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IN APPROPRIATION ACT**

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**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0995 Emergency Management, Department of**

**ACT#: 162**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~EXTRA HELP. The Arkansas Department of Emergency Management may utilize up to their twenty eight (28) authorized extra help positions for up to one thousand five hundred (1,500) hours when specific expertise is required to work on response to federal and state declared disasters. The rates of pay may not exceed those provided in the Uniform Classification Act, or its successor, for the appropriate classification.~~

~~—The provisions of this section shall be in effect from July 1, 2018 through June 30, 2019.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0995 Emergency Management, Department of**

**ACT#: 162**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~ACCEPT PAYMENTS. The Arkansas Department of Emergency Management shall have authority to accept funds from non-state entities to be deposited into the cash funds as appropriated in this Act for expenses of evaluating and studying 911 and emergency communication systems.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DIRECTOR'S OFFICE/OFFICE OF CHIEF COUNSEL - PURCHASE OF EVIDENCE. Upon approval by the Chief Fiscal Officer of the State, the Chief Counsel for the Department of Human Services may transfer an amount up to but not to exceed \$12,000 and deposit same in a bank account for the purpose of purchasing evidence in the course of investigating the illegal use of food stamps/Electronic Benefit Transfer (EBT) cards. The funds so transferred shall be subject to accounting in a manner substantially similar to that employed by the Arkansas State Police for such transactions; provided however, that information tending to identify participants in such transactions shall be exempt from the Arkansas Freedom of Information Act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

HUMAN SERVICES RENOVATION FUND. Department of Human Services Renovation Fund.

AGENCY REQUEST

(a) There is established on the books of the Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Department of Human Services Renovation Fund.

(b) This fund shall be used for constructing, acquiring, renovating, maintaining, repairing, and equipping facilities of the Department of Human Services and for paying disallowances by the federal government.

(c) The fund shall consist of:

(1) Federal reimbursement received by the Department of Human Services and deposited in the various fund accounts of the department; and

(2) General revenues transferred from the Division of Youth Services, the Division of Behavioral Health Services, and the Division of Developmental Disabilities Services for the purposes of repairing, renovating, equipping, acquiring and constructing Department of Human Services facilities with an annual maximum of five million dollars (\$5,000,000). The projects for which these transfers are authorized must be projects which were unanticipated during the preceding regular session of the Arkansas General Assembly and must be projects which, if not carried out in the interim period between regular sessions of the Arkansas General Assembly would cause greater harm to the facilities, clients or programs of the Department of Human Services than to wait until the next regular session.

(3) Other non-general revenue funds as may be available within the Department of Human Services that can be used for the purposes of this fund.

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**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(d)(1) At the request of the Director of the Department of Human Services, and upon certification of the availability of such funds, the Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect the transfer on the books of record of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services.

(2) The Director of the Department of Human Services shall submit any transfer plan to and must receive approval of the plan from the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee prior to the effective date of the transfer.

(e) Provided, that any non-general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year and all obligated general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year to satisfy such legal and contractual obligations that have been entered into prior to the end of the fiscal year.

(f) Determining the amount of funds appropriated to a state agency is the prerogative of the General Assembly and is usually accomplished by delineating specific line items and by identifying the appropriation and funding attached to that line item. The General Assembly has determined that the Department of Human Services could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing transfer authority in subsection (d) of this section, and since the General Assembly has granted the agency broad powers under the transfer authority concept, it is both necessary and

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

appropriate that the General Assembly maintain oversight of the utilization of the transfer authority by requiring prior approval of the Legislative Council or Joint Budget Committee in the utilization of this transfer authority. Therefore, 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY. The Director of the Department of Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Director of the Department of Human Services is authorized to request fund transfers according to the provisions established by Arkansas Code Ann. 19-5-1020, Department of Human Services Renovation Fund, as amended herein; and

(b) MATCH TRANSFER. The Director of the Department of Human Services, with the approval of the Chief Fiscal Officer of the State, is authorized to effect inter-agency and inter-divisional fund transfers for the purpose of providing the State's matching share for payments made to that Division or Office or its service providers for services eligible for federal reimbursement under programs administered by the Department of Human Services. The Department of Human Services shall report to the Legislative Council or Joint Budget Committee on a quarterly basis all fund transfers made in accordance with the authority granted by this section; and

(c) REALLOCATION OF RESOURCES: (1) The Department of Human Services (DHS) provides hundreds of different services to over 1 million Arkansans. The specific mix of service needs and the funding and staffing required to provide them can vary significantly based on many factors, including natural disasters, changing federal mandates and funding sources, demographic shifts, fluctuating court-ordered services, social trends, and job market variations such as nursing shortages. The impact of these factors through the course of any fiscal year make it very difficult for the Department to accurately predict the exact needs for funding,

AGENCY REQUEST

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**0710 DHS - Director's Office**

**ACT#: 253**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon determination by the Director of the Department of Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the director, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the budget process for the Division of Children and Family Services' compliance with initiatives established under the Angela R. consent decree shall be transferred to any other division. Nothing in this provision is intended to prevent the one-time transfers of savings in any other program to the Arkansas Medicaid Program, with the exception of the provisions previously cited for the Division of Children and Family Services - Angela R. consent decree. The Division of Developmental Disabilities - Grants to Community Providers line item of the Developmental Disabilities Services -

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**0710 DHS - Director's Office**

**ACT#: 253**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Grants-in-Aid appropriation may not be decreased. The appropriation, funding, and positions provided for the five Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers' residents. The exemptions provided in this subsection whereby certain DHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Director of the Department of Human Services shall submit any requests for transfers to and must receive approval of the requests for transfers from the Chief Fiscal Officer of the State, the Governor, and the Arkansas Legislative Council or Joint Budget Committee prior to the effective date of the transfers. Provided, however, that the Department of Human Services shall be limited to submitting no more than four reallocation of resources transfer requests during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

- i) Medicaid Program;
- ii) Facilities and institutions costs, including operational expenses and construction/renovation/equipping expenses;
- iii) Departmental grants and contracts;

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

- iv) Court ordered settlements and payments;
- v) Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency;
- vi) Restructuring efforts as deemed necessary to comply with new and/or unanticipated federal or state mandates; and/or
- vii) Redirecting internal resources, both direct and/or indirect, to meet client needs and 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 Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services 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 of competent jurisdiction, this entire section is void.

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**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(2) If it is determined that the requested reallocation of resources transfers 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 Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services. In addition, the Chief Fiscal Officer of the State, together with the Co-Chairpersons of the Legislative Council or Joint Budget Committee, may approve, on an emergency basis, requests for utilization of this Section without prior approval of the Arkansas Legislative Council or Joint Budget Committee, with any such actions reported at the next meeting of the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM. Special provision for a Nursing/Direct Care Education Stipend Program for the Department of Human Services is hereby authorized to be paid from the State and Federal Funds appropriated in each Division's Act. This program is for eligible nursing students who are attending accredited nursing institutions to become Registered or Licensed Practical Nurses, as well as Certified Nursing Assistants, Residential Care Assistants, Residential Care Technicians, Residential Care Supervisors and Behavioral Health Aides.

The stipend is \$5,000 per person per year. Any student who is awarded and accepts a stipend is under employment commitment to the respective DHS Division and is required to work for that division, in a full-time employee status effective immediately upon graduation. The student employment commitment is equal to the number of years the stipend was awarded and accepted. In the event of Employee/Student default of the employment commitment, the Employee/Student will be considered in breach of contract and repayment of the stipend will be required as specified in the Stipend Contract.

Each division participating in the Education Stipend Program shall determine on an annual basis, the number of student stipends available.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

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**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 13**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>NURSING/DIRECT CARE RECRUITMENT/RETENTION BONUSES. Special provision to provide Nursing/Direct Care Recruitment and Retention Bonuses for the Department of Human Services is hereby authorized to be paid from State the and Federal funds appropriated for each respective Division. Nursing/direct care service recruitment/retention bonuses are in addition to the maximum annual amounts provided in the Regular Salaries Section of the respective Division's Act for Registered Nurse, Licensed Practical Nurse, Certified Nursing Assistant, Residential Care Assistant, Residential Care Technician, Residential Care Supervisor and Behavioral Health Aide. New hire nurses must be licensed by the Arkansas State Board of Nursing. The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed \$4,000 per Registered Nurse and \$2,000 per Licensed Practical Nurse and \$1,000 per Certified Nursing Assistant, Residential Care Assistant, Residential Care Technician, Residential Care Supervisor and Behavioral Health Aide.</p> <p>The lump sum bonus payments and employment commitment to the State will be made in partial payments as follows:</p> <p>Registered Nurse Classifications</p> <ul style="list-style-type: none"><li>\$1,000 after completing 6 months probationary employment</li><li>\$1,500 after completing 1st year employment</li><li>\$1,500 after completing 2nd year employment</li></ul> <p>Licensed Practical Nurse Classifications</p> <ul style="list-style-type: none"><li>\$ 500 after completing 6 months probationary employment</li></ul>	<p align="center">AGENCY REQUEST</p>

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**0710 DHS - Director's Office**

**ACT#: 253**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

\$ 500 after completing 1st year employment  
\$1,000 after completing 2nd year employment

Certified Nursing Assistant/Residential Care Assistant/Residential Care  
Technician/Residential Care Supervisor/Behavioral Health Aide  
Classifications

\$ 500 after completing 6 months probationary employment  
\$ 500 after completing 1st year employment

Any qualified person hired and offered bonus payment described herein will forfeit the balance of the payments if he/she voluntarily resigns or is terminated for cause from employment from the Department of Human Services prior to completing the required employment commitment time periods outlined above.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES - FEDERAL FUNDS. It is the specific intent of the General Assembly that in the event of the availability of federal funding for the Division of Aging, Adult, and Behavioral Health Services during the fiscal year ending June 30, ~~2019~~ 2020, that such funding be utilized to conserve or reduce the expenditure of general revenue except where prohibited by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES. Pay rates for physicians and chief psychologists within the Division of Aging, Adult, and Behavioral Health Services may include the special allowances available to UAMS physicians and professional faculty as described in the special language of the UAMS appropriation. Part of the salaries of such staff will come from the receipt of professional income in the care of patients and/or funds received from federal agencies, foundations and other private sponsors in the support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half times the salary authorized by the General Assembly. The specific Division of Aging, Adult, and Behavioral Health Services classifications covered by this language are:

Class

Code Title

L005N Psychiatric Specialist

L009N DHS Behavioral Health General Physician

L001C Psychologist Supervisor

Prior to these allowances being made available for an individual, they will be approved by the Chief Fiscal Officer of the State and reviewed by the Personnel Committee of the Arkansas Legislative Council or the Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES - VOCATIONAL TRAINEES. The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services is hereby authorized to provide employment opportunities for some of the working residents who are separate from the currently authorized regular vocational trainee positions. The positions authorized herein shall not be incorporated into the present classification system but shall be provided for by each Community Mental Health Center or the State Hospital, on a cash account basis. It is the intent of the General Assembly that the authorization of these positions shall facilitate the Agency's ability to provide for residents who are not part of a regular vocational training program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 18**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES - JOB SHARE. The Division of Aging, Adult, and Behavioral Health Services can utilize job share for positions within the nursing classification (RN, LPN/LPTN, BHA/CNA) for up to 24 hours per week per individual. This will allow the Division to offer weekend option shifts to nursing personnel without increasing the number of positions.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES - STATE HOSPITAL CONTINGENCY POSITIONS. If the Department of Human Services determines, and after prior review by the Legislative Council or Joint Budget Committee, it shall be determined that it is in the best interest of the State of Arkansas to discontinue a management contract with a private provider and it is deemed necessary to utilize Department staff to provide the required services, the Director of the Department of Human Services may request the Department of Finance and Administration to approve the establishment of one or more additional positions at salary rates not to exceed the maximum salaries established for comparable positions in the Uniform Classification and Compensation Act, the Department of Human Services' Appropriation Act, and the University of Arkansas for Medical Sciences' Appropriation Act. Upon approval by the Department of Finance and Administration and after review by the Legislative Council or Joint Budget Committee, the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services may establish such positions.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ARKANSAS HEALTH CENTER. (A) The Department of Human Services shall not close the Arkansas Health Center that provides skilled nursing through specialized services and programs.

(B) The Department of Human Services shall continue to accept clients for whom it has determined that skilled nursing and specialized services are needed at the Arkansas Health Center.

(C) No funds shall be transferred or reduced from the Arkansas Health Center, except for use as federal matching funds, below the approved funding level on March 1, 2003 without the prior approval of the Arkansas Legislative Council or the Joint Budget Committee.

(D) Determining 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 Human Services may operate more efficiently if some flexibility is provided to the Department of Human Services 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

**AGENCY REQUEST**

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EXTRA HELP - BEHAVIORAL HEALTH SERVICES. Employees in extra-help positions at the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services may receive an amount not to exceed eighty-five percent (85%) of the maximum annual salary for a comparable position as authorized under § 21-5-201 et seq. during any fiscal year, nor shall such an employee be employed for a period of time to exceed one thousand eight hundred (1,800) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BEHAVIORAL HEALTH SERVICES - PROCEEDS FOR SALES OF TIMBER AND HAY - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Aging, Adult, and Behavioral Health Services is authorized to use the administrative operating account for capital improvements to the physical plant, and for the purchase of capital equipment, and for the operation of the Arkansas Health Center, operated by the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services. The funds shall be held by the Department of Human Services - Division of Aging, Adult, and Behavioral Health Services, from the proceeds of the sale of timber and hay that may be harvested from land owned by the Division of Aging, Adult, and Behavioral Health Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber and hay is specifically authorized to provide funds to finance capital improvements to the physical plant, for the purchase of major capital equipment, and for the operation of the Arkansas Health Center. The Division of Aging, Adult, and Behavioral Health Services shall report all income derived from the sale of timber and hay to the Chief Fiscal Officer of the State and the Legislative Council or Joint Budget Committee. Any contracts initiated for the harvesting of timber and hay shall be submitted to the Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee for prior review. All expenditures of funds derived from the sale of timber and hay will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 23**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL RATES OF PAY AND EMPLOYMENT WORK DAYS. For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed below, the Division of Aging, Adult, and Behavioral Health Services Director shall implement salary adjustments utilizing the approved pay grid for teachers employed by the Arkansas Schools for the Blind and Deaf.

To achieve the salary adjustments, the Division of Aging, Adult, and Behavioral Health Services is authorized to pay special rates of pay for classifications at the Arkansas State Hospital listed below:

Classification	Title	Grade
E035C	Certified Masters Teacher	GS08
E044C	Certified Bachelors Teacher	GS06

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Division of Aging, Adult, and Behavioral Health Services shall in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Merit Adjustment Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed above, the Division of Aging, Adult, and Behavioral Health Services Director shall set the number of work days for the employment year to equal the number of days worked by those

**AGENCY REQUEST**

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**0710 DHS - Aging, Adult & Behavioral Health Services Division**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

employed in the same classifications at the Arkansas Schools for the Blind and Deaf. The accrual, use, and carryover of sick days, personal days, and holidays of the employees at the Arkansas State Hospital that are hired on or after July 1, 2013, or current employees choosing to adopt this plan, shall be treated in the same manner as those employed in the same classifications at the Arkansas Schools for the Blind and Deaf.

