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IN APPROPRIATION ACT**

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~BUFFALO GNAT CONTROL PROGRAM. The Appropriation authorized for the Buffalo Gnat Control Program in Item (09) of Section 3 of this Act, shall be expended only for the control of buffalo gnats where needed as determined by the Department of Agriculture.~~
~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 39

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXPENSE REIMBURSEMENT. Funds appropriated in Item (07), (08) and (09) of Section 14 of this act shall be used to pay expenses necessary for members of high school 4H clubs, high school FFA clubs and Miss Arkansas Rodeo for expenses incurred while representing the State of Arkansas at national conferences and events outside the State. The State 4H Association and the State FFA Association shall receive funds appropriated for expense reimbursement of student members but shall be limited to \$20,000 each, or so much thereof that is available. Reimbursement of expenses for Miss Arkansas Rodeo shall be limited to \$350 per year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0400 Agriculture, Department of

ACT#: 234

SECTION#: 40

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER. The Executive Director of the Livestock and Poultry Commission, with prior approval of the Arkansas Legislative Council or the Joint Budget Committee, the approval of the Chief Fiscal Officer of the State, and for the reimbursing of documented expenditures designated by law to be made from the transferred special revenue, may transfer funds among the Livestock and Poultry Equine Infectious Anemia Control Fund, Livestock and Poultry Commission Disease and Pest Control Fund, Livestock and Poultry Special Revenue Fund, Livestock and Poultry Commission Swine Testing Fund, and the Poultry and Egg Grading Fund or from these funds to the Livestock and Poultry Fund Account. The purpose of these transfers shall only be for accurate allocation of incurred costs between the funds. Requests for fund transfer will at least include the total amount to be transferred, to and from which funds, the nature, purpose, and time period of the expenditures being reimbursed, and any other information requested by the Legislative Council or the 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 Arkansas Agriculture Department - Livestock and Poultry Commission may operate more efficiently if some flexibility is provided to the Arkansas Agriculture Department - Livestock and Poultry Commission authorizing broad powers

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ACT#: 234

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 41

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION - PEST ERADICATION. If the State Plant Board determines that the demands of pest eradication efforts require additional personnel expenses, with the approval of the Chief Fiscal Officer of the State and approval by the Legislative Council or Joint Budget Committee, appropriations may be transferred from the Pest Eradication Program special line item to the line items for Regular Salaries, Extra Help, Overtime, and Personal Services Matching.

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 State Plant Board may operate more efficiently if some flexibility is provided to the State Plant Board 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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 42

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP PROVISION. No employee of the Arkansas Forestry Commission who is employed as "Extra Help" may receive an amount to exceed 3/4 of the maximum annual salary for a comparable position as authorized by Arkansas Code 21-5-201 et seq. during any fiscal year, nor may such employee be employed for a period of time to exceed nine (9) months in any single fiscal year. Provided, however, that no employee of the Arkansas Forestry Commission who is employed as "Extra Help" may receive an amount to exceed seventy five percent (75%) of the maximum annual salary for a comparable position as authorized by Arkansas Code 21-5-201 et seq. during any fiscal year, nor shall such employee be employed for a period of time to exceed fourteen hundred (1400) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 43

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. If the State Forestry Commission determines that temporary firefighters, dispatchers, or pilots are required to meet the demands of a wildfire season, and upon approval of the Chief Fiscal Officer of the State, appropriations may be transferred from either Extra Help or Professional Fees and Services to the proper character code for the employment of such personnel.

If the State Forestry Commission determines that the deployment of air tankers for fighting wildfires requires additional Professional Fees and Services, and upon the approval of the Chief Fiscal Officer of the State, excess appropriation in Regular Salaries or Personal Services Matching may be transferred to Professional Fees and Services in Section 3 and 30.

