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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1405, L.D. 1903, Bill, “An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013”

Amend the amendment by striking out all of Part AAA and inserting the following:

'PART AAA

Sec. AAA-1. 5 MRSA §1582, sub-§4, as amended by PL 2011, c. 1, Pt. S, §1, is further amended to read:

4. Use of savings; personal services funds. Savings accrued from unused funding of employee benefits may not be used to increase services provided by employees. Accrued salary savings generated within an appropriation or allocation for Personal Services may be used for the payment of nonrecurring Personal Services costs only within the account where the savings exist. Accrued savings generated from vacant positions within a General Fund account's appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies, and accrued savings generated within a Highway Fund account's allocations for Personal Services may be used to offset Personal Services shortfalls in other Highway Fund accounts that occur as a direct result of Personal Services allocation reductions for projected vacancies; except that the transfer of such accrued savings is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Costs related to acting capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with the approval of the appointing authority. Other actions such as retroactive compensation for reclassifications or reallocations and retroactive or one-time settlements related to arbitrator or court decisions must be recommended by the department or agency head and approved by the State Budget Officer. Salary and employee benefits savings may not be used to fund recurring Personal Services actions either in the account where the savings exist or in another account. At the close of each fiscal year, except for the Division of Forest Protection account within the Department of Conservation, the ~~Disproportionate Share~~ Riverview Psychiatric Center and the ~~Disproportionate Share~~ Dorothea Dix

HOUSE AMENDMENT

1 Psychiatric Center accounts within the Department of Health and Human Services and the
2 Education in the Unorganized Territory account within the Department of Education, any
3 unexpended General Fund Personal Services appropriations to executive branch agencies
4 including accounts that are authorized to carry unexpended balances forward must lapse
5 to the Salary Plan program, General Fund account in the Department of Administrative
6 and Financial Services.

7 **Sec. AAA-2. 34-B MRSA §1409, sub-§9, ¶A**, as enacted by PL 1983, c. 459,
8 §7, is amended to read:

9 A. The chief administrative officer shall ~~apply the benefits toward~~ deposit any such
10 funding received for the care and treatment of the resident in accordance with charges
11 made by the department as General Fund undedicated revenue.

12 **Sec. AAA-3. 34-B MRSA §1409, sub-§13**, as amended by PL 2005, c. 256, §4,
13 is repealed.

14 **Sec. AAA-4. 34-B MRSA §1409, sub-§14**, as enacted by PL 1991, c. 528, Pt. Q,
15 §6 and affected by Pt. RRR and enacted by c. 591, Pt. Q, §6 and amended by PL 2005, c.
16 236, §3, is repealed.

17 **Sec. AAA-5. 34-B MRSA §1409, sub-§15**, as amended by PL 2011, c. 1, Pt. S,
18 §2, is further amended to read:

19 **15. General Fund accounts; disproportionate share hospital match.** The
20 commissioner shall establish General Fund accounts to provide ~~the General Fund match~~
21 ~~for eligible disproportionate share hospital components in~~ for the care and treatment of
22 residents of the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center.
23 Any unencumbered balances of General Fund appropriations remaining at the end of each
24 fiscal year must be carried forward to be used for the same purposes. Available
25 unencumbered balances at the end of each fiscal year in the Personal Services line
26 category of the accounts may be transferred to the All Other line category by financial
27 order upon the recommendation of the State Budget Officer and approval of the
28 Governor. Reimbursement received from the Medicaid program for disproportionate
29 share hospital match must be deposited in the General Fund as undedicated revenue.

30 **Sec. AAA-6. Department of Health and Human Services; state**
31 **psychiatric centers; transfers and adjustments to position count.** The
32 Commissioner of Health and Human Services shall review the current organizational
33 structure of the State's psychiatric centers to improve organizational efficiency and cost-
34 effectiveness within the centers. Notwithstanding any other provision of law, the State
35 Budget Officer is authorized to transfer position counts and available balances by
36 financial order in order to achieve the purposes of this section. In accordance with the
37 requirements of the Maine Revised Statutes, Title 5, section 1585, a financial order
38 describing such a transfer must be submitted by the Department of Administrative and
39 Financial Services, Bureau of the Budget to the Office of Fiscal and Program Review 30
40 days before a transfer is to be implemented. In the case of extraordinary emergency
41 transfers, the 30-day prior submission requirement may be waived by vote of the joint
42 standing committee of the Legislature having jurisdiction over appropriations and
43 financial affairs. Any transfer or adjustment pursuant to this section that would result in a
44 program or mission change must be reported to the joint standing committee of the

1 Legislature having jurisdiction over health and human services matters for review before
 2 the associated financial order is submitted to the Governor for approval. These transfers
 3 are considered adjustments to authorized position count, appropriations and allocations.'