Those currently employed at the Arkansas State Hospital in the classifications listed above as of June 30, 2013, have the one-time option of adopting this language or continuing to operate under the same salary, leave and benefit plans they are currently receiving. Employees must make their decision by June 30, 2013.

Accrued annual and holiday leave, up to 240 hours, as of June 30, 2013, will be paid out to current employees choosing to adopt this plan. Any additional accrued annual and holiday leave will be forfeited. Accrued sick leave, as of June 30, 2013, shall be retained on file and shall be exhausted before any newly accrued sick leave may be taken.

All employees affected by this section shall be eligible to receive hazardous duty pay for time worked in eligible areas.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 24**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AGING AND ADULT SERVICES - MATCHING FUNDS. The funds appropriated for state match for the Arkansas Senior Olympics Program in this Act shall be paid on a two-to-one state/local matching basis. The Senior Arkansas Sports Organization must certify its portion of the match to the Division of Aging, Adult, and Behavioral Health Services before any funds appropriated for state match for the Arkansas Senior Olympics Program in this Act are disbursed.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AGING AND ADULT SERVICES - STATE MATCH AUTHORIZED. The Director of the Department of Human Services is authorized to use State funds appropriated in this Act to match Federal funds available under Title III and Title V of the Older Americans Act, Social Services Block Grant, or such other federal funds as may become available.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 26**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AGING AND ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES. All appropriations for state and federal funding contained herein for Aging and Adult Services and that are distributed under grant or contract methodologies may be disbursed by the Department of Human Services in the same manner as authorized under federal regulations for the disbursement of Title III Older Americans Act funds. Otherwise, all disbursements shall comply with the provisions of this Act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 27**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>AGING AND ADULT SERVICES - NURSING HOME CARE ALTERNATIVES. Funding for "Nursing Home Care Alternatives", as it appears in the Aging and Adult Services - Operations appropriation may be used for home delivered meals, adult day care, homemaker/chore, respite care, personal care, health promotion, and other community-based activities. These funds may also be used to match Medicaid community-based programs.</p> <p>The provisions of this section shall be in effect only from July 1, <del>2018</del> <u>2019</u> through June 30, <del>2019</del> <u>2020</u>.</p>	<p align="center">AGENCY REQUEST</p>

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Aging, Adult & Behavioral Health Services Division**

**ACT#: 247**

**SECTION#: 28**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SENIOR CITIZEN CENTERS. The appropriation in this act for Senior Citizen Centers shall be distributed in the same manner as the funding formula requirements set out in the federal Older Americans Act funding law. The additional funding provided by this provision shall supplement and not supplant any monies currently funding services for Senior Citizen Centers.

The requirements in this section shall only be implemented in accordance with any necessary approval by the Centers for Medicare and Medicaid Services and in the event that additional general revenue funding is provided by the General Assembly for these purposes. Should additional funding provided for these purposes be insufficient to provide for the increases in full, the increases shall be provided to the extent that funding is made available.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 256**

**SECTION#: 4**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CERTIFICATION AND LICENSURE. The Division of Provider Services and Quality Assurance of the Department of Human Services is authorized to use funds appropriated for the certification or licensure of an entity on behalf of any division of the Department of Human Services. Any entity holding a certification or license funded through an appropriation for the Division of Provider Services and Quality Assurance of the Department of Human Services shall hold its certification or license under the authority of the relevant division of the Department of Human Services. All laws that apply to a certified or licensed entity by a relevant division of the Department of Human Services shall apply to an entity certified or licensed by the Division of Provider Services and Quality Assurance on behalf of a relevant division of the Department of Human Services.

The provisions of this section shall be in effect only from July 1, ~~2018~~2019 through June 30, ~~2019~~2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MEDICAID EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as established by Initiated Act 1 of 2000 and enacted in the Tobacco Settlement Proceeds Act shall be a separate and distinct component of the Arkansas Medicaid Program, administered by the Department of Human Services and established as set out in § 19-12-116(b) (1). Separate Paying Accounts shall be established for the Medicaid Expansion Program as designated by the Chief Fiscal Officer of the State, to be used exclusively for the purpose of drawing down federal funds associated with the federal share of expenditures and for the state share of expenditures transferred from the Medicaid Expansion Program Account or for any other appropriate state match funds.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ACCOUNTS. Such appropriations and fund accounts as may be necessary to administer the provisions of this act shall be established on the books of the Chief Fiscal Officer of the State, State Treasurer, and the Auditor of the State.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522, but only as provided by this act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council or Joint Budget Committee, approve the requested transfer if in his opinion it is in the best interest of the state.

Upon determination by the Director of the Department of Human Services that a Reallocation of Resources is necessary for the effective operation of the Medicaid Expansion Program Grants, the director, with the approval of

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

the Governor, shall have the authority to request from the Chief Fiscal Officer of the State a transfer of Appropriation. This transfer authority applies only to the Medicaid Expansion Program Grants appropriation section of this Act between the Hospital and Medical Services line item and the Prescription Drugs line item. The limitation restrictions applicable to the Department Reallocation of Resources authority applies to this section.

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council or Joint Budget Committee in the utilization of the transfer authority. Therefore, 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Provider Services & Quality Assurance**

**ACT#: 257**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - County Operations Division**

**ACT#: 255**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

INTER-AGENCY TRANSFER OF STATE GENERAL REVENUE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Director of the Department of Human Services (DHS) and the Director of the Department of Workforce Services (DWS), the Chief Fiscal Officer of the State may approve up to \$3,640,650 in State General Revenue appropriated to DWS for the TANF Program to be transferred to the Department of Human Services - Division of County Operations in support of Arkansas' Temporary Assistance for Needy Families (TANF) Programs or any related Separate State Programs. The Director of the Department of Workforce Services shall provide a report of all transfers made to the DHS - Division of County Operations to the Performance Evaluation and Expenditure Review Committee of the Arkansas Legislative Council and/or Joint Budget Committee. The report must include the justification for and the amount of the completed transfers.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - County Operations Division**

**ACT#: 255**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DIVISION OF COUNTY OPERATIONS - STATE AND FEDERAL DISASTER DECLARATIONS. It will be permissible for the Division of County Operations to implement the following exemptions in the event that a State or Federal Disaster is declared: (1) Exceed the 240 hour per quarter limit on the purchase of temporary help; and, (2) Waive the 1,000 hour limit per State Fiscal Year for Extra Help positions.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 246**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEVELOPMENTAL DISABILITIES - GRANTS TO COMMUNITY BASED PROVIDERS. Funds allocated ~~under the appropriation~~ for community-based services, ~~for under the appropriation for (i) Grants to Community Providers,~~ ~~in the Developmental Disabilities Services - Grants-in-Aid appropriation in this act,~~ (ii) the Grants/Patient Services Line in the Operations appropriation in this act, and (iii) the Inter-Divisional Programs appropriation in this act, shall be used only to provide services through private community based services licensed or certified by the Arkansas Division of Developmental Disabilities Services (DDS) or a private community provider licensed by a Provider-Led Arkansas Shared Savings Entity (PASSE). Non-profit community-based programs licensed by the Division of Developmental Disabilities Services or a Provider-Led Arkansas Shared Savings Entity are quasi-governmental instrumentalities of the state which provide supports and services to individuals who have a developmental disability or delay, who would otherwise require supports and services through state-operated programs and facilities owned by the State of Arkansas. When ~~DDS~~ licensed providers are involved in delivering services which are Medicaid reimbursable, they must enroll as a provider with the Arkansas Medicaid Program and must bill the Arkansas Medicaid Program for all covered services for eligible individuals.

Services which are covered by the Arkansas State Medicaid Program or under the ~~Alternative Community Services Waiver Program (ACS) Provider-Led Arkansas Shared Savings Entity (PASSE) model~~ will be utilized to the maximum extent possible for any individual who is eligible for Medicaid coverage. It is the intent of this section that DDS, as a general policy,

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 246**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

maximize the use of Medicaid funding available for appropriate services.

~~Licensed private community providers. The State shall require each provider funded from this these A appropriations for community based services, shall: including funding from the Grants/Patient Services Line, in the Developmental Disabilities Services - Operations appropriation, or from the Grants to Community Providers Line, in the Developmental Disabilities Services - Grants-in-Aid appropriation,~~

~~1. to s Screen each individual to whom services are provided for a determination of eligibility or ineligibility for Medicaid coverage within thirty days of the first date that services are provided.~~

~~2. Meet minimum standards of performance in the delivery of services to people with disabilities as defined by the Department of Human Services - Division of Developmental Disabilities Services.~~

~~3. Supply statistical and financial data to the Department of Human Services - Division of Developmental Disabilities Services.~~

~~4. Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services.~~

~~5. Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing involvement and individualized services for persons with disabilities. Every community support program shall provide services for persons with disabilities who reside within the respective area of the program.~~

It is the intent of this section to insure that wherever possible and appropriate, Medicaid funds are utilized ~~for covered or waived services to~~

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 246**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~individuals who are eligible for coverage under the Arkansas Medicaid Program or the ACS Waiver.~~

Nothing in this Act shall prevent the Division or any provider from extending emergency services when appropriate measures have been taken in a timely manner to secure Medicaid eligibility.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 246**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEVELOPMENTAL DISABILITIES - VOCATIONAL TRAINEES. The Division of Developmental Disabilities Services of the Department of Human Services is hereby authorized to provide employment opportunities for people with developmental disabilities residing at the Human Development Centers who work at less than a competitive employment level.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 246**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~GRANTS IN AID — CONDITIONS FOR RECEIVING FUNDS. Private non-profit community-based programs licensed by the Department of Human Services — Division of Developmental Disabilities Services, are eligible to receive funds appropriated for Grants to Community Providers in the Developmental Disabilities Services — Grants-in-Aid appropriation of this Act, and as a condition of receiving such funds they shall:~~

- ~~1. Meet minimum standards of performance in the delivery of services to people with disabilities as defined by the Department of Human Services — Division of Developmental Disabilities Services.~~
  - ~~2. Supply statistical and financial data to the Department of Human Services — Division of Developmental Disabilities Services.~~
  - ~~3. Establish and maintain a sound financial management system in accordance with guidelines as set forth by the Department of Human Services.~~
  - ~~4. Establish and maintain community support programs designed to provide coordinated care and treatment to ensure ongoing involvement and individualized services for persons with disabilities. Every community support program shall provide services for persons with disabilities who reside within the respective area of the program.~~
- ~~The provisions of this section shall be in effect only from July 1, 2018 2019 through June 30, 2019-2020.~~

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**0710 DHS - Developmental Disabilities Services Division**

**ACT#: 246**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEVELOPMENTAL DISABILITIES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Developmental Disabilities Services is authorized to use the administrative operating accounts for capital improvements to physical plants and for the purchase of capital equipment. The funds shall be held by the Department of Human Services - Division of Developmental Disabilities Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Developmental Disabilities Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plants and for the purchase of major capital equipment.

The Division of Developmental Disabilities Services shall report all income derived from timber management to the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee. Any contracts initiated for the harvesting of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

HUMAN DEVELOPMENT CENTERS AND COMMUNITY PROVIDERS.

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(A) The Developmental Disabilities Services Board or the Department of Human Services shall not close any of the state administered Human Development Centers which are located at Conway, Arkadelphia, Jonesboro, Booneville, and Warren.

(B) The Department of Human Services shall continue to accept clients for whom it has determined that therapy and residential services are needed at state administered Human Development Centers and Community Programs licensed by DDS shall continue to accept clients for whom it has been determined in accordance with federal law that are in need of services in the community.

(C) Except for use as federal matching funds, no funds for community based services licensed by DDS shall be transferred from Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation unless the transfer(s) directly benefit(s) community based services for persons with developmental disabilities or from the appropriation for the Human Development Centers unless the transfer(s) directly benefit(s) the Human Development Centers.

(D) Nor shall any general revenue funding as of July 1, ~~2018~~ 2019 from the Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation for persons with developmental disabilities or from any other general revenues as of July 1, ~~2018~~ 2019, applied as federal matching funds for community based services licensed by DDS on July 1, ~~2018~~ 2019 be reduced below the approved funding level on July 1, ~~2018~~ 2019; nor shall the general revenues applied

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as federal matching funds for the Human Development Centers be reduced below the approved funding level on July 1, ~~2018~~ 2019.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**ACT#: 246**

**SECTION#: 16**

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**EXECUTIVE RECOMMENDATION**

~~AUTISM TREATMENT AND COORDINATION. The Department of Human Services — Division of Developmental Disabilities Services shall promulgate rules and regulations regarding the licensure and oversight of Applied Behavior Analysts as described in Arkansas Code § 23-99-418. The rules and regulations shall include a requirement for a licensure application fee equal to that charged to applicants to be licensed as a psychologist as described in Arkansas Code § 17-97-309. Proceeds from this fee are declared as cash funds.~~

~~—The provisions of this section shall be in effect only from July 1, 2018 2019 through June 30, 2019-2020.~~

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**0710 DHS - Medical Services Division**

**ACT#: 241**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MEDICAL SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior to making any changes to the current pharmaceutical dispensing fee, the State shall conduct an independent survey utilizing generally accepted accounting principles, to determine the cost of dispensing a prescription by pharmacists in Arkansas. Only factors relative to the cost of dispensing shall be surveyed. These factors shall not include actual acquisition costs or average profit or any combination of actual acquisition costs or average profit. The survey results shall be the basis for establishing the dispensing fee paid to participating pharmacies in the Medicaid prescription drug program in accordance with Federal requirements. The dispensing fee shall be no lower than the cost of dispensing as determined by the survey. Nothing in this section shall be construed to prohibit the State from increasing the dispensing fee at any time.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>MEDICAL SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.</p> <p>(a) Rates established by the Division of Medical Services for the services or programs covered by this Act shall be calculated by the methodologies approved by the Centers for Medicare and Medicaid Services (CMS). The Division of Medical Services shall have the authority to reduce or increase rates based on the approved methodology. Further, the Division of Medical Services shall have the authority to increase or decrease rates for good cause including, but not limited to: (1) Identification of provider(s) who can render needed services of equal quality at rates less than traditionally charged and who meet the applicable federal and state laws, rules and regulations pertaining to the provision of a particular service;</p> <p>(2) Identification that a provider or group of providers has consistently charged rates to the Arkansas Medicaid Program greater than to other purchasers of medical services of similar size;</p> <p>(3) The Division determines that there has been significant changes in the technology or process by which services are provided by a provider or group of providers which has affected the costs of providing services, or;</p> <p>(4) A severe economic downturn in the Arkansas economy which has affected the overall state budget of the Division of Medical Services.</p> <p>The Division of Medical Services shall make available to requesting providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates established with cost of living increases based on the CMS Market Basket Index or other indices will be adjusted annually except when the state budget does not provide sufficient appropriation and funding to affect</p>	<p align="center">AGENCY REQUEST</p>

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the change or portion thereof.

