#### SUPPLEMENTAL AGENDA

# Suspension of the Rules Request ALC/Performance Evaluation and Expenditure Review (PEER) Subcommittee Tuesday, November 15, 2022 8:00 a.m. - Room A-MAC

- A. Various Temporary Appropriation Request
  - 1. Department of the Military
- B. Infrastructure Investment and Jobs Act Appropriation Request
  - 1. Department of Commerce Arkansas Economic Development Commission
- C. Restricted Reserve Fund Transfer Request EBD or Contingency 3/5 Vote Set-Aside Account
  - 1. Department of Veterans Affairs
- D. Appropriation and/or Fund Transfer Request
  - 1. Department of Transportation
- E. Cash Appropriation Request
  - 1. Northwest Technical Institute
  - 2. Department of Veterans Affairs



1509 West Seventh Street, Suite 402 Post Office Box 3278 Little Rock, Arkansas 72203-3278 Phone: (501) 682-1941 Fax: (501) 682-1086 www.arkansas.gov/dfa

November 9, 2022

Senator Jonathan Dismang, Co-Chair Representative Michelle Gray, Co-Chair Performance Evaluation & Expenditure Review Committee Arkansas Legislative Council State Capitol Building Little Rock, AR 72201

RE: Supplemental Items

Dear Co-Chairs:

I respectfully request suspension of the rules by the committee for review of the items on the attached pages. These items were received after the deadline for submission to your Performance Evaluation and Expenditure Review Committee, but we are requesting inclusion in this month's review.

Sincerely,

Lawy W. Walther Cabinet Secretary

LWW



OFFICE OF BUDGET
1509 West Seventh Street, Suite 402

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Post Office Box 3278

November 9, 2022

Senator Jonathan Dismang, Co-Chair Representative Michelle Gray, Co-Chair Performance Evaluation & Expenditure Review Committee Arkansas Legislative Council State Capitol Building Little Rock, AR 72201

RE: FY 23 Various Temporary Appropriation Request(s)

Dear Co-Chairs:

Pursuant to Act 199 of 2022, Section 33, I am forwarding for appropriate action as required by law, the attached Various Temporary Appropriation for State Agencies and Institutions Request(s) for Fiscal Year 2023 that have received my approval as Chief Fiscal Officer of the State.

Sincerely,

Larry W. Walther Cabinet Secretary

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LWW



## OFFICE OF THE ADJUTANT GENERAL CAMP JOSEPH T. ROBINSON NORTH LITTLE ROCK, ARKANSAS 72199-9600

BA: 0975 Fund Center: 268

Fund: HMD0600 Functional Area: SFTY Commitment Item: 502:00:02,

506:00:10, 512:00:11



KENDALL W. PENN MAJOR GENERAL THE ADJUTANT GENERAL

ASA HUTCHINSON GOVERNOR

October 3, 2022

Secretary Larry W. Walther
Department of Finance and Administration
1509 West Seventh Street, Suite 401
Little Rock, AR 72203

Dear Secretary Walther,

The Department of the Military is requesting Various Temporary Appropriation under Act 65 of 2022, in the amount of \$1,254,447. This appropriation will allow the Agency to match the Federal Cooperative Funding Agreement to maintain and update the National Guard Armories around Arkansas, Camp Robinson buildings, Fort Chaffee buildings and add on to the Department of Military building. The appropriation of \$954,447 would need to be added to Business Area 0975, Fund Center 268, Fund HMD0600, Commitment Item: 502:00:02, the appropriation of \$150,000 goes to Fund Center 268, Fund HMD0600, Commitment Item 506:00:10 and appropriation of \$150,000 goes to Fund Center 268, Fund HMD0600, Commitment Item 512:00:11.

Please let me know if you need any additional information.

Sincerely,

Scott Stanger

Department of the Military

Chief of Staff



1509 West Seventh Street, Suite 402 Post Office Box 3278 Little Rock, Arkansas 72203-3278 Phone: (501) 682-1941 Fax: (501) 682-1086

www.arkansas.gov/dfa

November 9, 2022

Senator Jonathan Dismang, Co-Chair Representative Michelle Gray, Co-Chair Performance Evaluation & Expenditure Review Committee Arkansas Legislative Council State Capitol Building Little Rock, AR 72201

RE: FY 23 Infrastructure Investment & Jobs Act of 2021

Dear Co-Chairs:

Pursuant to Section 39 (01) of Act 199 of 2022, I am forwarding the attached Infrastructure and Investment and Jobs Act request(s) that have received my approval as Chief Fiscal Officer of the State.