If the State Forestry Commission determines that the most effective way for it to cooperate in the growing and distribution of forest planting stock is by contracting work with private vendors and/or hiring temporary employees for seasonal work, the Commission is hereby authorized, upon approval by the Chief Fiscal Officer of the State, to transfer the necessary appropriation authorized for Extra Help and Maintenance and General Operation in Section 3 and 30.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 44

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REFUND TO EXPENDITURE. The Arkansas Forestry Commission is authorized to charge fees to federal agencies and other states to reimburse the Commission for expenditures made on behalf of these governmental units. These fees shall be deposited into the State Forestry Fund in the State Treasury as a refund to expenditure.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 45

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REPORTING REQUIREMENTS. The Arkansas Forestry Commission shall present the following data each month to the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee. This report shall be due by the 10th day of the month following the reporting period. The first reporting period shall be July 2012.

a) All fund transfers completed by the Arkansas Forestry Commission from any funding source including federal funds, and shall include a justification for the completion of the fund transfers.

b) All expenditures incurred by the Arkansas Forestry Commission from any funding source including federal funds, and shall include a justification for the expenditure of the funds.

c) All revenue receipts of the Arkansas Forestry Commission including but not limited to federal funds, general revenue, severance tax, acreage tax, timber sales and seedlings sales.

d) All Arkansas Forestry Commission activities including but not limited to, firefighting activities, fire prevention, and emergency response as it relates to the Commission's statutory mission provided in Arkansas Code 15-3I-101.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0400 Agriculture, Department of

ACT#: 234

SECTION#: 46

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Arkansas Agriculture Department a special Promotional Items appropriation to be used in the acquisition of promotional items.

When the Arkansas Agriculture Department wishes to transfer from its operating expenses to the promotional items line, the request shall be forwarded by the Arkansas Agriculture Department to the Chief Fiscal Officer of the State for processing and for prior approval by the Arkansas Legislative Council or Joint Budget Committee. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Agriculture Department may operate more efficiently if some flexibility is provided to the Arkansas Agriculture Department authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0400 Agriculture, Department of

ACT#: 234

SECTION#: 46

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The provisions of this section shall be in effect only from July 1, ~~2016~~
2017 through June 30, ~~2017~~ 2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0400 Agriculture, Department of

ACT#: 234

SECTION#: 47

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~FAIR WAIVER. The Arkansas Livestock and Poultry Commission shall waive the rules under Section (2) of the Commission's Minimum Standards for Receiving Funds for Premium and Construction Purposes to allow the Three-County Fair, consisting of Cross, Woodruff, and Jackson counties, to hold the Three-County Fair after the district fair while receiving the funds from the commission that the Three-county Fair would receive if the fair were held before the district fair.~~

~~_____ The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0590 Career Education, Department of

ACT#: 216

SECTION#: 24

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FEDERAL MATCHING. The funds appropriated in Sections for Adult Basic and General Adult Education, Coordinated Career Education Services, Vocational Center Aid and Vocational Start-up Grants and Aid of this Act may also be used to match any available federal funds from any agency in order to provide the maximum amount of money possible for the purposes enumerated in such Section.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0590 Career Education, Department of

ACT#: 216

SECTION#: 25

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

VOCATIONAL START-UP. The funds and appropriations contained herein for Vocational Start-Up shall be allocated in accordance with rules established by the Career Education and Workforce Development Board, after the rules have undergone a review and approval by the Arkansas Legislative Council or Joint Budget Committee under § 10-3-309.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0590 Career Education, Department of

ACT#: 216

SECTION#: 26

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~SUPERSEDED BY WORKFORCE INNOVATIVE OPPORTUNITY ACT of 2014 (WOIA).~~

AGENCY REQUEST

~~EDUCATIONAL TRAINING/RETRAINING. Of the funds and appropriation authorized by Item (01) in the Section of this Act for Adult Basic and General Adult Education, a sum of \$300,000 each fiscal year shall be made available to eligible entities approved by the Career Education and Workforce Development Board, in order to expand the vocational education and training opportunities available to area citizens in need of adult educational training or retraining due to changing technology.~~

~~Further, if the appropriation is not fully funded due to a decrease in the official revenue forecast or the available carryover balance of the Department of Career Education Public School Fund Account, the Department of Career Education may reduce proportionally the amount made available to eligible entities approved by the Career Education and Workforce Development Board in order to expand the vocational education and training opportunities to area citizens in need of adult educational training or retraining due to changing technology.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017-2018.~~

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0590 Career Education, Department of

ACT#: 216

SECTION#: 27

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADULT EDUCATION DISTRIBUTION. All funds that become available for Adult Education shall be distributed to those administrative units determined to be operating efficient and effective adult education programs, under criteria established by the Career Education and Workforce Development Board. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of federal performance indicators. The Career Education and Workforce Development Board shall promulgate rules and regulations for the distribution of funds in accordance with criteria to be determined by the Board. In the distribution of funds to local units the Board shall consider performance in meeting state and federal performance indicators. Unallocated funds will be redistributed based upon need as determined by the Career Education and Workforce Development Board.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0590 Career Education, Department of

ACT#: 216

SECTION#: 28

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS - PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish, upon request from the Department of Career Education, a special appropriation line item to be used in the acquisition of promotional items. When the Department of Career Education wishes to transfer monies from its operating expenses appropriation to the Promotional Items line, the Career Education and Workforce Development Board shall approve the request and forward it after receiving prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, to the Chief Fiscal Officer of the State for processing.