(b) Any rate methodology changes proposed by the Division of Medical Services both of a general and specific nature, shall be subject to prior 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 Human Services - Division of Medical Services may operate more efficiently if some flexibility is provided to the Department of Human Services - Division of Medical Services 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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FUND USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department of Human Services - Division of Medical Services to retain in the Department of Human Services Grant Fund account an amount not to exceed \$2,100,000 from funds made available by this Act in the Child and Family Life Institute line item of the Grants appropriation to be used to match federal funds used for supplemental Medicaid payments to Arkansas Children's Hospital. These retained funds shall not be recovered to transfer to the General Revenue Allotment Reserve Fund.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

STATE PLAN. The State Plan must include the provision of EPSDT services as those services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§ 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r) lists in detail the screening services, vision services, dental services, and hearing services that the State Plan must expressly include, but with regard to treatment services, it states that EPSDT means "[s]uch other necessary health care, diagnostic services, treatment, and other measures described in subsection (a) of this section to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered under the State Plan." 42 U.S.C. § 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. § 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan need not specifically list every treatment service conceivably available under the EPSDT mandate.

The State Plan, however, must pay part or all of the cost of treatments to ameliorate conditions discovered by the screening process when those treatments meet the definitions set forth in 42 U.S.C. § 1396a. See 42 U.S.C. § 1396d(r)(5); see also 42 U.S.C. §§ 1396a(a)(10), 1396a(a)(43), and 1396d(a)(4)(B). The Arkansas State Plan states that the "State will provide other health care described in [42 U.S.C. 1396d(a)] that is found to be medically necessary to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, even when such health care is not otherwise covered under the State Plan." See State Plan Under Title XIX of the Social Security Act, State Of Arkansas at §4.b. This provision meets the EPSDT mandate of the Medicaid Act.

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We affirm the district court's decision to the extent that it holds that a Medicaid-Eligible individual has a federal right to early intervention day treatment when a physician recommends such treatment. Section 1396d(r) (5) states that EPSDT includes any treatments or measures outlined in 42 U.S.C. §1396d(a). There are twenty-seven sub-parts to 42 U.S.C. §1396d (a), and we find that sub-part (a)(13), in particular, when read with the other sections of the Medicaid Act listed above, mandates that early intervention day treatment be provided when it is prescribed by a physician. See 42 U.S.C. §1396d(a)(13) (defining medical assistance reimbursable by Medicaid as "other diagnostic, screening, preventive, and rehabilitative services, including any medical or remedial services recommended by a physician...for the maximum reduction of physical and mental disability and restoration of an individual to the best possible functional level"). Therefore, after CHMS clinic staff perform a diagnostic evaluation of an eligible child, if the CHMS physician prescribes early intervention day treatment as a service that would lead to the maximum reduction of medical and physical disabilities and restoration of the child to his or her best possible functional level, the Arkansas State Plan must reimburse the treatment. Because CHMS clinics are the only providers of early intervention day treatment, Arkansas must reimburse those clinics.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0710 DHS - Medical Services Division**

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**SECTION#: 12**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>MEDICAL SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.</p> <p>(a) It is the legislative intent that the Department of Human Services in its administration of the Arkansas Medicaid Program set forth Medicaid provider participation requirements for "personal care providers" that will insure sufficient available providers to meet the required needs of all eligible recipients, to include insuring available in home services twenty-four (24) hours a day and seven (7) days a week for personal care.</p> <p>(b) For the purposes of this section, "private care agencies" are defined as those providers licensed by the Department of Labor, certified as ElderChoices Providers and who furnish in home staffing services for respite, chore services, and homemaker services, and are covered by liability insurance of not less than one million dollars (\$1,000,000) covering their employees and independent contractors while they are engaged in providing services, such as personal care, respite, chore services, and homemaker services.</p> <p>(c) The purpose of this section is to allow the private care agencies defined herein to be eligible to provide Medicaid reimbursed personal care services seven (7) days a week, and does not supercede Department of Human Services rules establishing monthly benefit limits and prior authorization requirements.</p> <p>(d) The availability of providers shall not require the Department of Human Services to reimburse for twenty-four (24) hours per day of personal care services.</p> <p>(e) The Arkansas Department of Human Services, Medical Services</p>	<p align="center">AGENCY REQUEST</p>

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Division shall take such action as required by the Centers for Medicare and Medicaid Services to amend the Arkansas Medicaid manual to include private care agencies as qualified entities to provide Medicaid reimbursed personal care services.

(f) The private care agencies shall comply with rules and regulations promulgated by the Arkansas Department of Health which shall establish a separate licensure category for the private care agencies for the provision of Medicaid reimbursable personal care services seven (7) days a week.

(g) The Arkansas Department of Health shall supervise the conduct of the personal care agencies defined herein.

(h) The purpose of this section is to insure the care provided by the private care agencies is consistent with the rules and regulations of the Arkansas Department of Health.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Arkansas Works" means Arkansas Works established under the Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.

(b)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.

(2) The purposes of subdivision (b)(1) of this section are typically accomplished by:

- (A) Identifying the purpose in the appropriation act;
- (B) Delineating such maximums in the appropriation act for a state agency; and

(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, Arkansas Code § 19-5-101 et seq.

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.

(c)(1) Except as provided in this subsection, the Department of Human Services shall not allocate, budget, expend, or utilize any appropriation authorized by the General Assembly for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas Works, including without limitation:

- (A) Unsolicited communications mailed to potential

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recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

(D) Advertisements printed in newspapers, magazines, or other print media; and

(E) Internet websites and electronic media.

(2) This subsection does not prohibit the department from:

(A) Direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Solicited communications with potential

recipients;

(C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.

(ii) Educational materials and information distributed under subdivision (c)(2)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding the coverage for which the potential recipient might be eligible; and

(D) Using an Internet website for the exclusive purpose of enrolling individuals in the Arkansas Health Insurance Marketplace or Arkansas Works.

(d) The Department of Human Services shall not apply for or accept any funds, including without limitation federal funds, for the purpose of

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advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas Works.

(e)(1) Except as provided in subdivision (e)(2) of this section, the Department of Human Services shall not:

(A)(i) Except as provided in subdivision (e)(1)(A)(ii) of this section, allocate, budget, expend, or utilize an appropriation authorized by the General Assembly for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

(ii) Subdivision (e)(1)(A)(i) of this section does not apply to regulatory and training responsibilities related to navigators, guides, certified application counselors, and certified licensed producers; and

(B) Apply for or accept any funds, including without limitation federal funds, for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

(2) Subdivision (e)(1) of this section does not apply to certified application counselors at health related institutions, including without limitation the University of Arkansas for Medical Sciences.

(f) An appropriation authorized by the General Assembly shall not

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be subject to the provisions allowed through reallocation of resources or transfer of appropriation authority for the purpose of transferring an appropriation to any other appropriation authorized for the Department of Human Services to be allocated, budgeted, expended, or utilized in a manner prohibited by this section.

(g) The provisions of this section are severable, and the invalidity of any subsection or subdivision of this section shall not affect other provisions of the section that can be given effect without the invalid provision.

(h) This section expires on June 30, ~~2018~~ 2019.



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**EXECUTIVE RECOMMENDATION**

SEVERABILITY. If any provisions of this act or the application of this act to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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**EXECUTIVE RECOMMENDATION**

MEDICAID EXPANSION PROGRAM - PAYING ACCOUNTS. The Medicaid Expansion Program as established by Initiated Act 1 of 2000 and enacted in the Tobacco Settlement Proceeds Act shall be a separate and distinct component of the Arkansas Medicaid Program, administered by the Department of Human Services and established as set out in § 19-12-116(b) (1). Separate Paying Accounts shall be established for the Medicaid Expansion Program as designated by the Chief Fiscal Officer of the State, to be used exclusively for the purpose of drawing down federal funds associated with the federal share of expenditures and for the state share of expenditures transferred from the Medicaid Expansion Program Account or for any other appropriate state match funds.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

ACCOUNTS. Such appropriations and fund accounts as may be necessary to administer the provisions of this act shall be established on the books of the Chief Fiscal Officer of the State, State Treasurer, and the Auditor of the State.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

POSITIONS. (a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522, but only as provided by this act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council or Joint Budget Committee, approve the requested transfer if in his opinion it is in the best interest of the state.

Upon determination by the Director of the Department of Human Services that a Reallocation of Resources is necessary for the effective operation of the Medicaid Expansion Program Grants, the director, with the approval of

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the Governor, shall have the authority to request from the Chief Fiscal Officer of the State a transfer of Appropriation. This transfer authority applies only to the Medicaid Expansion Program Grants appropriation section of this Act between the Hospital and Medical Services line item and the Prescription Drugs line item. The limitation restrictions applicable to the Department Reallocation of Resources authority applies to this section.

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council or Joint Budget Committee in the utilization of the transfer authority. Therefore, 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by Initiated Act 1 of 2000, the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Services for the Blind Division**

**ACT#: 237**

**SECTION#: 4**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT. The Rehabilitation Act Amendments of 1992, commonly referred to as the Comprehensive System of Personnel Development (CSPD), requires State Vocational Rehabilitation (VR) agencies to establish qualified personnel standards for rehabilitation personnel, including Vocational Rehabilitation Counselors, that are consistent with any national or State-approved or recognized certification, licensing, or registration that apply to a particular profession. In order to comply with the Rehabilitation Act and its State Plan requirements, there is hereby authorized for the Department of Human Services, Division of State Services for the Blind a general waiver of the Financial Management Guide, R1-19-4-522 Continuing Professional Education. This waiver allows the agency to provide college level coursework in degree programs for any eligible employees selected by the agency. This provision covers any and all formula and discretionary grants funded by the U.S. Department of Education Rehabilitation Services Administration, now or in the future, including, but not limited to, the Vocational Rehabilitation Program, Supported Employment, Independent Living, and the Staff Development Grant. No state general revenue shall be expended for the tuition in pursuit of a degree authorized herein.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 245**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM. The Department of Human Services shall provide funding in an amount not to exceed \$240,000 for the fiscal years ending June 30, ~~2019~~ 2020 and June 30, 2021 for the Juvenile Ombudsman Program described in ACA 16-87-216. Upon request by the Executive Director of the Arkansas Public Defender Commission, the Chief Fiscal Officer of the State shall transfer an amount not to exceed \$240,000 for the fiscal years ending June 30, ~~2019~~ 2020 and June 30, 2021 from an account designated by the Director of the Department of Human Services to the State Central Services Fund as a direct revenue to fund the Juvenile Ombudsman Program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020 and July 1, 2020 through June 30, 2021.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 245**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS FOR LOCAL JUVENILE DETENTION FACILITIES. The Chief Fiscal Officer of the State shall transfer funds in an amount of \$400,000 for the fiscal years ending June 30, ~~2019~~ 2020 and June 30, 2021 from the Department of Human Services - Youth Services Fund Account to the Juvenile Detention Facilities Operating Fund to fund the appropriation to the Department of Finance and Administration - Disbursing Officer for grants for operating expenses of local juvenile detention facilities.

The amount of the funds transferred in the fiscal years ending June 30, ~~2019~~ 2020 and June 30, 2021 may be adjusted upon request of the Director of the Department of Human Services on a pro-rata basis with any reductions provided in the Revenue Stabilization Law from the July 1 Official Forecast of general revenue funding for the Division of Youth Services.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020 and July 1, 2020 through June 30, 2021.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 245**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

YOUTH SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT. The Division of Youth Services is authorized to use the administrative operating account for capital improvements to the physical plant and for the purchase of capital equipment by the Mansfield Youth Services Facility operated by the Department of Human Services, Division of Youth Services. The funds shall be held by the Department of Human Services, Division of Youth Services from the proceeds of the sale of timber that may be harvested from land owned by the Division of Youth Services. All funds deposited and all expenses shall be tracked separately. The harvesting of timber is specifically authorized to provide funds to finance capital improvements to the physical plant and for the purchase of major capital equipment by the Mansfield Facility from which the timber is sold.

The Division of Youth Services shall report all income derived from the sale of timber to the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee. Any contracts initiated for the harvesting and sale of timber shall be submitted to the Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee for prior review. All expenditures of funds derived from the sale of timber will be expended in accordance with relevant state purchasing laws.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2021.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 245**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

RESIDENTIAL SERVICES CONTINGENCY. If it has been determined that the Department of Human Services - Division of Youth Services cannot continue to contract with private provider(s) for residential juvenile services, educational services, therapeutic services, and/or medical services and deems it necessary to utilize Department staff to provide all or parts of the required services above, the Department is authorized to seek the approval of the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee to utilize the contingent residential services positions contained in this Act and to make the appropriate transfers from any line item authorized in the RESIDENTIAL SERVICES appropriation of this Act to any line item authorized in the OPERATIONS appropriation of this Act. If it has been determined that the Department of Human Services - Division of Youth Services cannot continue to operate one or more of the various service components of a Residential Facility for residential juvenile services, educational services, therapeutic services, and/or medical services and deems it necessary to utilize a contract with private provider(s), the Department is authorized to seek the approval of the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council or Joint Budget Committee to make the appropriate transfers from any line item authorized in the OPERATIONS appropriation of this Act to any line item authorized in the RESIDENTIAL SERVICES appropriation of this Act.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0710 DHS - Youth Services Division**

**ACT#: 245**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EXTRA HELP SALARIES - CONTINGENT RESIDENTIAL SERVICES POSITIONS.  
There is hereby established for the Department of Human Services - Division of Youth Services - Contingent Residential Services Positions, the following maximum number of positions 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. Requests to use positions will be based upon the non-contracted services for residential juvenile services, educational services, therapeutic services, and/or medical services. If at such time a category(s) of services are contracted with private provider(s), identified positions associated with such service(s) shall be returned to the contingency pool. In order to ensure required staffing levels, Extra Help positions authorized herein are specifically exempt from limitation of hours, either by Act or regulation.

AGENCY REQUEST

CONTINGENT POSITIONS - RESIDENTIAL SERVICES

ITEM	CLASS		MAXIMUM
NO.	CODE	TITLE	NO. OF
			EMPLOYEES
(01)	9999	EXTRA HELP	<u>320</u>
GRAND TOTAL CONTINGENT POSITIONS			320

The provisions of this section shall be in effect through June 30, ~~2019~~ 2021.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the Department of Education Fund Account at the end of a fiscal year shall remain in the Department of Education Fund Account and be made available to fund appropriation(s) authorized by law and made payable from the Department of Education Fund Account for the following fiscal year.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council or Joint Budget Committee all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from statewide education issues and the necessity of recruiting and retaining qualified personnel, the Arkansas Department of Education or its successor agency is authorized for the ~~2018-2019~~ 2019-2020 fiscal year a pool of no more than five (5) ~~Professional/Executive~~ Information Technology positions at a salary not to exceed the maximum salary for a grade ~~N912~~ IT12. These positions are to be used by the Department of Education in the event that the personal services needs of the Department during the ~~2018-2019~~ 2019-2020 fiscal year require additional positions, either by title or in number, that are not authorized by the General Assembly in the Regular Salaries section of this Act. These positions may also be used to properly classify positions when the Department does not have a vacant position available with the appropriate title and salary level.