4 Amend the amendment by inserting after Part GGG the following:

5 **'PART HHH**

6 **Sec. HHH-1. Appropriations and allocations.** The following appropriations
 7 and allocations are made.

8 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

9 **Disproportionate Share - Dorothea Dix Psychiatric Center 0734**

10 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 11 Dorothea Dix Psychiatric Center. This initiative will result in General Fund undedicated
 12 revenue of \$11,577,783.

13	GENERAL FUND	2011-12	2012-13
14	Personal Services	\$0	(\$5,066,513)
15	All Other	\$0	(\$565,100)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$5,631,613)</u>

18 **Disproportionate Share - Riverview Psychiatric Center 0733**

19 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 20 Riverview Psychiatric Center. This initiative will result in General Fund undedicated
 21 revenue of \$9,175,775.

22	GENERAL FUND	2011-12	2012-13
23	Personal Services	\$0	(\$7,463,333)
24	All Other	\$0	(\$3,195,156)
25			
26	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$10,658,489)</u>

27 **Dorothea Dix Psychiatric Center 0120**

28 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 29 Riverview Psychiatric Center. This initiative will result in General Fund undedicated
 30 revenue of \$9,175,775.

31	GENERAL FUND	2011-12	2012-13
32	All Other	\$0	\$281,657
33			
34	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$281,657</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	(\$281,657)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$281,657)</u>

5 **Dorothea Dix Psychiatric Center 0120**

6 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 7 Dorothea Dix Psychiatric Center. This initiative will result in General Fund undedicated
 8 revenue of \$11,577,783.

9	GENERAL FUND	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	192.500
11	Personal Services	\$0	\$14,050,841
12	All Other	\$0	\$2,876,807
13			
14	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$16,927,648</u>

15	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	0.000	(192.500)
17	Personal Services	\$0	(\$8,984,328)
18	All Other	\$0	(\$2,410,458)
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$11,394,786)</u>

21 **Riverview Psychiatric Center 0105**

22 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 23 Riverview Psychiatric Center. This initiative will result in General Fund undedicated
 24 revenue of \$9,175,775.

25	GENERAL FUND	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	0.000	318.500
27	POSITIONS - FTE COUNT	0.000	0.360
28	Personal Services	\$0	\$20,893,901
29	All Other	\$0	\$9,477,471
30			
31	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$30,371,372</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(318,500)
3	POSITIONS - FTE COUNT	0.000	(0.360)
4	Personal Services	\$0	(\$13,470,800)
5	All Other	\$0	(\$6,593,944)
6			
7	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$20,064,744)

8	HEALTH AND HUMAN SERVICES,		
9	DEPARTMENT OF (FORMERLY BDS)		
10	DEPARTMENT TOTALS	2011-12	2012-13
11			
12	GENERAL FUND	\$0	\$31,290,575
13	OTHER SPECIAL REVENUE FUNDS	\$0	(\$31,741,187)
14			
15	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$450,612)

16 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

17 **Office of Management and Budget 0142**

18 Initiative: Transfers positions and adjusts funding to restructure the financing of the
19 Riverview Psychiatric Center.

20	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
21	All Other	\$0	(\$329,236)
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$329,236)

24 **Office of Management and Budget 0142**

25 Initiative: Transfers positions and adjusts funding to restructure the financing of the
26 Dorothea Dix Psychiatric Center.

27	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
28	All Other	\$0	(\$309,066)
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$309,066)

31	HEALTH AND HUMAN SERVICES,		
32	DEPARTMENT OF (FORMERLY DHS)		
33	DEPARTMENT TOTALS	2011-12	2012-13
34			

1	OTHER SPECIAL REVENUE FUNDS	\$0	(\$638,302)
2			
3	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$638,302)

4	SECTION TOTALS	2011-12	2012-13
5			
6	GENERAL FUND	\$0	\$31,290,575
7	OTHER SPECIAL REVENUE FUNDS	\$0	(\$32,379,489)
8			
9	SECTION TOTAL - ALL FUNDS	\$0	(\$1,088,914)

11 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
12 or section number to read consecutively.

13 **SUMMARY**

14 This amendment strikes the provisions in Committee Amendment "A" regarding the
15 state psychiatric centers, including disproportionate share payments, and replaces them
16 with the provisions from the bill regarding the state psychiatric centers, including
17 disproportionate share payments. This amendment adds an appropriations and allocations
18 section.

19 **FISCAL NOTE REQUIRED**

20 (See attached)

21 SPONSORED BY: _____

22 (Representative TIMBERLAKE)

23 TOWN: Turner