 Department of Commerce – Economic Development Commission – Broadband community outreach, data collection and analysis, report \$843,673 development and distribution

Cabinet Secretary

am WWalther

LWW Attachment(s)

#### INFRASTRUCTURE INVESTMENT & JOBS ACT OF 2021 APPROPRIATION AND PERSONNEL AUTHORIZATION REQUEST SECTION 39 OF ACT 199 OF 2022

**B.1** 

Agency: Arkansas Economic Development Commission							Business Area Cod	e: <u>0790</u>		
Program Title: A	rkansas E	Broadband F	Plan							
Granting Organization: National Telecommunications and Information Administration						dministratio	CFDA #: 11.032 State Digital Equity Planning_			
Effective Date of Authorization:				Beginning:		7/1/2022	Ending: 6/30/2023			
The State of Ar amount of \$843 roadmap for ach will invest the S data collection Department of C Broadband Offic stakeholder eng- this sub-award t	kansas h. (,673.10 to hieving die tate Digit and anal Commerce will is agement, to total \$7 ect \$18,05	as been averaged as been averaged as equity Paysis, and Common and under sue a sub-data collection of the grant and the grant and the grant are as a sub-data collection of the grant and the grant are as a sub-data collection of the grant ar	varded a g robust and in our stat lanning gra 3) report ( r the direct award to ction and a but the Borant award	grant from the North decomprehensive and meet the eart funds in three development artion of Glen How Heartland Forwallysis, and writroadband Office of to be used for	National Te e five-year requirement e major act and distribut wie, State E ward to sup- ting and dis staff will le	elecommunications statewide digital onts established by trivities: 1) communion. The State Beroadband Director all elements eseminating the fired and guide the	horough information): and Information A equity plan that will NTIA in the Notice unity outreach and : roadband Office, h or, will lead the plan is of the plan, incluinal version of the Di project at-large and and Office staff, an	dministration serve as a conference of Funding (stakeholder oused within aning processuding committed gital Equity of serve as the serv	benchmark and Opportunity. We engagement, 2) in the Arkansas s. However, the nunity outreach, Plan. We expect the Administering	
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Func. Area: COMM Fund Code: NEW							Continuation of Existing Program:  Change in Existing Program:			
Funds Center: N	EW	Int	ernal Orde	r/WBS Element:	NEW		New Program:		X	
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Regular Salaries									100	
Extra Help										
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Operating Expen	ises								20,955	
Conference & Tr	avel Expe	enses							18,050	
Professional Fee	S									
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Data Processing										
Grants and Aid (	CI: 04)								798,268	
Other:					8					
Other: 590:00	0:46								6,401	
Total			550	\$		Type fext he	are		843,673	
Anticipated Duration of Federal Funds:  Positions to be established: (list each positions)				11/15/2022-11/14/2023			DFA IGS State Technology Planning Date  Items requested for information technology must be in compliance with Technology Plans as submitted to DFA IGS State Technology Planning.  * unclassified positions only			
Org Org	Pers	Pers	Cost	Position	Cmnt	, , , , , , , , , , , , , , , , , , ,		lass	Line Item	
Unit	Area	SubArea	Center	Number	Item	Position	n Title C	ode Grac	le Maximum *	
State funds will authorized by the Approved by:		or.	eplace fed	eral funds whe	n such fur	nds expire, unless	s appropriated by	the Genera	Assembly and	
Cabinet Secretary/	Agency Di		Date	. /	of Budget	Date		ersonnel Mgm	t Date	

#### IIJA DIGITAL EQUITY PLANNING GRANT OVERVIEW

The State of Arkansas has been awarded a grant from the National Telecommunications and Information Administration (NTIA) in the amount of \$843,673.10 to create a robust and comprehensive five-year statewide digital equity plan that will serve as a benchmark and roadmap for achieving digital equity in our state and meet the requirements established by NTIA in the Notice of Funding Opportunity. We will invest the State Digital Equity Planning grant funds in three major activities: 1) community outreach and stakeholder engagement, 2) data collection and analysis, and 3) report development and distribution.