(b) To address needs emerging from statewide education issues and the necessity of recruiting and retaining qualified personnel, the Arkansas Department of Education or its successor agency is authorized for the ~~2018-2019~~ 2019-2020 fiscal year a pool of ten (10) ~~classified~~ General Salaries positions at up to a grade ~~C130~~ GS15. These positions are to be used by the Department of Education in the event that the personal services needs of the Department during the ~~2018-2019~~ 2019-2020 fiscal year require additional positions, either by classification or in number, that are not authorized by the General Assembly in the Regular Salaries section of this Act. These positions may also be used to properly classify positions when the Department does not have a vacant position available with the appropriate title and grade level.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(c) Any salary determinations or adjustments administered under the provisions of Subsections (a) and (b) of this Section shall be made by comparing the qualifications and salary levels of similar employees in school districts or in other state education agencies.

(d) The Department of Education is authorized to access the pool positions authorized in this Section at any time when it is determined by the Commissioner that the need exists. The Commissioner shall provide a monthly report of the justification for the need to allocate titles from this growth pool to the Chief Fiscal Officer of the State and to the Arkansas Legislative Council or Joint Budget Committee for review. The report shall also include an accounting of the names, titles, and salaries of personnel whose salaries have been adjusted under provisions of Subsections (a) and (b) of this Section.

(e) If the Department of Education requests continuation of any "Position Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.

(f) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas Department of Education could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing a position pool in Subsections (a) and (b) of this Section and since the General

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the position pool by requiring review of the Legislative Council or Joint Budget Committee in the utilization of the position pool. Therefore, the requirement of review by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of review 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 23**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~ARKANSAS LEADERSHIP ACADEMY -- REDUCTION OF FUNDS RESTRICTION. Upon determination by the Department of Education that a reduction in the amount of available appropriation within the Department of Education Fund Account is required from the amount appropriated, the reduction in the available appropriation from the full amount appropriated for the Arkansas Leadership Academy shall be limited to the average percentage reduction in the other appropriations to the Department of Education from the Department of Education Fund Account.~~

~~The provisions of this section shall be in effect only from July 1, 2018 through June 30, 2019.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 24**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY" line item in the State Operations Appropriation Section of this Act shall be used for the School Support Program which will provide support to schools or school districts designated by the Department of Education as being in school improvement status and to provide for general operations of the Leadership Academy.~~

~~The provisions of this section shall be in effect only from July 1, 2018 through June 30, 2019.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - General Education**

**ACT#: 244**

**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

STATE FUND RESTRICTIONS. No state funds shall be used for abortion referral in public schools, or for abortion services. Funds shall be expended in accordance with Arkansas Code Annotated § 6-18-703.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 6**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

R.I.S.E. ARKANSAS - CARRY FORWARD. Any unexpended balance of monies allocated for R.I.S.E. Arkansas remaining on June 30, ~~2019~~ 2020, in the Department of Education Public School Fund Account shall be designated and retained for the R.I.S.E. Arkansas. Any carry forward of unexpected balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council or Joint Budget Committee all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in item (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose, etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

AGENCY REQUEST

(4) Thereupon, the Department of Finance and Administration shall

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 7**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUND ALLOCATION. The appropriation for the Isolated Funding line item in the Grants and Aid to Local School Districts and Special Programs section of this Act may be fully funded. Any funding and appropriation for Isolated Funding that is not utilized shall be transferred to the appropriation for Special Needs Isolated Funding in the Grants and Aid to Local School Districts and Special Programs section of this Act and shall be used there for fully funding each subsection (c) through (f) of Arkansas Code § 6-20-604 on a pro rata basis until the available funds are exhausted. Pro rata basis is defined as providing each district qualifying for additional funding under subsections (c) through (f) a proportionate share based on how each district's additional funding amount bears to the total additional funding amounts for all qualifying districts. If any funding and appropriation remains after funding each subsection (c) through (f) of Arkansas Code § 6-20-604 the remaining balance shall be used to fund the provisions of Arkansas Code § 6-20-604 (h) on an equal basis until the available funds are exhausted.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

GRANTS TO SCHOOL DISTRICTS. For the purposes of distributing the Grants To School Districts appropriation in the Grants and Aid to Local School Districts and Special Programs section of this Act, "school district" means a school district which contracts with a school district in an adjoining state for the education of some of the pupils within the Arkansas school district because the portion of the school district wherein such pupils live is completely separated from the remainder of the school district by a reservoir covering at least 12,000 acres at normal water level, and where to attend school in their own district, the pupils of said portion would be required to travel or to be transported a distance (measured by the nearest highway or road route) of more than 35 miles round trip and pass through another school district or districts. The Department of Education shall distribute the monies appropriated for Grants to School Districts in the Grants and Aid to Local School Districts and Special Programs section of this Act to such school districts as reimbursement for expenses incurred in educating the pupils residing in the separated portion of the school district. The payments are to be limited to the amount of available appropriation. Such school districts shall file a request for reimbursement with the Department of Education and provide the Department of Education with such documentation as is deemed necessary.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL EDUCATION SERVICES. The funds appropriated in the line item "Special Education Services" in the Grants and Aid to Local School Districts and Special Programs section of this Act shall be used to provide extended year summer programs for handicapped students in need of such services, to provide special education services to foster children who are wards of the State, and to provide funds for the payment of salaries of special education supervisors. The Department of Education shall distribute such funds in the manner necessary to carry out the intent of this Section.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each fiscal year thereafter, the Department of Education shall from time to time as needed, certify to the State Treasurer and the Chief Fiscal Officer of the State, the amount of funds disbursed or approved to be disbursed by the Department of Education for desegregation expenses under any "Desegregation Settlement Agreement". Upon the receipt of such certification, the State Treasurer, after making those deductions as set out in Arkansas Code 19-5-202(b)(2)(B), shall also deduct from the net general revenues the amount certified and transfer this amount to the Department of Education Public School Fund Account there to be used exclusively for payment of or reimbursement for expenses incurred from the Department of Education Public School Fund Account under any "Desegregation Settlement Agreement".~~

~~The provisions of this section shall be in effect only from July 1, 2018 through June 30, 2019.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation Incentive shall be allocated in accordance with rules and regulations established by the State Board of Education.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for Residential Centers/Juvenile Detention shall be allocated in accordance with rules and regulations established by the State Board of Education.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY. The Commissioner of the Department of Education, with the approval of the Chief Fiscal Officer of the State and after approval by the Arkansas Legislative Council or Joint Budget Committee, is hereby authorized to request necessary appropriation transfers and any other budget related adjustments necessary within the Department of Education. Provided, however, that the Department of Education shall be limited to submitting no more than two transfer requests during any fiscal year.

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 Education may operate more efficiently if some flexibility is provided to the Commissioner of the Department of Education authorizing broad powers under the Transfer Authority provision 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, ~~2018~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AETN DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds authorized herein to the Department of Education for the Quiz Bowl each fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each fiscal year may be made available to the Department of Education - Educational Television Division for its documented costs associated with the Quiz Bowl.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item "Distressed School District Support" in the Grants and Aid to Local School Districts and Special Programs section of this Act may be used for technical assistance offered by the Department of Education to school districts in academic distress that can include, but is not limited to, teacher specialists, principal specialists, and other personnel assigned by the department. These funds may also be used for alternative research-based technical assistance or programs. Criteria for selecting and approving alternative research-based technical assistance or programs are to be promulgated as a rule by the State Board of Education, provided that alternative staffing and/or compensation programs for teachers shall be approved by at least a majority of the teachers in the school, schools, or school district participating in the program. The provisions of this section shall be in effect only from July 1, 2018 through June 30, 2019.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School Districts shall pay the teacher retirement employer contribution rate for any eligible employee in accordance with rules and regulations established by the Teacher Retirement Board of Directors. The appropriation contained herein for Teacher Retirement Matching each fiscal year shall be used to provide the employer matching for employees of the Cooperative Education Services Areas, Vocational Centers, Arkansas Easter Seals and the school operated by the Department of Correction.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BETTER CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby authorized to expend a maximum of two percent (2%) of available funds for administration of the Better Chance Program. Up to 1.8% of available funds shall be used to administer the program and to monitor program grantees to ensure compliance with programmatic standards. Prior to the utilization of the remaining 0.2% of available funds, the Department of Education shall seek prior review and approval of the Arkansas Legislative Council or Joint Budget Committee by providing a written request to include the following: a) the Department's reason(s) for the use of the funds and b) the amount of funds that will be expended. The Department may contract with the Division of Child Care and Early Childhood Education to administer the program.

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, this entire section is void.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 18**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department's Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions for Average Salary for Classroom Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report "Rankings and Estimates" which includes state-by-state teacher salary comparisons.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD - ARKANSAS BETTER CHANCE. Any unexpended balance of monies allocated for the Arkansas Better Chance for School Success Program remaining on June 30, ~~2019~~ 2020, in the Department of Education Public School Fund Account shall be designated and retained for the Arkansas Better Chance for School Success Program.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council or Joint Budget Committee all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

**AGENCY REQUEST**

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-1117(a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the State Auditor, the sum of two hundred thousand dollars (\$200,000) during each fiscal year from the Department of Education Public School Fund Account to the University of Arkansas at Little Rock Fund, specifically to provide funding for the Arkansas/STRIVE Program. The total amount of funds transferred each fiscal year pursuant to this section shall not be subject to any indirect costs by the University of Arkansas at Little Rock.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

HEALTH INSURANCE. The appropriation contained herein for Public School Employee Insurance each fiscal year shall be used to provide the state contribution for insurance premiums for employees of the Cooperative Education Services Areas, Vocational Centers, and the school operated by the Department of Correction who participate in the Arkansas Public School Life and Health Insurance Program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 23**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide funding for Alternative Learning Environment Programs in excess of the regulatory limitation of six (6) hours per day for those programs that operate more than twelve hours per day, in a proportionate manner and upon special request to the Department of Education.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 24**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

STATE FUND RESTRICTIONS. No state funds shall be used for abortion referral in public schools, or for abortion services. Funds shall be expended in accordance with Arkansas Code Annotated §6-18-703.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION. Effective for the plan year beginning January 1, ~~2018~~ 2019, if ninety-eight percent (98%) of the uniform rate of tax used in the calculation of State Foundation Funding Aid for fiscal year ~~2018-2019~~ 2019-2020 exceeds nine hundred twenty million seven hundred thirty-one thousand eight hundred nineteen dollars (\$920,731,819), the Department of Education shall pay up to fifteen million dollars (\$15,000,000) of the total increase over the nine hundred twenty million seven hundred thirty-one thousand eight hundred nineteen dollars (\$920,731,819) to the Employee Benefits Division of the Department of Finance and Administration in additional health insurance contributions for eligible employees electing to participate in the public school employees' health insurance program administered by the State and Public School Life and Health Insurance Board.

The Department of Education shall make the contributions by transferring funds to the division in quarterly installments. Funds provided by the Department of Education to the division under this section shall be administered by the board for the benefit of the employee participants of the public school employees' health insurance program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 26**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ARKANSAS GOVERNOR’S SCHOOL FUNDING. The Department of Education shall allocate, budget and commit for expenditure two hundred fifty thousand dollars (\$250,000), in addition to funds already being provided for the Arkansas Governor’s School, to fund the appropriation authorized from general revenue for the Gifted and Talented program as appropriated in the Grants and Aid to Local School Districts and Special Programs section herein. With this additional funding either the department shall increase the number of grants for AEGIS summer enrichment programs, or the duration of the Arkansas Governor’s School shall be extended from four (4) weeks to six (6) weeks.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 27**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EAST FUNDING PROVISION. Of the total amount appropriated for Technology Grants each fiscal year, an amount of not less than three million five thousand dollars (\$3,005,000) or eighteen percent (18%), whichever is greater each fiscal year, shall be awarded through a grant or professional services contract for the EAST Initiative. Not less than one million dollars (\$1,000,000) of the three million five thousand dollars (\$3,005,000) or eighteen percent (18%) of the Technology Grants Line Item awarded to the EAST Initiatives shall be used for EAST infrastructure and personnel growth for the establishment of new programs. The remaining funding shall be used for existing EAST infrastructure, personnel, and operating expenses of the EAST Initiative. The EAST infrastructure grant or contract for personal services and operating expenses shall be awarded to an entity that has personnel or experience, or both, in implementing the EAST Initiative.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 28**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education shall make available from the Intervention Block Grants appropriation authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and chaperones, thirteen thousand five hundred dollars (\$13,500) each fiscal year for Destination Imagination, one hundred thousand dollars (\$100,000) each fiscal year for the State History Day Competition, and seventy-five thousand dollars (\$75,000) each fiscal year for a grant to the Arkansas Science Fair Association for grants to regional and the state science fairs. The Department of Education shall allocate General Revenue funding totaling no less than three hundred two thousand dollars (\$302,000) each fiscal year from the Department of Education Public School Fund Account to support the annual expenses of the Quiz Bowl, the Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and chaperones, Destination Imagination, the State History Day Competition, and the Arkansas Science Fair Association for grants to regional and state science fairs. The Department shall either expend or have committed for expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc., Destination Imagination, the State History Day Competition, and Arkansas Science Fair Association grants as authorized herein in order to fulfill the provisions of this section.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 29**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~LOCAL SCHOOL DISTRICT ISOLATED — BASE FUNDING UNDER CERTAIN CIRCUMSTANCES.~~

AGENCY REQUEST

~~(a) The amount of funding a school district receives under either § 6-20-604(c) and (h) or § 6-20-604(d) and (h) in the fiscal year 2014-2015 shall become the base year funding for fiscal year 2015-2016 if a school district meets the following requirements in the 2014-2015 fiscal year and all of the following requirements except for population density ratio in the 2015-2016 fiscal year:~~

~~(1) Either:~~

~~(A) Sections 6-20-604(b) and (c); or~~

~~(B) Sections 6-20-604(b) and (d); and~~

~~(2) Section 6-20-601.~~

~~(b) If after the 2015-2016 fiscal year, an increase in a school district's population density ratio precludes funding under § 6-20-604(c) and (h) or § 6-20-604(d) and (h), the amount of funding a school district shall receive is the amount specified under subsection (a) of this section less ten percent (10%) cumulative each year until the funding amount a school district receives is the amount of funding the school district is eligible to receive under:~~

~~(1) Sections 6-20-604(e) and (h); or~~

~~(2) Section 6-20-604(f).~~

~~The provisions of this section shall be in effect only from July 1, 2018 through June 30, 2019.~~

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 30**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PROFESSIONAL DEVELOPMENT.

AGENCY REQUEST

(a) Of the total amount appropriated for Professional Development Funding, three million five hundred thousand dollars (\$3,500,000) may be authorized by the Commissioner of the Department of Education to be used by the Department of Education to develop and implement statewide professional development support systems for teachers that will benefit student achievement.