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 Career Education may operate more efficiently if some flexibility is provided to the Department of Career Education 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

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0590 Career Education, Department of

ACT#: 216

SECTION#: 28

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

void.

The provisions of this section shall be in effect only from July 1, ~~2016~~
2017 through June 30, ~~2017~~ 2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0520 Department of Career Education - AR Rehabilitation Services

ACT#: 120

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT. Section 101(a)(7) of the Rehabilitation Act Amendments of 1992, commonly referred to as the Comprehensive System of Personnel Development (CSPD), requires State Vocational Rehabilitation (VR) agencies to establish qualified personnel standards for rehabilitation personnel, including VR counselors, that are consistent with any national or State-approved or recognized certification, licensing, or registration that apply to a particular profession. In order to comply with the Rehabilitation Act and its State Plan requirements, there is hereby authorized for the Department of Career Education-Arkansas Rehabilitation Services a general waiver of the Financial Management Guide, R1-19-4-522 Continuing Professional Education. This waiver allows the agency to provide college level coursework in degree programs for any eligible employees selected by the agency. This provision covers any and all formula and discretionary grants funded by the U.S.D.O.E. Rehabilitation Services Administration, now or in the future, including, but not limited to, the Vocational Rehabilitation Program, Supported Employment, Independent Living, and the Staff Development Grant. The waiver applies to federal financial participation (FFP), state general revenue share, and program income.

The provisions of this section shall be in effect from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0520 Department of Career Education - AR Rehabilitation Services

ACT#: 120

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FORGIVENESS OF STUDENT LOAN PROGRAM. The Forgiveness of Student Loan Program shall be available to counselors employed by Arkansas Rehabilitation Services that have been determined eligible by rules promulgated by Arkansas Rehabilitation Services as required by Arkansas Code §25-30-206. These rules shall be submitted to the Arkansas Legislative Council or Joint Budget Committee under § 10-3-309 and receive review and approval. These rules must include the following eligibility requirements:

- (1) Satisfactory completion of any probationary period;
- (2) Proof of a student loan that remains unpaid, including the name and address of the creditor;
- (3) An executed employment contract in which the counselor agrees to the following:
 - (a) work for Arkansas Rehabilitation Services for a term that equals two (2) years for each year that the program makes a payment on the counselor's student loan and
 - (b) reimburse the program the full amount of any loan payments made under this program in the event that the counselor resigns or is terminated for cause before the term of the contract terminates.

The amount of payment to be made directly to the counselor's student loan creditor may not exceed:

- (1) Two thousand dollars (\$2,000) per year; or
- (2) Ten thousand dollars (\$10,000) per employee.

The Arkansas Rehabilitation Services agency shall pay for the Forgiveness of Student Loan Program from the Rehabilitation Program

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0520 Department of Career Education - AR Rehabilitation Services

ACT#: 120

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

Grants - Grants and Aid line item authorized for the appropriation entitled Rehabilitation Services - Operations in an amount not to exceed eighty thousand dollars (\$80,000) per fiscal year.

In addition, the Arkansas Rehabilitation Services agency shall provide a formal, written notification to all counselors employed by Arkansas Rehabilitation Services of the availability of the Forgiveness of Student Loan Program by July 1 of each fiscal year. The agency shall include with the notification, the promulgated rules which shall outline the eligibility requirements for participation.