The State Broadband Office, housed within the Arkansas Department of Commerce and under the direction of Glen Howie, State Broadband Director, will lead the planning process. However, the Broadband Office will issue a sub-award to Heartland Forward to support all elements of the plan, including community outreach, stakeholder engagement, data collection and analysis, and writing and disseminating the final version of the Digital Equity Plan. We expect this sub-award to total \$798,267.50, but the Broadband Office staff will lead and guide the project at-large and serve as the Administering Entity. We expect \$18,050 of the grant award to be used for travel expenses for Broadband Office staff, and \$6,400.51 to be used for miscellaneous indirect charges allowable under federal contract rules.

Over the course of the past year Heartland Forward has convened the Arkansas Connectivity Coalition, a group of more than 15 anchor institution partners, community-based nonprofits, organizations working with covered populations, and philanthropies that recognize access to high-speed internet and digital literacy are critical for full participation in the 21st century. We plan to lean on this diverse group of partners to conduct a combination of in-person and virtual public listening sessions around the state. All written materials will be translated into multiple languages to reflect the various communities we serve. We also intend to provide multiple methods, online and offline, for Arkansans to provide feedback to the state throughout the planning process. This approach leverages existing efforts that are already focused on digital equity.

A significant portion of this project will also revolve around our team collecting and analyzing data to better understand the nuances of digital inequities in Arkansas. To do this, we will closely examine how the digital divide uniquely impacts the covered populations within Arkansas listed in the NOFO. We will also collect local digital equity plans and include their findings in our final recommendations.

The final step of this project will be to write, edit, publish, and share the final Digital Equity Plan. Approximately \$20,955 of the grant award will be used for computer equipment, media, print costs and web design associated with community engagement and publishing the plan.

#### **TIMELINE**

The plan development process will begin after funding is received by the State and will be concluded within 12 months with the delivery of a five-year State Digital Equity Plan. We will develop the plan in accordance with the statute, provide a minimum of 30 days for public comment, and incorporate both comments and responses to comments into the plan prior to submission to NTIA.

#### DELIVERABLES

Deliverables will include: (1) State Digital Equity Plan printed document; (2) a digital version of the plan hosted on the Arkansas Department of Commerce Broadband Office's website; and (3) open access, downloadable data sets to inform the measurable objectives.

#### PLAN CREATION STRATEGIES

#### **Strategy Overview**

We believe that hearing from individuals and populations who have historically been disconnected from high-speed internet is critical to crafting an effective Digital Equity Plan. To this end, community outreach and partnerships with existing stakeholders in the connectivity and digital inclusion space will be at the heart of our planning process. Our team is prepared to conduct outreach both in person and virtually and will deploy a variety of strategies and messages via trusted partners already engaged on this issue. Reaching the individuals who have first-hand experience of being disconnected will be challenging, but our plan will be incomplete without these voices, and we recognize the importance of keeping them at the center of our work.

We intend to engage with the key stakeholders outlined in the NOFO to provide input for the plan. Stakeholders include representatives of state and local governments, state and local economic and community development agencies, workforce development agencies, Arkansas Black Mayor's Association, higher education institutions (including Historically Black Colleges and Universities), rural healthcare organizations, the Arkansas Library Association, and local cooperative extension service agencies. All of these stakeholders have credibility within their communities and an understanding of the digital equity issues they face.

#### Community Outreach and Stakeholder Engagement

The State's planning team will be made up of 5-10 people from the following organizations and backgrounds: 1) staff from the State Broadband Office who will be developing the State's BEAD plan; 2) representatives from Heartland Forward; 3) members of the Arkansas Connectivity Coalition who work with and/or represent covered populations who have been historically disconnected; and 4) anchor institutions. The planning team will serve in an advisory capacity, providing guidance and support throughout the planning process, under the oversight of the State Broadband Office.

The planning team will host a minimum of 10 public listening sessions throughout the state where community members and partners may provide the state with data concerning: 1) first-hand experiences being disconnected; 2) digital inclusion assets, including current resources, programs and strategies that promote digital equity for each of the covered populations; 3) identification of barriers to digital equity; 4) priorities for investments; and 5) proposals for solutions.