(b)(1) The Department of Education shall annually report the following information concerning the Arkansas Online Professional Development Initiative under § 6-17-707:

- (1) Annual expenditure information;
- (2) Statistical information pertaining to users of the initiative;
- (3) Course offerings;
- (4) Course hours completed; and
- (5) Certificates awarded.

(2) The report under subsection (b)(1) of this section shall be annually submitted by August 1 to the:

- (1) Governor;
- (2) Legislative Council or, if the General Assembly is in session, the Joint Budget Committee;
- (3) Senate Committee on Education;
- (4) House Committee on Education; and
- (5) Department of Finance and Administration.

(c) The provisions of this section shall be in effect only from July 1,

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 30**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 31**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

NSL MATCHING GRANT PROGRAM.

(a)(1) Of the appropriation and funding for the NSL MATCHING GRANT PROGRAM Item in the Grants and Aid to Local School Districts and Special Programs section of this Act, four million three hundred thousand dollars (\$4,300,000) shall be set aside by the Department of Education and shall be used for school district expenditures for evidence-based programs to improve academic achievement of identified national school lunch students.

(2) These programs shall be limited to:

(A) Tutors as set out in § 6-20-2305(b)(4)(C)(i)(b)(4);

(B) Before-school academic programs and after-school academic programs, including transportation to and from the programs under § 6-20-2305(b)(4)(C)(i)(b)(2); and

(C) Prekindergarten programs under § 6-20-2305(b)(4)(C)(i)(b)(3).

(b)(1) Set aside funds authorized in subsection (a) of this section shall be distributed to school districts on a dollar for dollar matching basis of school district expenditures for programs under subsection (a) of this section on a pro rata basis until the available funds are exhausted.

(2) As used in this subsection, "pro rata basis" means providing each district qualifying for additional funding in a proportionate share based on how each district's expenditure bears to the total of funding provided in subsection (a) of this section for all qualifying districts as determined by the Department of Education.

(c) If any funding remains after funding subsection (b) of this

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 31**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

section, that remaining balance shall be carried over to the following fiscal year for the same purposes as provided in this section.

(d) The Department of Education shall adopt rules as necessary to implement this section.

(e) The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Fund**

**ACT#: 243**

**SECTION#: 32**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

R.I.S.E. ARKANSAS. The appropriation for the R.I.S.E. Arkansas line item in the Grants and Aid to Local School Districts and Special Programs section of this Act shall be used for the coordination of a statewide reading campaign with community partners, parents, and teachers to establish the importance of reading in homes, schools, and communities.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Academic Facilities & Transportation**

**ACT#: 77**

**SECTION#: 5**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY - OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES LOAN PROGRAM. The Department of Education - Division of Public School Academic Facilities and Transportation is authorized to transfer any funds that are made available for the Open-Enrollment Public Charter School Facilities Loan Program, including funds from the General Improvement Fund or its successor fund or fund accounts, to the Open-Enrollment Public Charter School Facilities Loan Fund.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Academic Facilities & Transportation**

**ACT#: 77**

**SECTION#: 6**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY. The Director of the Department of Education - Division of Public School Academic Facilities and Transportation, with the approval of the Chief Fiscal Officer of the State and after approval by the Arkansas Legislative Council or Joint Budget Committee, is hereby authorized to request necessary appropriation transfers and any other budget related adjustments necessary only for the appropriations authorized in this Act. Furthermore, it is the intent of the General Assembly that the Department of Education - Division of Public School Academic Facilities and Transportation be able to make use of additional contractual services as necessary and that transfers between line items and among appropriations are anticipated to accomplish those purposes. Provided, however, that the Department of Education - Division of Public School Academic Facilities and Transportation shall be limited to submitting no more than two transfer requests during any fiscal year.

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 Education - Division of Public School Academic Facilities and Transportation may operate more efficiently if some flexibility is provided to the Director of the Department of Education - Division of Public School Academic Facilities and Transportation authorizing broad powers under the Transfer Authority

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0500 DOE - Public School Academic Facilities & Transportation**

**ACT#: 77**

**SECTION#: 6**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

provision 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 of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0519 State Library, Arkansas**

**ACT#: 152**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD. At the close of the fiscal year ending June 30, ~~2019~~ 2020, any unexpended balance of monies provided from the State Library Fund Account for Books and Subscriptions, as provided in the State Operations Appropriation of this Act, shall be transferred forward and made available for the same purpose for the fiscal year ending June 30, ~~2019~~ 2020.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0519 State Library, Arkansas**

**ACT#: 152**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0519 State Library, Arkansas**

**ACT#: 152**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS - PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request from the Arkansas Department of Education - Arkansas State Library a special appropriation line item to be used in the acquisition of promotional items. When the Department of Education - Arkansas State Library wishes to transfer monies from its operating expenses to promotional items, the request shall be forwarded to the Chief Fiscal Officer of the State for processing after prior approval by 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. Further, the General Assembly has determined that the Department of Education - Arkansas State Library may operate more efficiently if some flexibility is provided to the Department of Education - Arkansas State Library 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.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0519 State Library, Arkansas**

**ACT#: 152**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Correction - Contingent Positions for the ~~2018-2019~~2019-2020 fiscal year, the following maximum number of regular employees.

AGENCY REQUEST

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM CLASS	NO. CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE
				FISCAL YEAR
				<del>2018-2019</del> 2019-2020
(01)		CHIEF OF MEDICAL SERVICES	1	\$225,000
(02)		CHIEF OF DENTAL SERVICES	1	175,000
(03)		PHYSICIANS SPECIALIST	15	170,000
(04)		CHIEF OF PHARMACY	1	125,000
(05)		CHIEF OF NURSING SERVICES	1	90,000
(06)		UNIT/FACILITY MEDICAL MGR	15	90,000
(07)		RNP/PA	13	85,000
(08)		DIR OF MEDICAL RECORDS	1	75,000
PATIENT CARE -				
(09)	L011N	DENTIST	15	GRADE MP06
(10)	L016N	REGISTERED PHARMACIST	3	GRADE MP05
(11)	L019C	REGISTERED NURSE COORD	13	GRADE MP02
(12)	L027C	REGISTERED NURSE SUPV	45	GRADE MP02
(13)	L064C	RADIOLOGY TECHNICIAN	8	GRADE GS07
(14)	L069C	LICENSED PRACTICAL NURSE	180	GRADE GS06
(15)	B111C	LABORATORY TECHNICIAN	3	GRADE GS04

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 13**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>				<b>EXECUTIVE RECOMMENDATION</b>
PATIENT CARE - CLASSIFIED POSITIONS				
(16) L071C	DENTAL HYGIENIST	8	GRADE GS05	
(17) C056C	ADMINISTRATIVE SPEC III	11	GRADE GS04	
(18) C053C	MEDICAL RECORDS TECH	26	GRADE GS03	
(19) C073C	ADMINISTRATIVE SPEC II	9	GRADE GS03	
(20) L081C	DENTAL ASSISTANT	14	GRADE GS04	
CLASSIFIED - NON-PATIENT CARE				
(21)	CHIEF PSYCHIATRIC SERV.	1	\$400,000	
(22)	VP OPERATIONS	1	\$200,000	
(23)	REGIONAL MANAGER	3	\$120,000	
(24)	PSYCHIATRIC SPECIALIST	6	GRADE MP08	
(25) A014C	FISCAL DIVISION MANAGER	1	GRADE GS12	
(26) D030C	INFO SYSTEMS COORDINATOR1		GRADE IT07	
(27) G178C	POLICY DEVELOP.			
	COORDINATOR	1	GRADE GS06	
(28) A089C	ACCOUNTANT I	1	GRADE GS07	
(29) V014C	BUYER	2	GRADE GS05	
(30) D079C	COMPUTER SUPPORT TECH	1	GRADE IT02	
(31)	INSTITUTIONAL HR			
	COORDINATOR	1	GRADE C115	
(32)	HR SPECIALIST	1	GRADE C113	
(33) A098C	FISCAL SUPPORT SPECIALIST1		GRADE GS04	
(34)	NURSING ASSISTANT	53	GRADE C110	
(35) A101C	ACCOUNTING TECH	4	GRADE GS04	
(36) V029C	PURCHASING ASSISTANT	1	GRADE GS01	

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

GRAND TOTAL CONTINGENT EMPLOYEES462

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MEDICAL/MENTAL HEALTH SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in the Inmate Care & Custody appropriation of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY REIMBURSEMENT RATE RESTRICTION. Notwithstanding any other provision of law or departmental commitment which may exist to the contrary, the Board of Corrections shall not increase any reimbursement rate for payments made to any county for the purpose of reimbursing the expenses of the care and custody of state inmates, without first seeking and receiving the approval of the Governor and the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL REIMBURSEMENT. In the event the Department of Correction cannot accept inmates from county jails due to insufficient bed space, the Department shall reimburse the counties at a rate determined by the Chief Fiscal Officer of the State, after consultation with the Division of Legislative Audit and the Department of Correction, and upon approval by the Governor, until the appropriation and funding for such purpose, is exhausted. The reimbursement rate shall include the county's cost of transporting the inmates to the department. The appropriation provided by the Jail Contracts line item in the Inmate Care & Custody appropriation may be used for contracts with county jails for pre release inmates.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF APPROPRIATION WITHIN CAPITAL IMPROVEMENT PROJECTS. The Department of Correction is hereby authorized to transfer appropriation between and/or among the various capital improvements/construction projects authorized by the General Assembly. Such transfers may be made only after approval by the Governor and after prior approval by the Arkansas Legislative Council or Joint Budget Committee. Such authorization shall in no way mean that the total amount of funds or appropriations for capital improvement/construction projects be greater than that provided by the General Assembly for the Department of Correction.

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

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**ACT#: 223**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.



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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 18**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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 two requests, encompassing a single purpose listed in this section, during any fiscal year per department. Transfer authority 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 fund transfers to or from the County Jail Reimbursement Fund. 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;

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**EXECUTIVE RECOMMENDATION**

- 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

HOLIDAY COMPENSATION. The Department of Correction is authorized to pay employees for hours of unused holidays in the employee's holiday account following the end of the calendar year. Payments of unused Holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Correction will be eligible for all holiday pay accrued. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Correction has verified that sufficient revenues are available to make such payments to employees who have served in the following classifications, with the exception that those employees wishing to accrue banked hours be allowed the option to bank unused holiday hours in the employee's holiday account, not to exceed one-hundred fifty (150) hours:

Class

<u>Code</u>	<u>Title</u>	<u>Grade</u>
T033C	ADC/DCC MAJOR	GRADE GS09
T048C	ADC/DCC CAPTAIN	GRADE GS08
T054C	ADC/DCC LIEUTENANT	GRADE GS07
T065C	ADC/DCC CORRECTIONAL SERGEANT	GRADE GS06
T059C	ADC/DCC FOOD PREPARATION MANAGER	GRADE GS05
T075C	ADC/DCC CORPORAL	GRADE GS05
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE GS04
T070C	ADC/DCC FOOD PREPARATION SUPERVISOR	GRADE GS04

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EMPLOYEE COMPENSATION REPORT. The Department of Finance and Administration Office of Budget shall prepare and submit to the Arkansas Legislative Council or Joint Budget Committee a report reflecting the amount of appropriation and funding necessary for the Department of Correction to sufficiently budget for the expenditure of payments to employees for all Holiday Liability, Straight Time Liability, Overtime, and Hazardous Duty Compensation incurred, including the current balances of said liabilities. This report shall be included in the summary budget information manual submitted during the biennial budget process.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**ACT#: 223**

**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ADC SEX OFFENDER ASSESSMENT. The Arkansas Department of Correction is authorized to enter into a cooperative agreement with a qualified state treatment and assessment agency to conduct assessments of juvenile sex or child offenders as required by provisions of ACA 12-12-901 et. seq. and pay for services upon receipt of invoice.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

INMATE COST REPORTING - STATE FACILITIES.

AGENCY REQUEST

(a) Within 90 days of the close of each state fiscal year, the Arkansas Department of Correction (ADC) shall submit to the Arkansas Legislative Council a report of all direct and indirect costs incurred by the State of Arkansas in housing and caring for inmates incarcerated in the State's facilities. Such costs shall be calculated and reported in total for the Department and in total by each facility. The report shall also reflect overall cost per inmate per day, cost per inmate per day for each facility, overall cost per bed per day, and cost per bed per day for each facility.

(b) In compiling costs and reporting to the Arkansas Legislative Council in accordance with subsection (a) of this section of this Act, the Department of Correction shall:

(1) Record all expenditures in a manner that provides for the association of costs with each facility. Costs not directly attributable to a particular facility (overhead, administration, treatment, etc.) shall be allocated to each facility on the basis of inmate population.

(2) Maintain documentation to support all elements of costs and cost reimbursement both in total and by facility;

(3) Exclude capital outlay disbursements. However, depreciation expense for all ADC fixed assets shall be included. Depreciation expense not directly associated with the fixed assets of a particular facility shall be allocated to each facility on the basis of inmate population.

(4) Include any interest expense incurred by ADC or another state governmental entity as a result of prison construction;

(5) Exclude all payments to local governments for care of inmates housed

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**EXECUTIVE RECOMMENDATION**

in local government facilities;

(6) Exclude all payments to local governments for Act 309 prisoners;

(7) Include the state matching requirements associated with federal grant expenditures. Documentation shall be maintained sufficient to identify such costs by grant.

(8) Deduct reimbursements for costs incurred. The amount of the reimbursement deducted shall be equal to or less than the cost with which the reimbursement is associated.

(9) Include all ancillary costs. These costs shall include, but are not limited to:

(A) ADC expenses incurred through fund transfers;

(B) Retirement costs;

(C) Audit costs;

(D) ADC cost for shared employees paid by another state governmental entity;

(E) Inmate educational and rehabilitation costs;

(F) Inmate related expenses incurred by the Attorney General; however; expenses shall not include costs of defending Habeas Corpus cases.

(c) In determining costs per inmate per day for reporting to the Arkansas Legislative Council in accordance with subsection (a) of this section, ADC shall:

(1) Accumulate the number of inmates housed at each ADC facility each day throughout the state fiscal year for which costs are being reported. This accumulation shall result in total inmate days and shall be divided into total direct and indirect costs compiled in accordance with subsections (a)



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and (b) of this section.

(2) Exclude those ADC inmates housed in local governmental facilities and Act 309 prisoners from the number of inmates housed at ADC facilities.

(3) Maintain documentation supporting the number of inmates housed at ADC facilities.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL REIMBURSEMENT FUND YEAR-END FUND BALANCE CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the County Jail Reimbursement Fund at the end of a fiscal year shall remain in the County Jail Reimbursement Fund and made available to fund appropriations authorized by law payable from the County Jail Reimbursement Fund for the following fiscal year.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

- (1) Prior to June 30, ~~2018~~2019 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward from the first fiscal year to the second fiscal year by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward from the first fiscal year to the second fiscal year, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;
- (3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30)

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**EXECUTIVE RECOMMENDATION**

days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**EXECUTIVE RECOMMENDATION**

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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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 Building Authority Division of the Department of Finance and Administration.

