

**REQUEST FOR SPECIAL LANGUAGE  
IN APPROPRIATION ACT**

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**WEEK 3**

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**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0385 DVA - Veterans Affairs Division**

**ACT#: 0179**

**SECTION#: 016**

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

**EXECUTIVE RECOMMENDATION**

USE OF ADVA CONTINGENCY POSITION POOL AND CONTINGENCY APPROPRIATION. In the event additional appropriation becomes necessary that is not authorized or contemplated in State Operations, Veterans' Homes and Veterans' Cemeteries appropriations of this Act and growth in the State Veterans' Home at Fayetteville's or North Little Rock's resident census and/or growth in the number of interments at the State Veterans' Cemetery at North Little Rock or Birdeye makes it necessary for the Arkansas Department of Veterans' Affairs to request additional positions, regular salaries and personal services matching appropriation in order to carry out the objectives of the Agency, the ADVA Contingency Position Pool and Contingency Appropriation authorized herein may be used for regular salaries and personal services matching line items.

The Arkansas Department of Veterans' Affairs Contingency Appropriation authorized herein shall be funded primarily with cash funds of the State Veterans' Home at Fayetteville or North Little Rock and of the State Veterans' Cemetery at North Little Rock or Birdeye. Each entity's cash funds shall be utilized in support of its own business operations and shall not be co-mingled. In addition, general revenue funding in support of the ADVA Contingency Position Pool shall be limited to \$250,000 per year.

Use of the ADVA Contingency Position Pool and Contingency Appropriation authorized in this Act shall be conditioned upon approval by the Chief Fiscal Officer of the State and upon certification by the ~~Director~~ Secretary of the Arkansas Department of Veterans' Affairs that funds are available to support the contingency positions requested and upon prior review by the Arkansas Legislative Council or Joint Budget Committee.

**AGENCY REQUEST**

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0385 DVA - Veterans Affairs Division**

**ACT#: 0179**

**SECTION#: 016**

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

**EXECUTIVE RECOMMENDATION**

The General Assembly has determined that the Arkansas State Veterans' Home at Fayetteville or North Little Rock and the Arkansas State Veterans' Cemetery at North Little Rock or Birdeye may operate more efficiently if some flexibility is provided to the Arkansas Department of Veterans' Affairs under this Section.

ITEM NO.	CLASS CODE TITLE	MAXIMUM ANNUAL	
		MAXIMUM NO. OF EMPLOYEES	SALARY RATE FISCAL YEAR
(1)	C087C ADMIN SPECIALIST I	1	GRADE GS02
(2)	S046C MAINT TECHNICIAN	1	GRADE GS04
(3)	S050C MAINT SPECIALIST	1	GRADE GS03
(4)	S065C MAINT ASSISTANT	3	GRADE GS01
(5)	L009C NURSE MANAGER	1	GRADE MP03
(6)	L019C REG NURSE COORD	1	GRADE MP02
(7)	D071C COMP SUPPORT ANALYST		1 GRADE IT03
(8)	L069C LICENSED PRACT NURSE1		GRADE GS06
(9)	M065C RECR ACTIVITY LEADER SVR	1	GRADE GS05
(10)	L082C CERTIFIED NURSING ASSIST	9	GRADE GS03
(11)	S087C INSTITUTIONAL SERV ASST	3	GRADE GS01

The provisions of this section shall be in effect only from July 1, ~~2020~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0385 DVA - Veterans Affairs Division**

**ACT#: 0179**

**SECTION#: 016**

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

**EXECUTIVE RECOMMENDATION**

2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9905 Department of Energy & Environment**

**ACT#: 0089**

**SECTION#: 052**

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

**EXECUTIVE RECOMMENDATION**

SHARED SERVICES.

AGENCY REQUEST

(a)(1)(A) The Chief Fiscal Officer of the State may create paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses by the Department of Energy and Environment.

(B) Upon prior approval of the Arkansas Legislative Council, or if meeting in Legislative Session the Joint Budget Committee, the Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of this act and the transfer of positions to the Regular Salaries - Shared Services appropriation section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The transfer authority provided in subdivision (a)(1) of this section for efficiencies and to eliminate duplication of services are limited only to those services that are provided for multiple divisions of a department, including without limitation to administration, human resources, procurement, communications, fleet operations, and information services.

(3) The transfer authority provided to the department in subdivision (a)(1) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(b)(1) Each department utilizing the Shared Services Paying Account section or Regular Salaries - Shared Services section of this act shall submit a report to be included in the Budget Manuals for hearings,



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9905 Department of Energy & Environment**

**ACT#: 0089**

**SECTION#: 052**

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

**EXECUTIVE RECOMMENDATION**

conducted by the General Assembly, listing all shared services transfers of positions, funds, and appropriation under this section, which shall be submitted as instructed by the Department of Finance and Administration - Office of Budget for uniformity.

(2) A report submitted under subdivision (b)(1) of this section shall include the following:

(A) The position number, authorized position title, class code, grade, business area, and name of the division, section, or unit for the position being transferred to the Regular Salaries - Shared Services section of this act; and

(B) The fund center, appropriation, appropriation amount, commitment item or items, business area, and name of the division, section, or unit for the fund or appropriation being transferred to the Shared Services Paying Account.

~~(c)(1) It is the intent of the Ninety-Second General Assembly that the authority under this section to transfer positions is intended for use for the time period prior to Fiscal Year 2022 to allow cabinet-level departments to establish a centralized Regular Salaries - Shared Services section, with the recommendation that the position transfer authority granted under this section be discontinued after that time.~~

~~(2) The Bureau of Legislative Research shall bring the recommendation in subdivision (c)(1) of this section to the attention of the chairs conducting the 2021 Regular Session pre-session budget hearings, the chairs of the Special Language Subcommittee, and the members of the Special Language Subcommittee during pre-session budget hearings.~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9905 Department of Energy & Environment**

**ACT#: 0089**

**SECTION#: 052**

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

**EXECUTIVE RECOMMENDATION**

(~~d~~ c) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions 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 cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently if some flexibility is provided as authorized 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, if the General Assembly is in session, the 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.