The State will connect with community members and stakeholders in multiple languages through various platforms, including information sessions, state websites, social media, radio/print notices, flyers, and engagement with partner agencies. The State will also train stakeholders to develop local digital equity plans that can be incorporated into the State's plan. The State will publish draft version of the plan for a minimum of 30 days to gather and incorporate public input.

#### Data Collection and Analysis

The State will conduct primary and secondary data analysis to identify and document barriers and resources related to digital equity for covered populations and all state resident, including 1) one-on-one interviews and/or focus groups, 2) scientific surveys, 3) analysis of Census and other secondary data sources, and 3) statewide digital equity asset mapping.

#### The Plan

The plan will contain all the statutory and additional requirements set forth in the NOFO.

#### Delivery

Upon completion, we will submit the Digital Equity Plan to NTIA and distribute to our state's residents through the following mechanisms: 1) a press release recapping the highlights of the plan, 2) public event to unveil the contents of the plan, 3) dedicated webpage related to the plan, with information about its background and online dashboards tracking its implementation progress, and 4) distribution of the plan to all stakeholders who participated in the planning process.



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November 9, 2022

Senator Jonathan Dismang, Co-Chair Representative Michelle Gray, Co-Chair Performance Evaluation & Expenditure Review Committee Arkansas Legislative Council State Capitol Building Little Rock, AR 72201

RE: FY 23 Restricted Reserve Fund Transfer Recommendation

Dear Co-Chairs:

Pursuant to Ark. Code Ann. § 19-5-1263 and Act 226 of 2022, as Chief Fiscal Officer of the State, I am recommending the transfer of Restricted Reserve Funds from the EBD or Contingency 3/5 Vote Set-Aside of the Restricted Reserve Fund for Fiscal Year 2023 to various state agencies and institutions of higher education in the amounts detailed on the attached schedule.

Sincerely,

Larry W. Walther Cabinet Secretary

LWW





ADVAcates for Arkansas Veterans
501 Woodlane Drive, Suite 401N, Little Rock, AR 72201
Phone: (501) 683-2446 | Fax: (501) 682-4833

ASA HUTCHINSON NATHANIEL (NATE) TODD Governor Secretary

FA HHS Fund NVA0000 FC 2QD CC 311501

November 8, 2022

Secretary Larry Walther Arkansas Department of Finance and Administration 1509 West 7<sup>th</sup> Street Little Rock, AR 72203-3278

RE: Restricted Reserve Transfer Request – State Veterans Home at Fayetteville - \$1,440,500

#### Dear Secretary Walther:

On behalf of the Arkansas Department of Veterans Affairs (ADVA), I respectfully request a release of Restricted Reserve Funds to the Arkansas State Veterans Home at Fayetteville (ASVH-F).

The ADVA is requesting funds in the amount of \$1,440,500.

This funding will be utilized to wind down the State operation of ASVH-F and fund one-time outsource operation startup costs.

FY23 operational costs have exceeded operating revenues by an average of \$150,250 per month YTD. Contract nursing costs have nearly doubled from a monthly average of \$154,630 in FY22 to an average of \$304,330 per month FYTD through October 31, 2022.

The Home is currently operating with an employee vacancy rate of more than 50% and an annual turnover rate in excess of 100%.

In February, 2021, I established a working group comprised of commissioners from the Arkansas Veterans Commission and employees of the ADVA to evaluate the optimal operating model for the home (state run, contract, hybrid). Their evaluation feedback resulted in my decision to have posted a Request for Proposal for outsource operations of ASVH-F, State bid # S000000138.

In compliance with State regulations, the details of the bid discussions are confidential until a contract is awarded.

It is the recommendation of the negotiations team that outsourced operation of the ASVH-F to a contractor with substantial expertise in skilled nursing facility operations and State Veteran Home operations serves the best interests of the Veterans and residents who call ASVH-F their home.

Thank you for your assistance in this matter. Please feel free to call me if you require additional information regarding this request.