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

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**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~  
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**SECTION#: 26**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

UTILITY RATE INCREASE TRANSFER. In the event of a ten percent (10%) increase in utility rates and fuel 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. Prior to the utilization of the transfer authority, a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of the transfer.

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, ~~2018~~

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**EXECUTIVE RECOMMENDATION**

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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, ~~2018~~

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**SECTION#: 28**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**ACT#: 223**

**SECTION#: 29**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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 the Inmate Care & Custody appropriation of this Act into the Professional Fees and Services line item contained in the Inmate Care & Custody appropriation of this Act to operate new facilities. 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.

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The provisions of this section shall be in effect only from July 1, ~~2018~~

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

2019 through June 30, ~~2019~~ 2020.

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 30**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 31**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL INVOICE SUMMARY. The Departments of Correction and Community Correction, shall at a minimum and on a fiscal year basis, prepare and post on the applicable agency web site, a monthly summary of county jail reimbursement invoices prepared and forwarded to each county sheriff for verification by the Departments and for payment from the County Jail Reimbursement Fund. In addition, the report shall include a summary of invoices returned by each county for payment for previous months within the fiscal year, the amounts paid, and any balances owed. Each fiscal year-end report shall be maintained on the web sites for a period of no less than three (3) years.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 32**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF APPROPRIATION TO THE COUNTY JAIL REIMBURSEMENT FUND. If any savings of general revenue appropriation and funds accrue during the ~~2018-2019~~2019-2020 fiscal year in the operations of the Department of Correction, the Director of the Department of Correction may request a transfer of appropriation from any line item appropriation in the Inmate Care and Custody Fund Account to the County Jail Reimbursement Fund in order to meet obligations to counties for housing state inmates. Such transfer request shall be made upon the approval of the Chief Fiscal Officer of the State and prior review and approval by the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 33**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LOCAL GOVERNMENT INMATE COST REPORT. Each calendar year, the Association of Arkansas Counties shall compile and submit a report to the Arkansas Legislative Council, of all costs incurred, excluding construction costs, by local government units housing inmates sentenced to the Department of Correction and Department of Community Correction. The cost report shall be a representative sample of all counties housing and caring for state inmates. The report shall be submitted no later than July 1 of the calendar year immediately following the reporting year.

The Association of Arkansas Counties in coordination with Legislative Audit shall determine which counties will be included in the sample and shall include a sufficient number of counties from each classification based upon population and each congressional district to ensure a fair representation of costs incurred. Guidelines for preparing this cost report shall be developed by the Division of Legislative Audit in coordination with the Association of Arkansas Counties. The Division of Legislative Audit shall test the accuracy of the information submitted during the routine audit of the applicable county.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 34**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ESSENTIAL SERVICES STIPEND. The Arkansas Department of Correction (ADC) may award additional compensation to those exempt employees who are members of the emergency response unit. These employees are eligible to receive up to 3% per hour additional compensation for the actual number of hours that an employee spends on an emergency response action.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 35**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MARKETING AND REDISTRIBUTION PROCEEDS FROM SALE OF STATE PROPERTY. The proceeds from the sale of state property through the Marketing and Redistribution Section of the Department of Finance and Administration, may be deposited into the Cash in State Treasury fund in an amount not to exceed \$100,000 there to be used for operating expenses for the Paws in Prison program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 Correction, Department of**

**ACT#: 223**

**SECTION#: 36**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

"PROMOTIONAL ITEMS. The Department of Correction is hereby authorized to purchase from Maintenance & General Operations Classifications in the Industry Program (SDD0100) appropriation provided by this act, up to an amount not to exceed \$25,000 each fiscal year for promotional items produced by its prison industry division, to meet the Agency's employee recruitment needs; subject to the authorization of the Director of the Agency, and with the approval of the Chief Fiscal Officer of the State. The Director of the Agency shall report quarterly to the Board of Corrections the amount and type of promotional items purchased under this Section. The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020."

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER. Upon approval of the Board of Corrections and the Chief Fiscal Officer of the State, the Arkansas Department of Community Correction may transfer from the Community Correction Revolving Fund and/or the Best Practices Fund an amount not to exceed one million dollars (\$1,000,000) to the Social Innovation Fund there to be used for debt service payments and other costs associated with the issuance of bonds.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

~~FUNDING TRANSFER. Upon approval of the Board of Corrections and the Chief Fiscal Officer of the State, the Arkansas Department of Community Correction may transfer from the Community Correction Revolving Fund and/or the Best Practices Fund an amount not to exceed one million dollars (\$1,000,000) to the Social Innovation Fund there to be used for debt service payments and other costs associated with the issuance of bonds.~~

~~The provisions of this section shall be in effect only from July 1, 2018 2019 through June 30, 2019 2020.~~

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Programs" line item of the Operations - Special Revenue appropriation provided in this Act to construct new or renovate existing facilities to support the development of community correction facilities in 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 Community Correction may operate more efficiently if some flexibility is provided to the Department of Community 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,

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PARKING FEES. On July 1, of each year the Department of Community Correction shall pay from the appropriation provided herein from non-general revenue, the total amount appropriated for War Memorial Stadium Commission Parking Services from Fees to the War Memorial Stadium Commission.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer of the State and review and approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction is authorized to transfer appropriation from any line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act to any other line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act.

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 Community Correction may operate more efficiently if some flexibility is provided to the Department of Community 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.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

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 two requests, encompassing a single purpose listed in this section, during any fiscal year per department. Transfer authority 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. 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;

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

- 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

HOLIDAY COMPENSATION. The Department of Community Correction is authorized to pay employees for up to ninety-six (96) hours of unused holidays exceeding a balance in the employee’s holiday account of one-hundred fifty (150) hours following the end of the calendar year. Payments of unused holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Community Correction will be eligible for all holiday pay accrued during the years of service. This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Community Correction has verified that sufficient revenues are available to make such payments to employees in the following classifications:

AGENCY REQUEST

		Maximum Annual Salary Rate
Class		Fiscal Year
Code	Title	<del>2018-2019</del> 2019-2020
T033C	ADC/DCC MAJOR	GRADE GS09
T048C	ADC/DCC CAPTAIN	GRADE GS08
T054C	ADC/DCC LIEUTENANT	GRADE GS07
T065C	ADC/DCC CORRECTIONAL SERGEANT	GRADE GS06
T075C	ADC/DCC CORPORAL	GRADE GS05
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE GS04

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 18**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MEDICAL SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department of Community Correction cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in the State Operations Appropriation of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service (s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

The provisions of this section shall be in effect only from July 1, ~~2018~~2019 through June 30, ~~2019~~2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Community Correction - Contingent Positions for the ~~2018-2019~~ 2019-2020 fiscal year, the following maximum number of regular employees.

AGENCY REQUEST

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM NO.	CLASS CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE	
				<del>2018-2019</del>	2019-2020
(1)	L009C	NURSE MANAGER	1	GRADE MP03	
(2)	L033C	PSYCH. EXAMINER	1	GRADE GS09	
(3)	M026C	LICENSED SOCIAL WORKER	6	GRADE GS07	
(4)	L032C	REGISTERED NURSE HOSPITAL	7	GRADE MP01	
(5)	L069C	LIC PRACT NURSE	25	GRADE GS06	
(6)	C056C	ADMIN SPECIALIST III	2	GRADE GS04	
(7)	G238C	ADMINISTRATOR	1	GRADE GS09	
(8)	L081C	DENTAL ASSISTANT	1	GRADE GS04	
(9)	L013N	DENTAL DIRECTOR	1	GRADE MP06	
(10)	L071C	DENTAL HYGIENIST	1	GRADE GS05	
(11)	L011N	DENTIST	1	GRADE MP06	
<del>(12)</del>	<del>Q109C</del>	<del>MEDICAL RECORDS DIRECTOR</del>	<del>1</del>	<del>GRADE C118</del>	
(13)	L008N	PHYSICIAN - STAFF	1	GRADE MP07	

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

(14) L024N PSYCHIATRIC DIRECTOR	1	GRADE GS09
(15) L005N PSYCHIATRIST	1	GRADE MP08
(16) L003C PSYCHOLOGIST - PT	1	GRADE MP03
<del>(17) C019C REGIONAL MANAGER</del>	<del>1</del>	<del>GRADE C117</del>
(18) C056C SECRETARY/ADMIN ASST__1		GRADE GS04

MAXIMUM NUMBER OF CONTINGENT

EMPLOYEES - MEDICAL SERVICES ~~54~~ 52

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 20**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COMMUNITY CORRECTION PROGRAM LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction, as authorized by the Board of Corrections, is authorized to use the appropriations authorized under the line item established herein for "Community Correction Program" are to be used by the Department of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

COMMUNITY CORRECTION PROGRAM LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Community Correction, as authorized by the Board of Corrections, is authorized to use the appropriations authorized under the line item established herein for "Community Correction Program" are to be used by the Department of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

The provisions of this section shall be in effect only from July 1, 2018 2019 through June 30, 2019 2020-

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent (10%) increase in utility and fuel rates, the Department of Community Correction is authorized to transfer from any line item in the State Operations Appropriation to the Operating Expense line item in the State Operations Appropriation for support of the increase after receiving approval of the Chief Fiscal Officer of the State. Prior to the utilization of the transfer authority a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of transfer.

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 Community Correction may operate more efficiently if some flexibility is provided to the Department of Community 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,

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL INVOICE SUMMARY. The Departments of Correction and Community Correction, shall at a minimum and on a fiscal year basis, prepare and post on the applicable agency web site, a monthly summary of county jail reimbursement invoices prepared and forwarded to each county sheriff for verification by the Departments and for payment from the County Jail Reimbursement Fund. In addition, the report shall include a summary of invoices returned by each county for payment for previous months within the fiscal year, the amounts paid, and any balances owed. Each fiscal year-end report shall be maintained on the web sites for a period of no less than three (3) years.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 23**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MOTOR VEHICLE PURCHASE PROVISION. The Department of Community Correction is hereby authorized to purchase motor vehicles from the appropriations authorized for Capital Outlay in the State Operations and Special Revenue Operations appropriations in this Act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 Community Correction, Department of**

**ACT#: 252**

**SECTION#: 24**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PAROLE/PROBATION OFFICERS HIRING. The Department of Community Correction shall report quarterly to the Arkansas Legislative Council or Joint Budget Committee the number of vacant Parole/Probation Officer, Parole/Probation Area Manager, Parole/Probation Assistant Area Manager positions and average case load per Parole/Probation Officer.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. Upon approval from the Chief Fiscal Officer of the State, the Arkansas School for the Blind shall transfer appropriation from the Summer Projects line item, in the State Operations Appropriation of this Act, to the Regular Salaries, Extra Help, Personal Services Matching, Overtime and Maintenance & General Operations line items in the State Operations Appropriation of this Act, to compensate staff who work during the summer months on summer projects, and to cover other expenses of summer project activities. The Summer Projects line item may also be used for the annual cost related to the compensation of eligible staff for shift differential pay as well as compensation of employees for performance of duties assigned as referenced in the Special Allowance Special Language Section of this Act. Such additional compensation shall not be construed as exceeding the maximum salary authorized for said employees.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL ALLOWANCE. The Arkansas School for the Blind may make special allowances available to any employee who performs one of the following duties in addition to their normal duties:

- 1) Teaching adult education classes, parent training, student tutorial services on weekends or evenings
- 2) Coaching one or more sports
- 3) Sponsoring a club or organization that involves additional hours outside of the normal working day
- 4) Interpretive Services

Compensation for additional duties may not exceed \$3,500 per school term for any one employee during each fiscal year. Such pay shall not be construed as exceeding the maximum salary authorized for said position.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ADDITIONAL SALARY/COMPENSATION PROVISION. No employee drawing a salary or other form of compensation from the Arkansas Schools for the Deaf or Blind shall be paid an additional salary or receive additional compensation, other than reimbursement for actual expenses, from that agency, nor from any other agency or institution of higher education, except from the Superintendent's written certification to and approval by the Chief Fiscal Officer of the State that the work performed by the employee for the other position does not interfere with the proper and required performance of the employee's primary duties, and that the combined salary payments from both positions will not exceed the maximum annual salary for whichever of the two positions has the higher authorized maximum annual salary.

Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until such employee shall repay to the State of Arkansas any sums received by such employee in violation of this section, together with interest at a rate of ten percent (10%) per annum.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

BRAILLE AND LARGE PRINT TEXTBOOKS. The State Board of Education shall make reasonable rules and regulations to implement the Braille and Large Print Textbooks appropriation and is hereby authorized to negotiate directly with publishers of Braille and Large Print Textbooks for the purchase of such textbooks. The Arkansas School for the Blind (ASB) is authorized to use funds from this account for costs associated with providing Braille Textbooks and Large Print Textbooks to public schools. If funding allows and the need is present, the Arkansas School for the Blind is authorized to use funds from this account to purchase electronic textbooks, adaptive technology, and library holdings.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SUMMER SCHOOL EMPLOYEES. Employees who, in addition to working during the regular school term, also work during summer months shall be authorized as additional compensation an amount not to exceed 1/12 of their annual salary for each month or part thereof worked. Such additional compensation shall not be construed as exceeding the maximum salary authorized for said employees. Payment of additional compensation shall be limited to employees in the following classifications:

AGENCY REQUEST

CLASS CODE	SUMMER SCHOOL POSITIONS	GRADE
E044C	Certified Bachelor's Teacher	GS06
M026C	Licensed Social Worker	GS07
M020C	Licensed Professional Counselor	GS08
E035C	Certified Masters Teacher	GS08
M088C	Licensed Master Social Worker	GS08
E024C	Teacher Supervisor	GS09
E025C	Educational Specialist	GS09
E017C	Assistant Principal	GS10

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution and with the approval of the Chief Fiscal Officer of the State, the salary of teachers entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TEACHER SALARY INCREASE. In the event that an act is enacted in which the public schools receive funds from the General Assembly to raise the salaries of teachers employed in the public school districts, the Arkansas School for the Blind shall be included.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL RATES OF PAY. Due to the need to meet the minimum compensation schedule as established by Act 74 of the 2nd Extraordinary Session of the 84th General Assembly, or its successor, for public school teachers, counselors, and librarians and other education professionals as listed in subsection (a) below, the Arkansas School for the Blind is authorized to adjust current or new employees to at least the minimum level of compensation for public school employees.

For current or new employees in the positions listed in subsection (a) below, the Arkansas School for the Blind may implement salary adjustments to maintain equity between their teacher salaries and those of Central Arkansas Public School Systems only after a plan for determining and implementing those adjustments has been reviewed by the Office of Personnel Management and by the Personnel Committee of the Arkansas Legislative Council and approved by the Chief Fiscal Officer of the State.

For purposes of implementing the plan, the Arkansas School for the Blind is authorized special rates of pay up to the maximum of the assigned grade for classifications listed in subsection (a) below.