(e ~~d~~) The provisions of this section shall be in effect from the date of passage through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 041**

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

**EXECUTIVE RECOMMENDATION**

EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of ~~departmental~~ division laboratory equipment, including maintenance contracts, data processing equipment and mission-critical software, including maintenance contracts, as appropriated in the Capital Outlay and Data Processing Purchases line items of the Hazardous Waste Cleanup appropriation section, shall be funded through interest earnings and investment earnings from the Hazardous Substance Remedial Action Trust Fund and additional funding from the Hazardous Substance Remedial Action Trust Fund on July 1, ~~2020~~ 2021. Further, the ~~Department~~ Division shall report annually to the Arkansas Legislative Council or Joint Budget Committee all expenditures for these purchases.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 042**

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

**EXECUTIVE RECOMMENDATION**

APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement Trust Fund for information technology needs may be made without prior approval of the Chief Fiscal Officer of the State, after seeking review of the Arkansas Legislative Council or Joint Budget Committee. Further, utilization of this appropriation for information technology needs of the Arkansas ~~Department~~-Division of Environmental Quality must also be approved by the Executive Chief Information Officer after the project is evaluated on the methodology recommended by the Chief Information Officer and the CIO Council, including an analysis of the return on investment and linkage to the ~~Department's~~-Division's business objectives. Any approved projects and expenditures for information technology from the Environmental Settlement Trust Fund shall be reported annually to the Joint Committee on Advanced Communications and Information Technology.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021-2022~~.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 043**

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

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State, the Arkansas ~~Department~~ Division of Environmental Quality may transfer from various department funds to the Division of Environmental Quality Fund Account the sum of \$1,500,000 in fiscal year ~~2019-2020~~ 2022 for the exclusive purpose of supplementing funding for the appropriation provided in the State Operations appropriation section. The funds shall be used for personal services and operating expenses of the Arkansas ~~Department~~ Division of Environmental Quality - State Operations. Funds which remain in the Division of Environmental Quality Fund Account at the close of the fiscal year shall be carried forward and made available for the same purpose for the following fiscal year. These funds shall be used for the purpose stated above.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 044**

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

**EXECUTIVE RECOMMENDATION**

REPORTING REQUIREMENTS. For the purposes of the fund transfers provided for in the preceding Fund Transfer Provision special language section, the amounts transferred shall not be considered as part of any statutory limitation on the use of funds for administration of programs of the ~~Department~~ Division.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 045**

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

**EXECUTIVE RECOMMENDATION**

LANDFILL POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of ~~\$50,000~~ \$2,000,000 per site from the Landfill Post-Closure Trust Fund, as appropriated in the Contractual Services line item of the Landfill Post-Closure Program appropriation section, for corrective action to remedy environmental impacts of closed disposal sites previously operated as a landfill pursuant to state law, will be ~~prioritized and authorized~~ approved by the Arkansas Pollution Control and Ecology Commission after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly. ~~Expenditures exceeding \$2,000,000 per fiscal year must be approved by the Arkansas Pollution Control and Ecology Commission.~~

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 046**

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

**EXECUTIVE RECOMMENDATION**

NON HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Division of Environmental Quality Fee Trust Fund for the cleanup of non hazardous sites which pose a threat to the environment, as appropriated in the Non Hazardous Site Cleanup appropriation section, shall be funded only through interest earnings from the Division of Environmental Quality Fee Trust Fund. The Arkansas ~~Department~~ Division of Environmental Quality shall seek cost recovery from parties responsible for damages to the environment that dictate the use of appropriation authorized in the Non Hazardous Site Cleanup appropriation section of this act, as well as any other funds spent by a governmental entity to remediate such non hazardous sites.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 047**

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

**EXECUTIVE RECOMMENDATION**

LANDFILL POST-CLOSURE TRUST FUND.

AGENCY REQUEST

(a) The General Assembly finds that:

(1) A growing number of regional solid waste management districts within the state are facing difficulty in funding the necessary costs of ~~closure and~~ post -closure care of landfills owned by the districts; and

(2) Without ~~closure and~~ post -closure care of landfills, irreparable harm to human health and the environment will occur.

(b) Notwithstanding Arkansas Code § 8-6-1001 et seq. and any Landfill Post -Closure Trust Fund cleanup restrictions enumerated in this Act, the Arkansas ~~Department~~ Division of Environmental Quality also may:

(1) Expend monies from the Landfill Post -Closure Trust Fund to a state - approved contractor or the regional solid waste management district to complete all actions necessary to achieve the ~~final closure and~~ post - closure care of a landfill owned by a regional solid waste management district if the ~~department~~ division determines that the regional solid waste management district:

(A) Has filed for protection under federal bankruptcy law;

(B) Is unable to meet its debt obligations in the ordinary course of its

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 047**

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

**EXECUTIVE RECOMMENDATION**

operations; or

(C) Is otherwise insolvent.

(c) This section is in effect only from July 1, ~~2020-2021~~ through ~~June 30,~~  
~~2021~~ December 31, 2021.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 048**

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

**EXECUTIVE RECOMMENDATION**

~~SUSPENSION OF LANDFILL DISPOSAL FEES TO SUPPORT A COMPUTER AND ELECTRONIC EQUIPMENT RECYCLING PROGRAM.~~

AGENCY REQUEST

~~\_\_\_\_\_ (a) The landfill disposal fee to support a computer and electronic equipment recycling program levied under Arkansas Code § 8-6-612(a) shall not be levied from the effective date of this act through June 30, 2020 2021.~~

~~\_\_\_\_\_ (b) Any landfill disposal fees collected under Arkansas Code § 8-6-612(a) before the effective date of this act shall be:~~

~~\_\_\_\_\_ (1) Collected as provided under Arkansas Code § 8-6-612(c); and~~

~~\_\_\_\_\_ (2) Distributed as provided under Arkansas Code § 8-6-616 and this Act.~~

~~\_\_\_\_\_ The provision of this section shall be in effect only from July 1, 2020 2021 through June 30, 2021 2022.~~

**Please Delete Language; § 8-6-612 is now § 8-6-613 and is Codified.**

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 049**

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

**EXECUTIVE RECOMMENDATION**

INVESTMENTS. All funds that are held in any trust fund administered by the Arkansas ~~Department~~Division of Environmental Quality may be invested and reinvested, subject to the written approval of the Officer of the Treasurer, and all investments as authorized for use by the Office of the Treasurer may be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Director of the Arkansas ~~Department~~Division of Environmental Quality or the Director's designee.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 050**

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

**EXECUTIVE RECOMMENDATION**

AGENCY REQUESTS THAT THIS LANGUAGE BE CODIFIED.