Respectfully,

Nate Todd

Secretary, Arkansas Department of Veterans Affairs



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Phone: (501) 682-1941 Fax: (501) 682-1086 www.arkansas.gov/dfa

November 9, 2022

Senator Jonathan Dismang, Co-Chair Representative Michelle Gray, Co-Chair Performance Evaluation & Expenditure Review Committee Arkansas Legislative Council State Capitol Building Little Rock, AR 72201

RE: FY23 Fund Transfer Request(s)

Dear Co-Chairs:

I am forwarding for appropriate action as required by law, the attached Fund Transfer Request(s) that have received my approval as Chief Fiscal Officer of the State.

Sincerely,

Larry W. Walther Cabinet Secretary

LWW



November 8, 2022

Senator Terry Rice, Co-Chair Representative Jeff Wardlaw, Co-Chair Arkansas Legislative Council 315 State Capitol Little Rock, AR 72201

Dear Co-Chairs:

Attached you will find a request from the Arkansas Department of Transportation to transfer funds in the amount of \$20,000,000 from the Arkansas Highway Transfer Fund to the State Highway and Transportation Department Fund. This will provide the department with funding to meet the required state match for Federal Fiscal Year (FFY) 2023 Federal Funds.

Please accept this letter as my recommendation that this transfer request be reviewed and approved by the Arkansas Legislative Council, as required by Ark. Code Ann. §19-6-832(c).

I appreciate your consideration in this matter.

Sincerely,

Asa Hutchinson

cc: Lorie H. Tudor,

Director of the Arkansas Department of Transportation

#### ARKANSAS STATE HIGHWAY COMMISSION

ROBERT S. MOORE, JR.
CHAIRMAN
ARKANSAS CITY

DALTON A. FARMER, JR.
VICE CHAIRMAN
JONESBORO

PHILIP TALDO SPRINGDALE



P.O. Box 2261 • Little Rock, Arkansas 72203-2261

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October 3, 2022

KEITH GIBSON FORT SMITH

MARIE HOLDER LITTLE ROCK

LORIE H. TUDOR, P.E. DIRECTOR

The Honorable Asa Hutchinson Governor of Arkansas State Capitol, Room 250 500 Woodlane Ave. Little Rock, Arkansas 72201

Dear Governor Hutchinson:

Reference is made to Act 1 of the 90<sup>th</sup> General Assembly's Third Extraordinary Session, the <u>Arkansas Highway Improvement Plan of 2016</u> (hereinafter called the Plan).

The Plan established the Arkansas Highway Transfer Fund which includes funding that can be utilized by the Arkansas Department of Transportation in State Fiscal Year 2023. By way of this letter, we are requesting the following:

Transfer Source	Amount		
Securities Reserve Fund	\$ 20,000,000.00		

Section 13 of the Plan, Arkansas Code 19-6-832 (c) reads as follows:

In the event revenues to the department are insufficient to fully address the highway construction and maintenance needs of the state, the department may provide a written document to the Governor outlining the reasons that additional funding is needed and requesting that the Governor provide a recommendation to the Legislative Council or the Joint Budget Committee for review and approval of the transfer of funds in the Arkansas Highway Transfer Fund to the State Highway and Transportation Department Fund.

The Honorable Asa Hutchinson October 3, 2022

Page 2

The Department is seeking funding from the Arkansas Highway Transfer Fund to provide the required state match and more efficiently utilize our Federal Fiscal Year (FFY) 2023 Federal funds. Having adequate cash flow from month to month allows us to plan and obligate funds in a more effective manner and prevents the Department from having to delay projects due to a lack of state matching funds.

The recent passage of the Infrastructure Investment and Jobs Act will provide a substantial increase to Arkansas in the amount of Federal funds for transportation projects in Federal Fiscal Year 2023. The additional Federal funds will also require a proportional increase in the required state match.

Therefore, the Department respectfully requests your recommendation to the appropriate legislative body to transfer these funds from the Arkansas Highway Transfer Fund to the State Highway and Transportation Fund.

Thank you for your leadership during these challenging times and your work to address our State's highway funding shortfall.

Sincerely,

Lorie H. Tudor, P.E.