The agency shall submit a copy of this notification to the Arkansas Legislative Council or Joint Budget Committee by July 1 of each fiscal year. In addition, Arkansas Rehabilitation Services shall report bi-annually, by the 15th day of the month following the end of each six month period, to the Arkansas Legislative Council or Joint Budget Committee the number of employees participating in the program.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0534 Crowley's Ridge Technical Institute

ACT#: 155

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP RESTRICTION. No employee of Crowley's Ridge Technical Institute, 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 fourteen hundred (1400) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0552 Northwest Technical Institute

ACT#: 150

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADDITIONAL TEACHING LOAD. Instructional full-time staff and 10 extra help positions at Northwest Technical Institute, may be paid up to ~~forty~~ fifty-seven dollars (~~\$50~~) (\$75) per clock hour for the fiscal year ending June 30, ~~2017~~ 2018, for non-credit teaching assignments; or up to five hundred fifty dollars (\$550) per semester hour for the fiscal year ending June 30, ~~2017~~ 2018, for teaching courses beyond the defined teaching load; and the employee's maximum allowable salary may be exceeded by such amount; provided, however, that such additional teaching load may not exceed one hundred fifty (150) clock hours or nine (9) semester credit hours per school year. Further, the provisions of this section shall only apply to credit and non-credit courses that are funded by Private Industry.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0552 Northwest Technical Institute

ACT#: 150

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP RESTRICTION. No employee at Northwest Technical Institute, who is employed as "Extra Help" may 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 fourteen hundred (1400) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0360 Claims Commission, Arkansas State

ACT#: 158

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not distribute any warrants prepared under the provisions of this Act for awards made by the Arkansas State Claims Commission for employment compensation claims. Upon the award by the State Claims Commission of an employment compensation claim, the Clerk of the State Claims Commission shall notify the affected state agency and the Department of Finance and Administration - Office of Personnel Management of such amounts that are due and payable. The affected state agency shall then process the award through the State Mechanized Payroll System.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 31

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~INDUSTRY TRAINING PROGRAM EXPENSES. The Arkansas Economic Development Commission (AEDC) may utilize Industry Training Program (ITP) appropriation and funds for personal services, operating expenses, grants and aid, capital acquisition, and other appropriate purposes to provide industry-specific training opportunities. AEDC shall submit a quarterly report of industry training activities to the Governor and the Legislative Council or Joint Budget Committee. In addition to training expenses, funds made available to support the appropriation for ITP herein may be used to acquire capital equipment necessary to enhance the capabilities of the Arkansas Industry Training Programs and for expenses necessary to assist in carrying on the Existing Worker Training Program. When not in use in an ITP managed course of training, the equipment purchased under this provision shall be stored at a location to be determined by the Executive Director of AEDC.~~

The provisions of this section shall be effect only from July 1, ~~2016~~ 2017 through July 1, ~~2017~~ 2018.

AGENCY REQUEST

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FOREIGN OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby authorized to enter into contractual arrangements with private and/or public companies, corporations, individuals or organizations for the purpose of operating foreign offices. Arkansas Code 15-4-210 shall not be deemed restrictive in its language so as to preclude the use of standard Professional Services Contracts for the operation of the foreign offices and/or payment of such contracts from the special line items as established by legislative appropriation for the operation of said foreign offices.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0790 Economic Development Commission

ACT#: 226

SECTION#: 33

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~MULTI-USE FACILITIES. The Arkansas Economic Development Commission (AEDC) shall structure its annual update to the Five Year Consolidated Plan and the new Five Year Consolidated Plan to reflect the legislative intent for a priority to be placed on the use of Community Development Block Grant (CDBG) funds for Multi-use facilities that will offer combined facilities for programs commonly offered in separate facilities such as senior centers, public health centers, childcare centers and community centers. AEDC shall report the methodology for complying with this priority to the Legislative Council.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 34

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~PUBLIC PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make additional efforts to increase non-traditional public participation in its annual update to the Five Year Consolidated Plan and the new Five Year Consolidated Plan. These efforts shall be in addition to current public notification methods. Notification should be considered through direct mail out to mayors and county judges, contacts with planning and development districts, contact with the Department of Rural Services, submissions to grant notification publications, and publication on AEDC's web page. AEDC is encouraged to develop additional innovative public awareness strategies.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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SECTION#: 35

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

RURAL DEVELOPMENT. From the funds appropriated for Community Development Grants within the Community Development Program in this Act for Community Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall allocate at least \$500,000 per fiscal year to the Rural Development Set-Aside from the ~~Economic Development Set-Aside annual Community Development Block Grant~~, as defined in AEDC's Consolidated Plan filed with the federal Department of Housing and Urban Development. Funds allocated to the Rural Development Set-Aside are to be used exclusively for grants to rural communities as defined in the Consolidated Plan.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 36