AGENCY REQUEST

TRUST FUND CONTRIBUTION FEES.

(a) For purposes of collecting trust fund contribution fees under § 8-4-203(b), the Arkansas Department Division of Environmental Quality shall treat a public facilities boards and public water authorities as municipal systems.

~~(b) This section expires on June 30, 2021.~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 0089**

**SECTION#: 051**

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

**EXECUTIVE RECOMMENDATION**

~~LOAN. Notwithstanding the provisions of Arkansas Code Annotated § 19-5-501(b)(1)(C)(ii) and (D)(i), immediately upon the effective date of this act, the director of the Arkansas Department of Environmental Quality is authorized to request the Chief Fiscal Officer of the State to make a loan on his or her books in the amount not to exceed ten million dollars (\$10,000,000) from the Budget Stabilization Trust Fund to the Hazardous Substance Remedial Action Trust Fund. Loan repayments shall be made from time to time from any legal fund of the Arkansas Department of Environmental Quality and the entire amount of the loan shall be repaid to the Budget Stabilization Trust Fund by June 30, 2023.~~

~~By October 15, January 15, April 15, and July 15 of each fiscal year the Arkansas Department of Environmental Quality shall report to Arkansas Legislative Council or Joint Budget Committee the status of hazardous waste cleanup efforts at the Trafalgar Road site in Bella Vista, Arkansas. The report shall include:~~

- ~~\_\_\_\_\_ (a) all funds expended by each quarter of the fiscal year~~
- ~~\_\_\_\_\_ (b) source of funds expended~~
- ~~\_\_\_\_\_ (c) estimated total of funds to be expended~~
- ~~\_\_\_\_\_ (d) expected date for completion of cleanup~~
- ~~\_\_\_\_\_ (e) all efforts of cost recovery from responsible parties~~

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0440 DEE - Oil and Gas Commission**

**ACT#: 0074**

**SECTION#: 006**

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

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER. The Oil and Gas Commission, after receiving review from the Chief Fiscal Officer of the State and reporting to the Arkansas Legislative Council or Joint Budget Committee, may request the Chief Fiscal Officer to transfer up to ~~\$2,000,000~~ \$1,000,000 per year on his or her books and the books of the State Treasurer and the Auditor of the State from the Oil and Gas Commission Fund to the Abandoned and Orphaned Well Plugging Fund.

The Oil and Gas Commission may request the Chief Fiscal Officer to transfer \$10,000,000 in a one time, emergency transfer on his or her books and the books of the State Treasurer and the Auditor of the State from the Oil and Gas Commission Fund to the Abandoned and Orphaned Well Plugging Fund.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0975 DOM - State Military Department**

**ACT#: 0093**

**SECTION#: 016**

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

**EXECUTIVE RECOMMENDATION**

EXTRA HELP. No employee of the Camp J.T. Robinson, or Fort Chaffee Federal Training Site Divisions of the Department of Military who is employed as "extra help" may receive an amount to exceed eighty-five percent (85%) of the maximum annual salary for a comparable position as authorized under Arkansas Code 21-5-201 et seq. during any fiscal year, nor shall such employee be employed for a period of time to exceed eighteen hundred (1800) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0975 DOM - State Military Department**

**ACT#: 0093**

**SECTION#: 017**

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

**EXECUTIVE RECOMMENDATION**

CAMP ROBINSON - VARIOUS STATE MILITARY LAKES. The Department of Military is hereby authorized to stock various State Military Lakes on Camp Robinson post each year with fish for special events by using wildlife funds and rental income, no State General Revenue will be used.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0975 DOM - State Military Department**

**ACT#: 0093**

**SECTION#: 018**

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

**EXECUTIVE RECOMMENDATION**

GENERALS SALARY. The line item maximums for the State of Arkansas Adjutant General and Deputy Adjutant General are based on the salary grid by the United States Department of Defense. Incumbents in these positions shall be compensated in accordance with the Department of Defense Advisory Service Pay Plan and are not guaranteed placement at the maximum level. The line item maximum salaries may be adjusted on July 1 of each fiscal year to incorporate salary rate changes that have been implemented by the U.S. Department of Defense.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0975 DOM - State Military Department**

**ACT#: 0093**

**SECTION#: 019**

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

**EXECUTIVE RECOMMENDATION**

PROMOTIONAL ITEMS. The Department of Military is hereby authorized to transfer appropriation from Operating Expenses to Promotional Items in the General Operations Appropriation and/or Cash Operations Appropriation provided by this Act in an amount not to exceed ten thousand dollars (\$10,000) each fiscal year, as authorized by the Director of State Resources, and with the approval of the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0975 DOM - State Military Department**

**ACT#: 0093**

**SECTION#: 020**

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

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD OF FUNDS.

AGENCY REQUEST

(a) The Chief Fiscal Officer of the State shall cause to be transferred on his or her books and those of the State Treasurer and Auditor of State the balance of funds remaining in the Department of Military Fund Account on June 30, ~~2020~~ 2021 into a sub-fund created within the Department of Military Fund to be used exclusively for construction, maintenance and operating expenses or for future construction projects of the Department of Military.

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

(1) The Office of Budget of the Department of Finance and Administration shall report to the Legislative Council all amounts carried forward by the September meeting of the Legislative Council or the Joint Budget Committee meeting which report shall include the name of the agency, board, commission, or institution and the amount of funding carried forward, the program name or line item and the funding source; and

(2) The Department of Military shall provide a written report to the Legislative Council or Joint Budget Committee containing all information set forth in subdivision (b)(1) of this section no later than thirty (30) days prior to the time the Department presents its budget request to the Legislative Council or Joint Budget Committee, or both; and

(3) Thereupon, the Department of Finance and Administration shall include all information obtained in subdivision (b)(2) of this section in the budget manuals.

The provisions of this section shall be in effect only from July

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0975 DOM - State Military Department**

**ACT#: 0093**

**SECTION#: 020**

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

**EXECUTIVE RECOMMENDATION**

1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9909 Department of Inspector General**

**ACT#: 0155**

**SECTION#: 019**

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

**EXECUTIVE RECOMMENDATION**

SHARED SERVICES.

AGENCY REQUEST

(a)(1)(A) The Chief Fiscal Officer of the State may create paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses by the Department of the Inspector General.