(a) CLASS CODE	TITLE	GRADE
E044C	Certified Bachelor's Teacher	GS06
E035C	Certified Masters Teacher	GS08
E036C	Certified Masters Degree Librarian	GS09
E032C	Education Counselor	GS07
L042C	School Speech Pathologist	MP01
E024C	Teacher Supervisor	GS09
E025C	Educational Specialist	GS09

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0510 Blind, Arkansas School for the**

**ACT#: 144**

**SECTION#: 15**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

E017C	Assistant Principal	GS10
E004C	School Principal	GS11

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Arkansas School for the Blind shall, in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Merit Adjustment Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 6**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SUMMER SCHOOL EMPLOYEES. Employees who, in addition to working during the regular school term, also work during summer months shall be authorized as additional compensation an amount not to exceed 1/12 of their annual salary for each month or part thereof worked. Such additional compensation shall not be construed as exceeding the maximum salary authorized for said employees.

Payment of additional compensation shall be limited to employees in the following classifications:

CLASS CODE	SUMMER SCHOOL POSITIONS	GRADE
E044C	Certified Bachelor's Teacher	GS06
E035C	Certified Masters Teacher	GS08
L042C	School Speech Pathologist	MP01
L045C	Audiologist	MP01
E036C	Certified Master's Degree Librarian	GS09
E032C	Education Counselor	GS07
M020C	Licensed Professional Counselor	GS08
E024C	Teacher Supervisor	GS09
E025C	Educational Specialist	GS09
E017C	Assistant Principal	GS10
E004C	School Principal	GS11

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 7**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL ALLOWANCE. The Arkansas Schools for the Deaf may make special allowances available to any employee who performs one of the following duties in addition to their normal duties:

- 1) Teaching adult education classes, parent training, student tutorial services on weekends or evenings
- 2) Coaching one or more sports
- 3) Sponsoring a club or organization that involves additional hours outside of the normal working day
- 4) Interpretive Services

Compensation for additional duties may not exceed \$3,500 per school term for any one employee during each fiscal year. Such additional compensation shall not be construed as exceeding the maximum salary authorized for said employee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ADDITIONAL SALARY/COMPENSATION PROVISION. No employee drawing a salary or other form of compensation from the Arkansas School for the Deaf shall be paid an additional salary or receive additional compensation, other than reimbursement for actual expenses, from that agency, nor from any other agency or institution of higher education, except from the Superintendent's written certification to and approval by the Chief Fiscal Officer of the State that the work performed by the employee for the other position does not interfere with the proper and required performance of the employee's primary duties, and that the combined salary payments from both positions will not exceed the maximum annual salary for whichever of the two positions has the higher authorized maximum annual salary.

Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until such employee shall repay to the State of Arkansas any sums received by such employee in violation of this section, together with interest at a rate of ten percent (10%) per annum.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SHIFT DIFFERENTIAL. For Arkansas School for the Deaf, shift work must begin not earlier than 2:00 p.m. and end no later than 8:00 a.m. the following day.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution and with the approval of the Chief Fiscal Officer of the State, the salary of teachers entering state service as teachers may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. Upon approval from the Chief Fiscal Officer of the State, the Arkansas School for the Deaf shall transfer appropriation from the Miscellaneous Activities line item in the State Operations Appropriation of this Act, to the Regular Salaries, Extra Help, Personal Service Matching, Overtime, and Maintenance and General Operations line items also in the State Operations Appropriation, to compensate staff who work during the summer months on summer projects and to cover other expenses of summer project activities. The Miscellaneous Activities line item may also be used for the annual cost related to the payment of contracted interpreter services, compensation of eligible staff for shift differential pay, and compensation of employees for performance of duties assigned as referenced in the Special Allowance Special Language of this Act. Such additional compensation shall not be construed as exceeding the maximum salary authorized for said employees.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TEACHER SALARY INCREASE. In the event that an act is enacted in which the public schools receive funds from the General Assembly to raise the salaries of teachers employed in the public school districts, the Arkansas School for the Deaf shall be included.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SPECIAL RATES OF PAY. Due to the need to meet the minimum compensation schedule as established by Act 74 of the 2nd Extraordinary Session of the 84th General Assembly, or its successor, for public school teachers, counselors, and librarians and other education professionals as listed in subsection (a) below, the Arkansas School for the Deaf is authorized to adjust current or new employees to at least the minimum level of compensation for public school employees.

For current or new employees in the positions listed in subsection (a) below, the Arkansas School for the Deaf may implement salary adjustments to maintain equity between their teacher salaries and those of Central Arkansas Public School Systems only after a plan for determining and implementing those adjustments has been reviewed by the Office of Personnel Management and by the Personnel Committee of the Arkansas Legislative Council or Joint Budget Committee and approved by the Chief Fiscal Officer of the State.

For purposes of implementing the plan, the Arkansas School for the Deaf is authorized special rates of pay up to the maximum of the assigned grade for classifications listed in subsection (a) below.

(a) CLASS CODE	TITLE	GRADE
E044C	Certified Bachelors Teacher	GS06
E035C	Certified Masters Teacher	GS08
E036C	Certified Masters Degree Librarian	GS09
E032C	Education Counselor	GS07
L042C	School Speech Pathologist	MP01
E024C	Teacher Supervisor	GS09

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0513 Deaf, Arkansas School for the**

**ACT#: 154**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

E025C	Educational Specialist	GS09
E017C	Assistant Principal	GS10
E004C	School Principal	GS11

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Arkansas School for the Deaf shall, in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Merit Adjustment Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0516 Educational Television Commission, Arkansas**

**ACT#: 163**

**SECTION#: 2**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Education - Educational Television Division - State Operations for the ~~2018-2019~~ 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) 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, for the appropriate classification. Many of these positions are related to specific projects, and those positions so related are specifically exempt from limitations of hours, either by act or regulation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0516 Educational Television Commission, Arkansas**

**ACT#: 163**

**SECTION#: 4**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EXTRA HELP - CASH OPERATIONS. There is hereby authorized, for the Department of Education - Educational Television Division - Cash Operations for the ~~2018-2019~~ 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: forty-six (46) 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, for the appropriate classification. Many of these positions are related to specific projects, and those positions so related are specifically exempt from limitations of hours, either by act or regulation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0516 Educational Television Commission, Arkansas**

**ACT#: 163**

**SECTION#: 7**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~ARKANSAS VETERANS' INITIATIVE. The appropriation authorized in this Act for Arkansas Veterans' Initiative, Stories of Service is not intended to be carried forward into the base level for the purposes of budget preparation. Any appropriation request for this purpose shall be considered a new appropriation request, and therefore will be considered a change level budget request.~~

~~—Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds provided to the Educational Television Fund Account for the purpose of funding the Arkansas Veterans' Initiative Appropriation which remain in the Educational Television Fund Account at the end of a fiscal year shall remain in the Educational Television Fund Account and shall continue to be allocated to the Arkansas Veterans' Initiative Appropriation in the following fiscal year.~~

~~The provisions of this section shall be in effect only from July 1, 2018 2019 through June 30, 2019 2020.~~

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0032 Supreme Court**

**ACT#: 122**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ACCESS TO JUSTICE. The General Assembly finds that the Access to Justice Foundation serves a public purpose, therefore financial accounting, general bookkeeping, management and administrative services may be provided by employees of the Arkansas Supreme Court and the Supreme Court Bar of Arkansas in support of the Arkansas Access to Justice Foundation, Inc.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 88**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

AOC RESPONSIBILITY FOR COURT REPORTERS AND TRIAL COURT ADMINISTRATORS.

AGENCY REQUEST

(a) The Administrative Office of the Courts shall be responsible for the financial oversight of the Official Court Reporters of the Circuit Courts and Trial Court Administrators, which shall include but not be limited to biennial and annual budget requests, all budgeting activities, monitoring expenses, travel, substitute expenses, indigent transcript payments and to ensure projected annual expenditures do not exceed total available funding. (b)

The Administrative Office of the Courts with assistance from the Arkansas Judicial Council shall establish an official procedure or rules for all new hires, terminations and salary adjustments for Trial Court Administrators and Official Court Reporters. The official procedures or rules shall be implemented prior to July 1, 2015 and shall be administered for all Trial Court Administrators and Official Court Reporters.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 88**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING FROM THE ADMINISTRATION OF JUSTICE FUND.

AGENCY REQUEST

(a) (i) The Administrative Office of the Courts shall be responsible for requesting and verifying the need for any additional appropriation, any position change level, and any increase in the Administration of Justice Fund Allocation Section as authorized annually through special language in the Department of Finance and Administration's Disbursing Act, for the Trial Court Administrators and Official Court Reporters.

(ii) Any annual or biennial request for an increase in the Administration of Justice Fund allocation section for Trial Court Administrators and/or Official Court Reporters shall not exceed the total or projected total revenues available for the Trial Court Administrator Fund or the Court Reporter's Fund from the Administration of Justice Fund as determined by the Administrative Office of the Courts with assistance from the Department of Finance and Administration.

(b) (i) During a fiscal year the Administrative Office of the Courts shall not approve any change level in salary, operating expense and other distributions for Trial Court Administrators which will exceed actual or projected fund balances in the Trial Court Administrator Fund.

(ii) During a fiscal year the Administrative Office of the Courts shall not approve any change level in salary, operating expense and other distributions for Court Reporters which will exceed actual or projected fund balances in the Court Reporter's Fund.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 88**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COURT REPORTER TRANSCRIPTS. The Rules of the Arkansas Supreme Court require that the official court reporter who was present in court and was responsible for taking the record of the proceeding is the individual who must prepare and certify the official record or be subject to discipline and possible suspension or revocation of his or her court reporting license. The Administrative Office of the Courts is therefore authorized to employ and/or contact with and pay a court reporter previously employed by the state for services provided at any time after his or her separation from state employment, irrespective of any limitations otherwise provided in Ark. Code § 19-11-709 (d).

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 36**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER. Federal funds received by the Arkansas State Police from the United States Department of Transportation from safety incentive funds received under 23 USC Section 402 for the "State and Community Highway Safety Program" may be granted to the Administrative Office of the Courts and deposited into the State Central Services Fund to reimburse expenditures by the Administrative Office of the Courts for operating expenses of the Continuing Education Program for District Judges as appropriated in the District Judges Continuing Education - State appropriation herein. The appropriation to the Administrative Office of the Courts provided in the District Judges Continuing Education - State appropriation may be expended only in the event that federal funds have been granted and will be transferred from the Arkansas State Police to reimburse the Continuing Education Program for District Judges.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 37**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CONTRACTING WITH STATE ATTORNEYS. The Administrative Office of the Courts Division of Dependency-Neglect Representation shall have the authority to enter into a Professional Services Agreement with any qualified attorney who at any time previously served as a State Attorney and was paid by the State as a state employee prior to being appointed to provide representation in the dependency-neglect cases by a Circuit Judge. In addition, the Division shall have the authority to enter into a professional services contract with a qualified person who is serving as a part-time Public Defender or other part-time State Attorney and paid as an employee of the State of Arkansas when the Public Defender or other part-time State Attorney has been appointed to provide Dependency-Neglect Services by a Circuit Judge. The part-time Public Defender or other part-time State Attorney shall be eligible for additional compensation which shall not be construed as exceeding the line item maximum for the grade of that position when the Administrative Office of the Courts reimburses the part-time Public Defender or other part-time State Attorney for Dependency-Neglect Representation services performed. This does not prevent the Administrative Office of the Courts from contracting with any qualified attorney in the state.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 38**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEPENDENCY-NEGLECT REPRESENTATION APPROPRIATION TRANSFER AUTHORITY. The Administrative Office of the Courts shall receive approval from the Chief Fiscal Officer of the State and Arkansas Legislative Council or Joint Budget Committee to transfer funds and appropriations between line items Regular Salaries, Personal Services Matching, Operating Expense, Professional Fees and Attorney Ad Litem Fees/Reimbursements of the Division of Dependency-Neglect Representation appropriation herein for the payment of employees and/or contractors providing legal services for the Division of Dependency-Neglect Representation.

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 Administrative Office of the Courts may operate more efficiently if some flexibility is provided to the Administrative Office of the Courts 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,

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 38**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~  
2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 39**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY. The Department of Finance and Administration shall transfer funds, from time to time, from the State Administration of Justice Fund to the State Central Services Fund in such amounts as are required to reimburse the State Central Services Fund for a portion of the expenses of the Administrative Office of the Courts - Division of Dependency-Neglect Representation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 40**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING. Funds received by the Arkansas State Police from the Department of Transportation from the safety incentive funds received under P.L. 105-178, title I, Section 1404(a), 23 USC Section 163 for "Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons" may be transferred to the Administrative Office of the Courts as directed by the Arkansas State Police for operating expenses of the District Court State Automation System.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 41**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MONTHLY INSTALLMENT. From July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020, a lump sum monthly installment of at least one-twelfth (1/12) of a portion of the annual appropriation provided for in the Division of Dependency-Neglect Representation appropriation of this Act, or so much thereof as may be made available, shall be provided from the State Administration of Justice Fund to the State Central Services Fund to provide a portion of the funds for that appropriation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 42**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

INDIGENT PARENT COUNSEL REPRESENTATION. The Administrative Office of the Courts shall have the authority to use the appropriation provided in line item Parent Counsel Reimbursements of the Parent Counsel Program appropriation herein for the purpose of entering into professional service contracts on a full-time or part-time basis with attorneys who are qualified to provide counsel for indigent parents in dependency-neglect cases.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 249**

**SECTION#: 43**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State and Arkansas Legislative Council or Joint Budget Committee, the Agency is authorized to transfer appropriation from any line item authorized in Court Automation Appropriation of the Administrative Office of the Courts in this Act to any other line item authorized in Court Automation Appropriation.

