFICER	2	GRADE 15
(33)		BUYERS	2	GRADE 18
<u>(38)</u>				
(34)		PURCHASING ASSISTANT	1	GRADE 15
<u>(39)</u>				
(35)		ACCOUNTING TECH	1	GRADE 15
<u>(40)</u>			<u>4</u>	
(36)		ACCOUNTANT	1	GRADE 18
<u>(41)</u>				
(37)		PERS TRNG OFF	1	GRADE 18
<u>(42)</u>				
(38)		PERS OFFICER II	1	GRADE 17
<u>(43)</u>				
(39)		PAYROLL OFFICER	1	GRADE 15
<u>(44)</u>			<u>3</u>	
(40)		PC SUPPORT	1	GRADE 18
<u>(45)</u>				
	GRAND TOTAL CONTINGENT EMPLOYEES		411	
			<u>497</u>	

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

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

AND

Delete SECTION 25 in its entirety and substitute the following:

" SECTION 25. 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."

AND

Add a new section immediately following SECTION 43 to read as follows:

" SECTION 44. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NEW OR ADDITIONAL POSITIONS FUNDING RESTRICTION. The Chief Fiscal Officer of the State shall determine the amount of general revenue authorized by the 86th General Assembly to be distributed to the Department of Correction Inmate Care

and Custody Fund Account to fund additional Regular Salary positions and Personal Services Matching costs each fiscal year of the 2007-09 biennium over and above the amount of general revenue the Department of Correction budgeted for Regular Salaries and Personal Services Matching costs during the fiscal year ending June 30, 2006. The Chief Fiscal Officer of the State shall cause the amount of general revenue so determined each fiscal year to be set aside within the Department of Correction Inmate Care and Custody Fund Account, and that the amount determined, or any portion thereof, shall not be budgeted or committed for expenditure by the Department of Correction without prior approval from the Arkansas Legislative Council or Joint Budget Committee. From time to time, the Department of Correction may request approval of the Chief Fiscal Officer of the State and the Legislative Council or Joint Budget Committee for release of the amount set aside, or a portion thereof, in the Inmate Care and Custody Fund Account for purposes of budgeting and expenditure. On July 1, of each fiscal year or as soon thereafter as is practical, the Chief Fiscal Officer of the State shall report the amount of general revenue set-aside for funding the additional Regular Salary positions and Personal Services Matching costs within the Inmate Care and Custody Fund Account due to the provisions of this section to the Arkansas 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. 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, then the amount determined to be set aside within the Department of Correction Inmate Care and Custody Fund Account by the Chief Fiscal Officer of the State each fiscal year due to the provisions of this section shall not be budgeted or committed for expenditure in either fiscal year of the 2007-09 biennium.

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

AND

Renumber each subsequent section accordingly.

The Amendment was read _____
By: Joint Budget Committee
TCW/W - 03-15-2007 13:07
TCW167

Chief Clerk