(B) Upon prior approval of the Arkansas Legislative Council, or if meeting in Legislative Session the Joint Budget Committee, the Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of this act and the transfer of positions to the Regular Salaries - Shared Services appropriation section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The transfer authority provided in subdivision (a)(1) of this section for efficiencies and to eliminate duplication of services are limited only to those services that are provided for multiple divisions of a department, including without limitation to administration, human resources, procurement, communications, fleet operations, and information services.

(3) The transfer authority provided to the department in subdivision (a)(1) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(b)(1) Each department utilizing the Shared Services Paying Account section or Regular Salaries - Shared Services section of this act shall submit a report to be included in the Budget Manuals for hearings,

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9909 Department of Inspector General**

**ACT#: 0155**

**SECTION#: 019**

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

**EXECUTIVE RECOMMENDATION**

conducted by the General Assembly, listing all shared services transfers of positions, funds, and appropriation under this section, which shall be submitted as instructed by the Department of Finance and Administration - Office of Budget for uniformity.

(2) A report submitted under subdivision (b)(1) of this section shall include the following:

(A) The position number, authorized position title, class code, grade, business area, and name of the division, section, or unit for the position being transferred to the Regular Salaries - Shared Services section of this act; and

(B) The fund center, appropriation, appropriation amount, commitment item or items, business area, and name of the division, section, or unit for the fund or appropriation being transferred to the Shared Services Paying Account.

~~(c)(1) It is the intent of the Ninety-Second General Assembly that the authority under this section to transfer positions is intended for use for the time period prior to Fiscal Year 2022 to allow cabinet-level departments to establish a centralized Regular Salaries - Shared Services section, with the recommendation that the position transfer authority granted under this section be discontinued after that time.~~

~~(2) The Bureau of Legislative Research shall bring the recommendation in subdivision (c)(1) of this section to the attention of the chairs conducting the 2021 Regular Session pre-session budget hearings, the chairs of the Special Language Subcommittee, and the members of the Special Language Subcommittee during pre-session budget hearings.~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9909 Department of Inspector General**

**ACT#: 0155**

**SECTION#: 019**

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

**EXECUTIVE RECOMMENDATION**

(~~d~~ c) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions 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 cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently if some flexibility is provided as authorized 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, if the General Assembly is in session, the 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.

(e ~~d~~) The provisions of this section shall be in effect from the date of passage through June 30, ~~2021~~ 2022.



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9909 Department of Inspector General**

**ACT#: new**

**SECTION#: new**

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

**EXECUTIVE RECOMMENDATION**

ARKANSAS FAIR HOUSING COMMISSION PROMOTIONAL ITEMS. Upon approval of the Chief Fiscal Officer of the State, the Arkansas Fair Housing Commission is hereby authorized to transfer appropriation from Operating Expenses to Promotional Items in the Education-Trust Appropriation provided by this Act in an amount not to exceed eight thousand dollars (\$8,000) each fiscal year to meet the Commission's educational needs.

The provisions of this section shall be in effect only from July 1, 2021 through June 30, 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0229 DIG - Fair Housing Commission**

**ACT#: 0155**

**SECTION#: 018**

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

**EXECUTIVE RECOMMENDATION**

~~ARKANSAS FAIR HOUSING COMMISSION PROMOTIONAL ITEMS. Upon approval of the Chief Fiscal Officer of the State, the Arkansas Fair Housing Commission is hereby authorized to transfer appropriation from Operating Expenses to Promotional Items in the Education Trust Appropriation provided by this Act in an amount not to exceed eight thousand dollars (\$8,000) each fiscal year to meet the Commission's educational needs. The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.~~

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9914 Department of Transformation & Shared Services**

**ACT#: 0182**

**SECTION#: 013**

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

**EXECUTIVE RECOMMENDATION**

~~SHARED SERVICES ADMINISTRATION TRANSFER AUTHORITY.~~

AGENCY REQUEST

~~(a)(1)(A) The Chief Fiscal Officer of the State may create paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses by the Department of Transformation and Shared Services.~~

~~(B) (a)(1) Upon prior approval of the Arkansas Legislative Council, or if meeting in Legislative Session the Joint Budget Committee, the Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account Administration Operations appropriation section of this act and the transfer of positions to the Regular Salaries - Shared Services appropriation Administration section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.~~

(2) The transfer authority provided in subdivision (a)(1) of this section for efficiencies and to eliminate duplication of services are limited only to those services that are provided for multiple divisions of a department, including without limitation to administration, human resources, procurement, communications, fleet operations, and information services.

(3) The transfer authority provided to the department in subdivision (a)(1) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(b)(1) ~~Each department utilizing the Shared Services Paying Account section or~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9914 Department of Transformation & Shared Services**

**ACT#: 0182**

**SECTION#: 013**

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

**EXECUTIVE RECOMMENDATION**

~~Regular Salaries—Shared Services section of this act~~ The Department of Transformation and Shared Services shall submit a report to be included in the Budget Manuals for hearings, conducted by the General Assembly, listing all ~~shared-services~~ transfers of positions, funds, and appropriation under this section, which shall be submitted as instructed by the Department of Finance and Administration - Office of Budget for uniformity.

(2) A report submitted under subdivision (b)(1) of this section shall include the following:

(A) The position number, authorized position title, class code, grade, business area, and name of the division, section, or unit for the position being transferred to the Regular Salaries - Shared Services section of this act; and

(B) The fund center, appropriation, appropriation amount, commitment item or items, business area, and name of the division, section, or unit for the fund or appropriation being transferred to the Shared Services Paying Account.

~~————(c)(1) It is the intent of the Ninety-Second General Assembly that the authority under this section to transfer positions is intended for use for the time period prior to Fiscal Year 2022 to allow cabinet-level departments to establish a centralized Regular Salaries—Shared Services section, with the recommendation that the position transfer authority granted under this section be discontinued after that time.~~

~~————(2) The Bureau of Legislative Research shall bring the recommendation in subdivision (c)(1) of this section to the attention of the chairs conducting the 2021 Regular Session pre-session budget hearings, the chairs of the Special Language Subcommittee, and the members of the Special Language Subcommittee during pre-~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9914 Department of Transformation & Shared Services**

**ACT#: 0182**

**SECTION#: 013**

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

**EXECUTIVE RECOMMENDATION**

session budget hearings.