Director

c: Highway Commission
Deputy Director and Chief Operating Officer
Deputy Director and Chief Engineer
Assistant Chiefs
Fiscal Services
Governmental Relations Office
Program Management
Public Information
Transportation Planning and Policy



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November 9, 2022

Senator Jonathan Dismang, Co-Chair Representative Michelle Gray, Co-Chair Performance Evaluation & Expenditure Review Committee Arkansas Legislative Council State Capitol Building Little Rock, AR 72201

RE: FY23 Cash Appropriation Increase Request(s)

Dear Co-Chairs:

I am forwarding for appropriate action as required by law, the attached Cash Appropriation Increase Request(s) that have received my approval as Chief Fiscal Officer of the State.

Sincerely,

Larry W. Walther Cabinet Secretary

range walther

LWW

PO Box 2000 709 South Old Missouri Road Springdale, AR 72765-2000 Office - (479) 751-8824 Fax - (479) 935-2814



July 11, 2022

Mr. Robert Brech Budget Administrator 1509 West 7<sup>th</sup> Street Suite 402 Little Rock, AR 72201

Re: FY-23 Cash Letter-Appropriation Request

Business Area – 0552 Fund Center – B60 Fund – 1730100 Function Area – VTCH Commitment Item – 512:00:11

Dear Mr. Brech,

Northwest Technical Institute is appreciative of the funding opportunity provided by the Division of Higher Education. We look forward to having the opportunity to expand our programs and supply our workforce partners with students that have enhanced skills for their industry.

NWTI is requesting appropriation in the amount of \$800,000. NWTI has received three Regional Workforce Grant Award Notifications: CDL (\$500,000), Advanced Manufacturing (\$200,000), and Automotive Technology (\$100,000). NWTI will use this appropriation to procure trucks, and trailers for our CDL program. Our Advanced Manufacturing program will procure robots and PLCs. An all-electric vehicle with the appropriate required safety equipment for our Automotive program will be acquired.

Thank you for your consideration of the appropriation of these funds. Please let me know if I can be of any further assistance.

Sincerely,

Dr. Jim Rollins
President of NWTI



### Office of the Secretary 501 Woodlane Drive, Suite 401N, Little Rock, AR 72201 Phone: (501) 683-1787 | Fax: (501) 682-4833



NATHANIEL (NATE) TODD Secretary

ASA HUTCHINSON Governor

November 09, 2022

Mr. Larry Walther
Department of Finance and Administration
1509 West 7<sup>th</sup> Street
Little Rock, Arkansas 72203-3278

**Fund Balance:** 

\$253,513.3

jmoore 11/9/2022

RE: FY23 Cash Letter

Business Area – 0385
Funds Center – 2QD
Fund – NVA0000
Functional Area – HHS
Commitment Item – 502:00:02 Operating Expenses

\$1,440,500

Dear Mr. Walther:

On behalf of the Arkansas Department of Veterans Affairs (ADVA), I respectfully request \$1,440,500 in FY23 cash appropriation for the Arkansas State Veterans Home at Fayetteville (ASVH-F).

This request is directly related to the agency's Restricted Reserve Transfer request for funding in the amount of \$1,440,500.

This funding will be utilized to wind down the State operation of ASVH-F and fund one-time outsource operation startup costs.

FY23 operational costs have exceeded operating revenues by an average of \$150,250 per month YTD. Contract nursing costs have nearly doubled from a monthly average of \$154,630 in FY22 to an average of \$304,330 per month FYTD through October 31, 2022.

The Home is currently operating with an employee vacancy rate of more than 50% and an annual turnover rate in excess of 100%.

In February, 2021, I established a working group comprised of commissioners from the Arkansas Veterans Commission and employees of the ADVA to evaluate the optimal operating model for the home (state run, contract, hybrid). Their evaluation feedback resulted in my decision to have posted a Request for Proposal for outsource operations of ASVH-F, State bid # S000000138.

In compliance with State regulations, the details of the bid discussions are confidential until a contract is awarded.

It is the recommendation of the negotiations team that outsourced operation of the ASVH-F to a contractor with substantial expertise in skilled nursing facility operations and State Veteran Home operations serves the best interests of the Veterans and residents who call ASVH-F their home.

Thank you for your assistance in this matter. Please feel free to call me if you require additional information regarding this request.

Respectfully,

Nate Todd

Secretary, Arkansas Department of Veterans Affairs