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 Administrative Office of the Courts may operate more efficiently if some flexibility is provided to the Administrative Office of the Courts 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, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0018 Court of Appeals**

**ACT#: 194**

**SECTION#: 4**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MILEAGE REIMBURSEMENT. The funds appropriated in Mileage Reimbursement in the Operations appropriation herein may be used by each judge of the Arkansas Court of Appeals as reimbursement for necessary mileage. The mileage reimbursement shall be at the same rate established in the state travel regulations for state employees and shall be limited to travel within the state between the judge's official residence and the court with mileage reimbursements not to exceed three round trips per week. Only judges whose official residence is located outside of Pulaski County shall be eligible to be reimbursed for mileage.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0059 Auditor of State**

**ACT#: 120**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Auditor of State is authorized to transfer appropriation from any line item authorized in Operations to any other line item authorized in Operations and the Agency is authorized to transfer appropriation from any line item authorized in Unclaimed Property Program to any other line item authorized in Unclaimed Property Program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0059 Auditor of State**

**ACT#: 198**

**SECTION#: 3**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LEGISLATIVE INTENT. It is the intent of the General Assembly, in the transition to a state-funded deputy prosecuting attorney system, to provide an appropriate and adequate level of legal representation through deputy prosecuting attorneys in all areas of the state. It is recognized by the General Assembly that in many areas of the state, resources have not been available to support deputy prosecuting attorney salaries at the necessary level. With the transition of local funding of deputy prosecuting attorney salaries to state funding, it is not the intent of the General Assembly to adversely affect those districts whose system has been working well or to implement a system which is too inflexible to respond to the needs of each judicial district. Therefore, the Prosecution Coordination Commission is charged with the responsibility of assisting in the maintenance of a system which equitably serves all areas of the state by providing quality deputy prosecuting attorneys.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 147**

**SECTION#: 3**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. If the State Treasurer should determine that the appropriations made available for payments of maturing bonds and interest for the College Savings General Obligation Bonds, the Higher Education General Obligation Bonds, the State Waste Disposal and Pollution Abatement Facilities General Obligation Bonds, and the State Water Resources Development General Obligation Bonds are insufficient, appropriation may be transferred from the Refunds/Reimbursement line item to the Debt Service line item for payment of said bonds.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 193**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DISTRIBUTION OF FUNDS. Funding provided in Property Tax Relief Fund Revenues Distribution to Counties and Property Tax Relief Fund Revenues Distribution to Cities of this Act from the Property Tax Relief Trust Fund shall not be distributed unless there are sufficient funds in the Property Tax Relief Trust Fund as of the date that the Chief Fiscal Officer of the State certifies the amount in excess of the required reimbursement to the counties as provided in §26-26-310(b)(2)(C)(i). If there are sufficient funds remaining in the Property Tax Relief Trust Fund on December 31, ~~2018~~ 2019, as certified, the Treasurer shall distribute two million dollars (\$2,000,000) to counties and two million dollars (\$2,000,000) to cities for the fiscal year ending June 30, ~~2019~~ 2020 from the balance remaining on December 31, ~~2018~~ 2019 from the Property Tax Relief Trust Fund. The distribution to counties shall be made in accordance with the distribution formula in §19-5-602(c). The distribution to cities shall be made in accordance with the distribution formula in §19-5-601(b). The funds attributable to sales and use taxes levied prior to July 1, ~~2018~~ 2019 shall not be transferred from the Property Tax Relief Trust Fund to the cities and counties.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 193**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COUNTY TURNBACK - UNANTICIPATED FUNDS. The appropriation authorized for General Revenue to Counties or any other appropriation as provided by the General Assembly for aid to counties may be supplemented, if necessary, by a transfer from the appropriation provided for Unanticipated Special Revenues in this Act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 193**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

LOANS TO CITIES AND COUNTIES. On July 1 of each fiscal year, the Chief Fiscal Officer of the State shall request a transfer by the State Treasurer from the Budget Stabilization Trust Fund to the County Aid Fund and to the Municipal Aid Fund to assist the various cities and counties in meeting cash flow needs early in the state fiscal year. The transfer shall be a loan to be repaid in equal installments from general revenue distributions each month during the fiscal year for which the loan was made and shall be in addition to any other loans authorized by law for the County Aid and Municipal Aid Funds. The amount of such loan for each fiscal year shall be \$3,517,657 to the Municipal Aid Fund and \$1,906,079 to the County Aid Fund, or so much thereof as may be available in the Budget Stabilization Trust Fund as determined by the Chief Fiscal Officer of the State. Upon such transfer being completed, the State Treasurer shall immediately distribute such funds to each of the several municipalities and counties in the same manner as general revenues are distributed.

It is the intent of the General Assembly that the Chief Fiscal Officer of the State and the State Treasurer shall make every reasonable, and financially sound effort to insure that local governments receive the full amount of the loan authorized herein on July 1 of each year and that the monies authorized for local governments from general revenues be distributed in equal monthly payments.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 193**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD. At the close of each fiscal year any unexpended funds for the County Aid and Municipal Aid line items shall be carried forward and distributed pursuant and in addition to the funding formula established under A.C.A 19-5-601 and 19-5-602 within forty-five (45) days.

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 193**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 193**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TURNBACK REPORTING. Each calendar year each county and municipality receiving total highway revenues and highway severance turnback per A.C.A 27-70-207 and A.C.A 26-58-124 of \$2,000,000 or more shall report to the House Public Transportation Committee and the Senate Transportation, Technology and Legislative Affairs Committee indicating how highway revenues and highway severance turnback funds were utilized. The report shall include a general ledger accounting of the city or county street/road fund. The county report shall be made utilizing the County Financial Management System of tracking county revenues and expenditures. The report shall also include the percentage of the street/road fund that is comprised of state funds. Further, the report shall include details of each contracted project including type and description of project and total amount of money spent on the project. The report shall be submitted annually no later than March 15th for the previous year's projects.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0069 Treasurer of State**

**ACT#: 258**

**SECTION#: 5**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Treasurer of State is authorized to transfer appropriation from any line item authorized in Operations Appropriation of the Treasurer's Office in this Act to any other line item authorized in Operations Appropriation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0034 Governor, Office of the**

**ACT#: 89**

**SECTION#: 4**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Agency is authorized to transfer appropriation from any line item authorized in Operations Appropriation of the Governor's Office in this Act to any other line item authorized in Operations Appropriation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0034 Governor, Office of the**

**ACT#: 89**

**SECTION#: 5**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SALARIES. In order that exceptionally well-qualified personnel may be recruited and retained, the Office of the Governor may exceed the maximum salary levels by no more than twenty percent (20%) for no more than one-third (1/3) of the positions authorized in the operation appropriation act after receiving approval from the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0314 Governor's Mansion Commission**

**ACT#: 160**

**SECTION#: 5**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ARKANSAS GOVERNOR'S MANSION - CASH FUND. The Chief Fiscal Officer of the State shall at each end of the fiscal year cause to be transferred into the State Central Services Fund the excess of the Arkansas Governor's Mansion - Cash Fund over \$300,000 to defray state support for related purposes, including, but not limited to personal services and operating expenses, as required to carry out the functions, powers and duties of the Arkansas Governor's Mansion pursuant to ACA §22-3-801 - 806.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0051 Lieutenant Governor, Office of the**

**ACT#: 102**

**SECTION#: 3**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Office of Lieutenant Governor is authorized to transfer appropriation from any line item authorized in Operations appropriation of the Lieutenant Governor's Office in this Act to any other line item authorized in Operations appropriation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0053 Attorney General, Office of the**

**ACT#: 233**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

ATTORNEY FEES. The disbursing officer of the appropriations provided for herein, shall deposit all monies received by the Office of Attorney General as attorney fees in the State Central Services Fund as direct revenues.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0053 Attorney General, Office of the**

**ACT#: 233**

**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Office of Attorney General is authorized to transfer appropriation from any line item authorized in the Operations Appropriation of the Office of Attorney General in this Act to any other line item authorized in the Operations Appropriation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0053 Attorney General, Office of the**

**ACT#: 233**

**SECTION#: 18**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FEES. The Office of the Attorney General is hereby authorized to charge fees to other governmental units in order to reimburse the Office of the Attorney General for expenditures made on behalf of the other governmental units. Such fees are to be deposited into the State Central Services Fund in the State Treasury as a refund to expenditures.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0053 Attorney General, Office of the**

**ACT#: 233**

**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER. Immediately upon the effective date of this act, the Attorney General shall deposit or transfer by check up to the sum of two million dollars (\$2,000,000) from the unobligated cash funds of the Office of Attorney General received from court orders or settlement agreements to the State Central Services Fund.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0063 Secretary of State**

**ACT#: 204**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REIMBURSEMENT. The Miscellaneous Revolving Fund shall be reimbursed in the manner provided by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0063 Secretary of State**

**ACT#: 204**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Agency is authorized to transfer appropriation from any line item authorized in Operations appropriation to any other line item authorized in Operations appropriation.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0063 Secretary of State**

**ACT#: 204**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

STATE CAPITOL POLICE. In the event that sufficient revenues, in the judgment of the Secretary of State exist, the Secretary is hereby authorized to make additional salary payments from such funds to those employees who have attained law enforcement certification above the basic certificate level, as defined by the Arkansas Commission on Law Enforcement Standards. It is the intent of this Section that such payment shall be optional, at the discretion of the Secretary, dependent on sufficient revenues and shall not be implemented using funds specifically set aside for other programs within the Department.

Employees shall be eligible for all or a portion of additional salary payments scheduled as follows:

- I. General Certificate - \$ 300 annually
- II. Intermediate Certificate - \$ 600 annually
- III. Advanced Certificate - \$ 900 annually
- IV. Senior Certificate - \$1,200 annually

Payment of such funds may be made monthly, quarterly, semiannually or annually depending upon the availability of revenues and shall be restricted to the following classifications:

- 1. Sec. of State Capitol Police Chief
- 2. Sec. of State Police Sergeant
- 3. Sec. of State Corporal
- 4. Sec. of State Capitol Police Captain

Payments made under this Section which are awarded as partial or lump sum payments shall not be considered as salary for purposes of retirement benefits but shall be subject to withholding of all applicable federal and

**AGENCY REQUEST**

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0063 Secretary of State**

**ACT#: 204**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

state taxes. Payments made under this Section shall not be construed as exceeding the maximum annual salary of the employee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0063 Secretary of State**

**ACT#: 204**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REFUND TO EXPENDITURE. The proceeds received by the Secretary of State's Office from reimbursements for mandatory publications of petitions and measures and deposited into the Mandatory Publication Reimbursement Fund shall be transferred from time to time into the State Central Services Fund as a refund to expenditure to reimburse the State Central Services Fund for costs associated with mandatory publications.

The provisions of this section shall be in effect only from July 1, ~~2018~~2019 through June 30, ~~2019~~2020.

AGENCY REQUEST



**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0009 Legislative Audit**

**ACT#: 166**

**SECTION#: 3**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION - LINE ITEMS. The Legislative Auditor is hereby authorized to direct the Chief Fiscal Officer of the State to transfer appropriation between the line items of the Operations appropriation in this Act in such amounts determined necessary. In no event, however, shall the Regular Salaries line item in the Operations appropriation be increased or decreased by such transfers authorized herein, until the Legislative Council or Joint Budget Committee reviews such transfers.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0009 Legislative Audit**

**ACT#: 166**

**SECTION#: 4**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SALARIES. Employees of Arkansas Legislative Audit shall be eligible for cost-of-living increases on July 1, in an amount equal to that granted to all other state agency, board, commission or institution of higher education employees on those dates. Any additional adjustments in annual salary rates for employees, labor market adjustments, merit pay adjustments or employee retention or recruitment requirements shall be made at the discretion of the Legislative Auditor. In addition, the Legislative Auditor may implement a merit program to reward employees for exceptional service. The plan shall be approved by the Legislative Joint Auditing Committee prior to its implementation. In order that exceptionally well-qualified personnel may be recruited and retained, Arkansas Legislative Audit may exceed the maximum salary levels by no more than twenty percent (20%) for no more than one-third (1/3) of the positions authorized in the appropriation act after receiving approval from the Arkansas Legislative Council or Joint Budget Committee. Salary payments in accordance with this section shall not be restricted to maximum amounts authorized by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0009 Legislative Audit**

**ACT#: 166**

**SECTION#: 5**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDS. In the event Arkansas Legislative Audit of the Legislative Joint Auditing Committee should receive any funds in connection with performing their duties as prescribed by the Arkansas Scholarship Lottery Act, such funds shall be deposited into the State Central Services Fund to be utilized solely by Arkansas Legislative Audit of the Legislative Joint Auditing Committee in performing such duties.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0011 Legislative Research, Bureau of**

**ACT#: 90**

**SECTION#: 8**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION - LINE ITEMS. The Director of the Bureau of Legislative Research is hereby authorized to direct the Chief Fiscal Officer of the State to transfer appropriation between line items within appropriations and also between the appropriations made by this Act in such amounts as determined necessary.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0011 Legislative Research, Bureau of**

**ACT#: 90**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

COST OF LIVING INCREASES. Employees of the Bureau of Legislative Research assigned to positions having a labor grade shall be eligible for cost-of-living increases on July 1, in an amount equal to that granted to all other state agency, board, commission or institution of higher education employees on those dates. Any additional adjustments in annual salary rates for Bureau employees, labor market adjustments, merit pay adjustments or employee retention or recruitment requirements shall be made at the discretion of the Director of the Bureau. Salary payments shall not be restricted to maximum amounts authorized by law, if the salary adjustments exceed the maximum line item amount authorized by law for a position, the amount shall be paid to the employee as a lump-sum payment.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0011 Legislative Research, Bureau of**

**ACT#: 90**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DISBURSING OFFICER. The Director of the Bureau of Legislative Research of the Legislative Council shall be the disbursing officer for the funds appropriated by this Act, including the Interim Committee Study Expenses. The Director shall appoint a designee who shall serve as the disbursing officer in his/her absence. In the event there is no Director, the Co-Chairs of the Arkansas Legislative Council can appoint a disbursing officer. All expenditures from the appropriations provided by this Act shall be in accordance with procedures established by the Legislative Council and in accordance with appropriate law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0011 Legislative Research, Bureau of**

**ACT#: 90**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CLASSIFICATION UTILIZATION. The Bureau of Legislative Research may utilize, at the discretion of the Director of the Bureau Legislative Research, the following classifications as necessary. The use of these classifications shall not be considered as increasing the number of positions authorized in this act, only as a temporary reclassification or cross grade of a position.

CLASS

CODE	TITLE	GRADE
Q220C	SENIOR LEGISLATIVE ATTORNEY	GS12
Q223C	SENIOR LEGAL EDITOR	GS11
Q032C	SENIOR LEGISLATIVE ANALYST	GS11
Q007C	LEGISLATIVE ATTORNEY II	GS11
Q073C	LEGAL EDITOR III	GS10
Q064C	LEGISLATIVE ANALYST III	GS10
Q046C	LEGISLATIVE ATTORNEY	GS10
Q222C	LEGAL EDITOR II	GS09
Q079C	LEGISLATIVE ANALYST II	GS09
Q240C	LEGAL EDITOR	GS08
Q239C	LEGISLATIVE ANALYST	GS08
Q198C	LEGISLATIVE ADMIN SERVICES ANALYST	GS07
Q128C	LEGISLATIVE ADMINISTRATIVE ASSISTANT	GS05
Q241C	SR. APPLICATIONS PROGRAMMER	IT08
Q242C	SR. NETWORK SPECIALIST	IT08
Q243C	APPLICATIONS PROGRAMMER II	IT07
Q244C	NETWORK SPECIALIST II	IT07
Q246C	APPLICATIONS PROGRAMMER	IT06

AGENCY REQUEST

**2019 - 2021 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0011 Legislative Research, Bureau of**

**ACT#: 90**

**SECTION#: 11**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
Q247C NETWORK SPECIALIST IT06	
Q245C SR. PC SUPPORT SPECIALIST IT05	
Q063C PC SUPPORT SPECIALIST II IT04	
Q078C PC SUPPORT SPECIALIST IT03	
Q127C HELP DESK COORDINATOR IT02	
The provisions of this section shall be in effect only from July 1, <del>2018</del> <u>2019</u> through June 30, <del>2019</del> <u>2020</u> .	