(d c) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions 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 cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently if some flexibility is provided as authorized 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, if the General Assembly is in session, the 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.

(e d) The provisions of this section shall be in effect from the date of passage through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0472 DTSS - Geographic Information Systems Division**

**ACT#: 0118**

**SECTION#: 005**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER OF CARRY FORWARD. Any unexpended balance of funds remaining on June 30 of each fiscal year in the Miscellaneous Agencies Fund Account for the Arkansas Geographic Information Office, shall be transferred to the Geographic Information Systems Fund to be used for operating and maintaining the Arkansas Spatial Data Infrastructure, creating, updating, maintaining and disseminating framework spatial data as defined by Arkansas Code §15-21-502.

(1) Prior to June 30, ~~2020~~ 2021 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 the 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**

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0472 DTSS - Geographic Information Systems Division**

**ACT#: 0118**

**SECTION#: 005**

**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 biennial 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 014**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS - JUSTICE BUILDING OPERATIONS ACTUAL EXPENDITURES. Building Authority Division may from time to time as may be necessary and in such amounts as may be necessary and with the approval of the Chief Fiscal Officer of the State, request a transfer of funds from the State Central Services Fund to the Arkansas Building Authority Maintenance Fund for operation of the Justice Building for actual expenditures, in an amount not to exceed the dollar amount appropriated in the Justice Building Operation Section. Upon his approval, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the State and Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 015**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS. Building Authority Division is hereby authorized, after seeking the approval of the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee to request transfer from the appropriation made in the Building Maintenance Section for Building Maintenance to the Acquisition and Maintenance appropriation in the Acquisition and Maintenance Section and to receive from another state agency that seeks like approvals its authority, appropriation and the transfer of funds to be deposited into the Building Authority Division Real Estate Fund to become part of the Acquisition and Maintenance appropriation, and to be used for any purposes as set forth by law for said Real Estate Fund.

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 Building Authority Division may operate more efficiently if some flexibility is provided to Building Authority Division 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

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 015**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 016**

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

**EXECUTIVE RECOMMENDATION**

BUILDING AUTHORITY DIVISION CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. Building Authority Division may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in the Building Maintenance Section of this Act to any appropriation authorized for Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 017**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to provide a more cost effective method to address the emerging infrastructure needs of Arkansas State Government, appropriations and funds transferred to the Facilities Management Contingency Appropriation are to be used in the event that the Building Authority Division executes one or more building contracts or maintenance agreements with State Agencies, and the appropriations or funds otherwise provided for the Building Authority Division are not sufficient to address those needs, and it is more cost effective for Building Authority Division to execute these services. Any State Agency may transfer or deposit funds and appropriations to Building Authority Division - Facilities Management Contingency Appropriation authorized in the Building Maintenance Section of this Act to execute one or more building contracts or maintenance agreements with said State Agencies. Building Authority Division shall provide justification to the Chief Fiscal Officer of the State for the need of such appropriations and funds transfers and seek and receive approval of the Chief Fiscal Officer of the State. Building Authority Division shall then seek and receive the approval of the Arkansas Legislative Council or Joint Budget Committee. The requirement of approval by the Arkansas Legislative Council or Joint Budget Committee is not a severable part of the section. If the requirement of approval by the Arkansas Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(b) The Chief Fiscal Officer of the State shall make the necessary adjustments on his or her books and the books of the Auditor of the State

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 017**

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

**EXECUTIVE RECOMMENDATION**

for the transfer or deposit of the funds and appropriations from each State Agency to the appropriation authorized in the Building Maintenance Section of this Act and to the various Building Authority Division accounts to be used exclusively by Building Authority Division for the fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 018**

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

**EXECUTIVE RECOMMENDATION**

SUSTAINABLE BUILDING DESIGN PROGRAM - TRANSFER. In the event there is not sufficient appropriation and/or funding provided for by the General Assembly for any state agency, board or commission to participate in the Sustainable Building Design Program for renovations of state owned property which exceeds two hundred fifty thousand dollars (\$250,000), the agency may request a transfer from the Sustainable Building Design Program appropriation authorized in the Sustainable Building Design Program Section of this Act from the Chief Fiscal Officer of the State. The request shall clearly state the amount required and such other information as may be required by the Chief Fiscal Officer of the State necessary to make a decision regarding the request. Upon approval of the Chief Fiscal Officer of the State and prior review by the Arkansas Legislative Council or Joint Budget Committee, the State Auditor shall be notified as of the amount and the purposes for which the appropriation and/or funding is to be transferred and shall be established upon the books of the Department of Finance and Administration and the State Auditor. If desired, the appropriation may be supplemental to those regularly appropriated for like purposes by the General Assembly for that agency.

Provided further, that all state agencies, boards or commissions shall have prior approval by the Building Authority Division as authorized for the Sustainable Building Design Program in accordance with established Rules and Regulations.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 019**

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

**EXECUTIVE RECOMMENDATION**

SUSTAINABLE BUILDING DESIGN PROGRAM - REVOLVING LOAN FUND. The Sustainable Building Design Program Appropriation is intended to provide additional appropriation authority for the Sustainable Building Design Program. Funding for the program may be made available by the Chief Fiscal Officer of the State, in the form of a loan, from a transfer from the Sustainable Building Design Revolving Loan Fund after the required review by the Arkansas Legislative Council or Joint Budget Committee, approval by the Chief Fiscal Officer of the State and approval through rules and regulations established and administered by Building Authority Division. Moneys made available for the repayment of a loan shall be deposited to the credit of the Sustainable Building Design Revolving Loan Fund as a "Refund to Expenditure" for the year in which the deposit is made. In the event that the funds for the repayment of a loan are held in depositories other than the State Treasury, the administrative head of the affected state agency shall issue a check drawn against the funds, which shall be deposited in the Sustainable Building Design Revolving Loan Fund.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 020**

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

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER - ~~GENERAL IMPROVEMENT FUNDS~~ DEVELOPMENT AND ENHANCEMENT FUNDS. The Chief Fiscal Officer of the State may transfer from time to time on his or her books and those of the State Treasurer and the Auditor of the State funding which is made available from ~~General Improvement Funds~~ Development and Enhancement Funds allocated and distributed to Building Authority Division in an amount not to exceed three million dollars (\$3,000,000) from the ~~General Improvement Fund~~ Development and Enhancement Fund or its successor fund or fund accounts to the Sustainable Building Design Revolving Loan Fund to provide funds for the appropriation provided herein or for appropriation authority as may be provided by law to provide loans to agencies for the Sustainable Building Design Program.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 021**

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

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER - FEDERAL FUNDS. From time to time, the Chief Fiscal Officer of the State may transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum not to exceed twelve million dollars (\$12,000,000) from Federal Funds as determined by the Chief Fiscal Officer of the State to the Sustainable Building Design Revolving Loan Fund to provide funds for the appropriations herein.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 022**

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

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER - CASH FUND ACCOUNT. Building Authority Division is authorized to transfer any unspent funds remaining in any cash fund account established for the management of a state owned facility managed by, but not owned by, Building Authority Division to the Building Authority Maintenance Fund to support the facility's Maintenance and Operations appropriations.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 0152**

**SECTION#: 023**

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

**EXECUTIVE RECOMMENDATION**

~~FUNDING TRANSFER — INSURANCE DEPARTMENT TRUST FUND. Building Authority Division may from time to time as may be necessary and in such amounts as may be necessary and with the approval of the Chief Fiscal Officer of the State, request a transfer of funds from the Insurance Department Trust Fund to the Building Authority Division Real Estate Fund to provide funds for land acquisition and building construction in an amount not to exceed the dollar amount appropriated in the Acquisition and Maintenance Section. Upon his approval, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the State and Building Authority Division.~~

~~The provisions of this section shall be in effect only from July 1, 2021 through June 30, 2022.~~

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: 0079**

**SECTION#: 005**

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

**EXECUTIVE RECOMMENDATION**

COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

AGENCY REQUEST

1. In order to effect compliance with the requirements of state and federal statutory and regulatory provisions, the Director shall adjust billing rates or issue billing adjustments to be federally compliant, notwithstanding the provisions of ACA §25-4-105 and §25-4-119 or funds sufficient to effect compliance shall be provided the Division Department from General Revenues, Special Revenues or such other fund sources as may become available. These actions shall be subject to the approval of the Chief Fiscal Officer of the State and approval by the Arkansas Legislative Council or Joint Budget Committee.

2. The Director shall have authority to transfer funds between the Information Technology Reserve Fund established by ACA §25-4-123 and the Division Department of Information Systems Revolving Fund established by ACA §25-4-121 for cash management purposes.

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 Division Department of Information Systems may operate more efficiently if some flexibility is provided to the Division Department of Information Systems authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: 0079**

**SECTION#: 005**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: 0079**

**SECTION#: 006**

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

**EXECUTIVE RECOMMENDATION**

GIFTS, GRANTS AND DONATIONS. (i) The Director may accept on behalf of the Division ~~Department~~ of Information Systems, from any source, funds including but not limited to special or general revenue, gifts, grants, cash, bequeaths, devices, donations, real or personal property and equipment. (ii) The Division ~~Department~~ shall quarterly file with the Arkansas Legislative Council or Joint Budget Committee a report summarizing all funds, gifts, grants, cash, bequeaths, devices, donations, real or personal property and equipment received. (iii) The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: New**

**SECTION#: New**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION - LINE ITEMS -DIVISION OF INFORMATION SYSTEMS - OPERATIONS. After receiving approval from the Chief Fiscal Officer of the State and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Secretary of the Department of Transformation and Shared Services is authorized to transfer appropriation between the line items authorized herein for the Division of Information Systems - Operations to best utilize resources to respond to the needs of the Division's customers. The provisions of this section shall be in effect only from July 1, 2021 through June 30, 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 022**

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

**EXECUTIVE RECOMMENDATION**

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the ~~Department~~ Division of Corrections Contingent Positions for the ~~2020-2021~~ 2021-2022 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	
				2020-2021	2021-2022
(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 PRACT. NURSE	180	GRADE GS06	



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 022**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>				<b>EXECUTIVE RECOMMENDATION</b>
(15) B111C	LABORATORY TECHNICIAN	3	GRADE GS04	
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 COORDINATOR	1	GRADE IT07	
(27) G178C	POLICY DEVELOP COORD	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 <del>C115</del> GS05	
(32)	HR SPECIALIST	1	GRADE <del>C113</del> GS04	
(33) A098C	FISCAL SUPPORT SPECIALIST	1	GRADE GS04	
(34)	NURSING ASSISTANT	53	GRADE C110	
(35) A101C	ACCOUNTING TECH	4	GRADE GS04	
(36) V029C	PURCHASING ASSISTANT	<u>1</u>	GRADE GS01	
GRAND TOTAL CONTINGENT EMPLOYEES <u>462</u>				

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 022**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 023**

**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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 024**

**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, 2020 2021 through June 30, 2021-2022.~~

Unnecessary due to this language is Codified, pursuant to A.C.A. 12-27-130

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 025**

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

**EXECUTIVE RECOMMENDATION**

~~COUNTY JAIL REIMBURSEMENT. In the event the Department of Corrections 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, 2020 2021 through June 30, 2021 2022.~~

Unnecessary due to this language is Codified, pursuant to A.C.A. 12-27-114

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 026**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER OF APPROPRIATION WITHIN CAPITAL IMPROVEMENT PROJECTS.  
The Department of Corrections 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 Corrections.

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 Corrections - Division of Correction may operate more efficiently if some flexibility is provided to the Department of Corrections 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

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 026**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 027**

**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~~Division of Community Correction and ~~Department~~Division of Corrections is necessary for the efficient and effective operation of the ~~departments~~divisions, 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~~Divisions 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~~division. 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;

AGENCY REQUEST



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

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

**EXECUTIVE RECOMMENDATION**

- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Division of Correction and the Division 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, ~~2020~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 027**

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

**EXECUTIVE RECOMMENDATION**

2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 028**

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

**EXECUTIVE RECOMMENDATION**

HOLIDAY COMPENSATION. The Department of Corrections 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 Corrections 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~~ Secretary of the Department of Corrections 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:

**AGENCY REQUEST**

Class

Code      Title

Grade

T033C	ADC/DCC MAJOR	GRADE GS09
T048C	ADC/DCC CAPTAIN	GRADE GS08
T054C	ADC/DCC LIEUTENANT	GRADE GS07
TO65C	ADC/DCC CORRECTIONAL SERGEANT	GRADE GS06
T059C	ADC/DCC FOOD PREPARATION MANAGER	GRADE <del>GS05</del> <u>GS07</u>
T075C	ADC/DCC CORPORAL	GRADE GS05
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE GS04
T070C	ADC/DCC FOOD PREPARATION SUPERVISOR	GRADE <del>GS04</del> <u>GS06</u>

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 028**

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

**EXECUTIVE RECOMMENDATION**

The provisions of this section shall be in effect only from July 1, ~~2020~~  
2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 029**

**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 Corrections to sufficiently budget for the expenditure of payments to employees for all Holiday Liability, ~~Straight~~GAP 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 030**

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

**EXECUTIVE RECOMMENDATION**

ADC SEX OFFENDER ASSESSMENT. The Arkansas Department of Corrections - Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 031**

**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 Corrections - Division of Correction 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~~Division 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 Corrections - Division 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;

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

**EXECUTIVE RECOMMENDATION**

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



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**EXECUTIVE RECOMMENDATION**

total direct and indirect costs compiled in accordance with subsections (a) 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 032**

**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, ~~2020~~ 2021 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)

AGENCY REQUEST

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

**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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 033**

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

**EXECUTIVE RECOMMENDATION**

REFUND TO EXPENDITURE. The proceeds from the sale of feeder cattle by the Department of Corrections - Division 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 Corrections - Division of Correction for the "Purchase Cattle/Meat" line item.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

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**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 034**

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

**EXECUTIVE RECOMMENDATION**

USE OF MAINTENANCE AND OPERATION APPROPRIATION AND SALVAGED MATERIALS CONSTRUCTION. The Department of Corrections - Division 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 Corrections - Division of Correction may operate more efficiently if some flexibility is provided to the Department of Corrections 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

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**SECTION#: 034**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 035**

**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 Corrections 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 Corrections may operate more efficiently if some flexibility is provided to the Department of Corrections 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, ~~2020~~

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 035**

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

**EXECUTIVE RECOMMENDATION**

2021 through June 30, ~~2021~~ 2022.



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**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 036**

**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 Corrections may operate more efficiently if some flexibility is provided to the Department of Corrections 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, ~~2020~~

AGENCY REQUEST

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**SECTION#: 036**

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

**EXECUTIVE RECOMMENDATION**

2021 through June 30, ~~2021~~ 2022.

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**ACT#: 0083**

**SECTION#: 037**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL REVENUE/CASH FUNDS TRANSFER. The Department of Corrections 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 Corrections may operate more efficiently if some flexibility is provided to the Department of Corrections 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 038**

**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 Corrections 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 or from any other appropriation acts authorized by the department into the ~~Professional Fees and Services line item contained in the Inmate Care & Custody appropriation of this Act~~ Shared Services appropriations and line items for payment 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 Corrections may operate more efficiently if some flexibility is provided to the Department of Corrections 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

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 038**

**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, ~~2020~~  
2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 039**

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

**EXECUTIVE RECOMMENDATION**

APPROPRIATION TRANSFER FOR CONSTRUCTING AND EQUIPPING. The Department of Corrections 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 Corrections may operate more efficiently if some flexibility is provided to the Department of Corrections 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 040**

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

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL INVOICE SUMMARY. The Department of Corrections - Division of Correction and ~~Department~~Division of 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~~Divisions 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 041**

**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 ~~2019-2020~~ 2020-2021 fiscal year in the operations of the Department of Corrections - Divisions of Correction & Community Correction, the ~~Director~~Secretary of the Department of Corrections 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 042**

**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 Corrections - Divisions 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 043**

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

**EXECUTIVE RECOMMENDATION**

ESSENTIAL SERVICES STIPEND. The Arkansas Department of Corrections - Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 044**

**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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 045**

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

**EXECUTIVE RECOMMENDATION**

PROMOTIONAL ITEMS. The Department of Corrections - Division 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 \$5,000 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 046**

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

**EXECUTIVE RECOMMENDATION**

JUVENILE TRANSPORTATION. Funds appropriated for Transportation of Juveniles in the Transportation of Juvenile Offenders Section of this Act shall be used to provide grants/reimbursements to counties and cities for transportation of juvenile offenders to appropriate care or custody facilities or any other licensed juvenile facility approved by the court or as may be provided by law, in those counties which have juvenile detention facilities. Such grants/reimbursements for juvenile transportation costs shall be made in accordance with procedures and criteria developed and administered by the Office of Criminal Detention Facilities Review Coordinator. The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 047**

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

**EXECUTIVE RECOMMENDATION**

SHARED SERVICES.

(a)(1)(A) The Chief Fiscal Officer of the State may create paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses by the Department of Corrections—~~Division of Correction.~~

(B) Upon prior approval of the Arkansas Legislative Council, or if meeting in Legislative Session the Joint Budget Committee, the Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of this act and the transfer of positions to the Regular Salaries - Shared Services appropriation section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The transfer authority provided in subdivision (a)(1) of this section for efficiencies and to eliminate duplication of services are limited only to those services that are provided for multiple divisions of a department, including without limitation to administration, human resources, procurement, communications, fleet operations, and information services.

(3) The transfer authority provided to the department in subdivision (a)(1) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(b)(1) Each department utilizing the Shared Services Paying Account section or Regular Salaries - Shared Services section of this act shall submit a report to be included in the Budget Manuals for hearings,

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 047**

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

**EXECUTIVE RECOMMENDATION**

conducted by the General Assembly, listing all shared services transfers of positions, funds, and appropriation under this section, which shall be submitted as instructed by the Department of Finance and Administration - Office of Budget for uniformity.

(2) A report submitted under subdivision (b)(1) of this section shall include the following:

(A) The position number, authorized position title, class code, grade, business area, and name of the division, section, or unit for the position being transferred to the Regular Salaries - Shared Services section of this act; and

(B) The fund center, appropriation, appropriation amount, commitment item or items, business area, and name of the division, section, or unit for the fund or appropriation being transferred to the Shared Services Paying Account.

~~(c)(1) It is the intent of the Ninety-Second General Assembly that the authority under this section to transfer positions is intended for use for the time period prior to Fiscal Year 2022 to allow cabinet-level departments to establish a centralized Regular Salaries - Shared Services section, with the recommendation that the position transfer authority granted under this section be discontinued after that time.~~

~~(2) The Bureau of Legislative Research shall bring the recommendation in subdivision (c)(1) of this section to the attention of the chairs conducting the 2021 Regular Session pre-session budget hearings, the chairs of the Special Language Subcommittee, and the members of the Special Language Subcommittee during pre-session budget hearings.~~

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 0083**

**SECTION#: 047**

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

**EXECUTIVE RECOMMENDATION**

(~~d~~ c) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions 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 cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently if some flexibility is provided as authorized 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, if the General Assembly is in session, the 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.

(~~e~~ d) The provisions of this section shall be in effect from the date of passage through June 30, ~~2021~~ 2022.



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: NEW**

**SECTION#: NEW1**

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

**EXECUTIVE RECOMMENDATION**

INMATE CONSUMPTION - DEPARTMENT OF CORRECTIONS. The value of products produced or processed on the farm that were consumed by inmates of the Divisions of Correction and Community Correction shall be based upon prices obtained by the Division of Correction and the State Procurement Director for purchasing similar products and quantities on the open market for other state agencies, institutions, and universities.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: NEW**

**SECTION#: NEW2**

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

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD - ENERGY, MAINTENANCE & OPERATIONAL SAVINGS. Any unexpended balance of appropriation and funds authorized in this Act for guaranteed energy, maintenance, and operational savings generated through energy usage, solar power, waste management, water conservation, and similar efficiency efforts on June 30, 2022 shall be carried forward and made available for the same purpose for the fiscal year ending June 30, 2023. This authority authorizes the reinvestment of guaranteed savings for future and existing energy conservation projects.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: NEW**

**SECTION#: NEW3**

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

**EXECUTIVE RECOMMENDATION**

CARRY FORWARD - TRANSFORMATION SAVINGS. Any unexpended balance of appropriation and/or funds authorized in this Act for the Department of Corrections Shared Services - Administrative Services remaining on June 30, 2022 shall be carried forward and made available for capital construction, maintenance, purchase and replacement of equipment for the fiscal year ending June 30, 2023, as approved by the Secretary and Board of Corrections . This authority authorizes the reinvestment of savings generated from more efficient government for maintenance and construction needs of the department.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 008**

**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 Corrections - Division 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 Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division 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

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 008**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 009**

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

**EXECUTIVE RECOMMENDATION**

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

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 010**

**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 Corrections - Division 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 Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division 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

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 010**

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

**EXECUTIVE RECOMMENDATION**

void.

The provisions of this section shall be in effect only from July 1, ~~2020~~  
2021 through June 30, ~~2021~~ 2022.



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 011**

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

**EXECUTIVE RECOMMENDATION**

REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections, at the request of the Secretary of Corrections, that a reallocation of resources within the Department of Corrections - Divisions of Community Correction and ~~Department of Corrections~~ 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~~Department Secretary, 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 Department of Corrections - Divisions of Correction and ~~Department of 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~~division. 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;

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

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

**EXECUTIVE RECOMMENDATION**

- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Corrections - Divisions 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

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 011**

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

**EXECUTIVE RECOMMENDATION**

section is void.

The provisions of this section shall be in effect only from July 1, ~~2020~~  
2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 012**

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

**EXECUTIVE RECOMMENDATION**

HOLIDAY COMPENSATION. The Department of Corrections - Division 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 Corrections - Division 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 Corrections - Division of Community Correction has verified that sufficient revenues are available to make such payments to employees in the following classifications:

AGENCY REQUEST

Class	Code Title	Maximum Annual Salary Rate	Fiscal Year
			<del>2020-2021</del> 2021-
			<u>2022</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	
	T075C ADC/DCC CORPORAL	GRADE GS05	
	T083C ADC/DCC CORRECTIONAL OFFICER I	GRADE GS04	

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 012**

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

**EXECUTIVE RECOMMENDATION**

The provisions of this section shall be in effect only from July 1, ~~2020~~  
2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 013**

**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 Corrections - Division 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 of Corrections - Division of Community Correction 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 014**

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

**EXECUTIVE RECOMMENDATION**

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Corrections - Division of Community Correction - Contingent Positions for the ~~2019-2020~~ 2020-2021 fiscal year, the following maximum number of regular employees.

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM CLASS NO. CODE TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE
		FISCAL YEAR <del>2020-2021</del> 2021- <u>2022</u>
(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
(12)L008N PHYSICIAN - STAFF	1	GRADE MP07
(13)L024N PSYCHIATRIC DIRECTOR	1	GRADE GS09
(14)L005N PSYCHIATRIST	1	GRADE MP08
(15)L003C PSYCHOLOGIST - PT	1	GRADE MP03

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 014**

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

**EXECUTIVE RECOMMENDATION**

(16) C056C SECRETARY/ADMIN ASST 1 GRADE GS04

MAXIMUM NUMBER OF CONTINGENT

EMPLOYEES - MEDICAL SERVICES 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.



**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 015**

**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 Corrections - Division 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 Programs" are to be used by the Department of Corrections - Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 016**

**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 Corrections - Division 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 Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division 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

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 016**

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

**EXECUTIVE RECOMMENDATION**

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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 017**

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

**EXECUTIVE RECOMMENDATION**

COUNTY JAIL INVOICE SUMMARY. The ~~Departments~~ Divisions 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 018**

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

**EXECUTIVE RECOMMENDATION**

MOTOR VEHICLE PURCHASE PROVISION. The Department of Corrections - Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 0055**

**SECTION#: 019**

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

**EXECUTIVE RECOMMENDATION**

PAROLE/PROBATION OFFICERS HIRING. The Department of Corrections - Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0323 DOC - Parole Board**

**ACT#: 0159**

**SECTION#: 003**

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

**EXECUTIVE RECOMMENDATION**

~~REPORTING REQUIREMENTS. (a) Parole Board shall submit annually to the Joint Performance Review Committee, the Senate Committee on Judiciary, and the House Committee on Judiciary a copy of the board's rules and policies, including any Administrative Rules, Directives, Memoranda, and Operational Policies, as well as any document intended to supplement any rule or policy;~~

~~\_\_\_\_\_ (b) Emergency Preparedness Plans shall be excluded from the provisions in this section.~~

~~The provisions of this section shall be in effect only from July 1, 2020 2021 through June 30, 2021-2022.~~

AGENCY REQUEST

Largely duplicated by A.C.A. 16-93-210