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

GRANT REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all applications for grant funds ~~from the Rural Development Set-Aside~~ and shall certify ~~to the Rural Services Division of the Arkansas Economic Development Commission~~ those applications eligible for grant funds under AEDC and federal guidelines. The Rural Services Division of the Arkansas Economic Development Commission alone shall ~~decide~~ recommend which grant applications will be funded, and AEDC shall disburse grant funds from the Rural Development Set-Aside to those applicants receiving final approval by the Rural Services Division of the Arkansas Economic Development Commission. AEDC and the Rural Services Division of the Arkansas Economic Development Commission shall promulgate rules and regulations governing the application for and disbursement of grant funds from the Rural Development Set-Aside, and an annual report of the disposition of these grant funds shall be made to the Legislative Joint Auditing Committee.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION - FOREIGN OFFICES. If at any time during the fiscal year, the Director determines that market conditions warrant, the Arkansas Economic Development Commission is hereby authorized to transfer appropriation, after receiving the approval of the Chief Fiscal Officer of the State and prior approval by the Legislative Council or Joint Budget Committee, ~~between~~ among the Foreign Offices in the State Operations Section of this Act for the purpose of responding to changes in the world markets.

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 Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Arkansas Economic Development Commission 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, ~~2016~~

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

2017 through June 30, ~~2017~~ 2018.

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0790 Economic Development Commission

ACT#: 226

SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. If at any time during the fiscal year, savings are accomplished in the appropriation provided for "~~Far East Trade/Industry Recruitment~~" "Global Business Initiatives and "Regular Salaries" in the State Operations Section of this Act, such appropriation savings may be transferred to the appropriations made for "Maintenance and General Operations" in the State Operations Section of this Act after prior approval by the Legislative Council or Joint Budget Committee. In addition, if at any time during the fiscal year, savings are accomplished in the appropriation provided for "Maintenance and General Operations" in the State Operations Section of this Act, such appropriation savings may be transferred to the appropriation for "~~Far East Trade/Industry Recruitment~~" "Global Business Initiatives and in the State Operations Section of this Act, after prior approval by the Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Arkansas Economic Development Commission 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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State and prior approval by the Legislative Council or Joint Budget Committee, the Director of the Arkansas Economic Development Commission is authorized to transfer appropriation from any line item appropriation authorized in the Community Assistance (CDBG) - Federal Section of this Act to any other line item authorized in the Community Assistance (CDBG) - Federal Section 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 Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Arkansas Economic Development Commission 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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas Economic Development Commission within this Act relating to the appropriation in the Community Assistance (CDBG) - Federal Section shall be used only when necessary to carry out the Community Development Block Grant Program and shall require approval by the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Arkansas Economic Development Commission 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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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SECTION#: 41

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION - INDUSTRY TRAINING. If during the fiscal year, the Industry Training Division effects savings in item (06), State Operations Section of this Act, such savings may be transferred to item (03), Maintenance and General Operations, of the State Operations Section of this Act, after obtaining approval of the Chief Fiscal Officer of the State and after prior review by the Legislative Council or Joint Budget Committee. In addition, if any savings are effected in the fiscal year in item (03), Maintenance and General Operations, of the State Operations Section of this Act, such savings may be transferred to item (06), Industry Training Program, of the State Operations Section of this Act, after obtaining approval of the Chief Fiscal Officer of the State and after prior approval by the Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Arkansas Economic Development Commission 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

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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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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ACT#: 226

SECTION#: 42

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUNDING TRANSFER. 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 the sum not to exceed thirty million dollars (\$30,000,000) from Federal Funds as determined by the Chief Fiscal Officer of the State to the Technology Acceleration Fund to provide funds for the appropriation herein.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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ACT#: 226

SECTION#: 43

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADDITIONAL PAYMENTS AUTHORIZED. The Arkansas Industrial and Economic Development Foundation is hereby authorized to make additional payments to the Director of the Arkansas Economic Development Commission, from private funding sources, and upon prior approval from the Arkansas Economic Development Commission, the Arkansas Industrial and Economic Development Foundation, and the Governor. Such additional payments to the Director of the Arkansas Economic Development Commission shall not be considered salary and shall not be deemed or construed to exceed the maximum salaries established for unclassified employees by the General Assembly. Nothing in this section may be construed to reduce or eliminate the authority granted elsewhere in the Arkansas statute for the payment of allowances or bonuses to unclassified employees.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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SECTION#: 44

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD - INDUSTRY TRAINING PROGRAM. Any unexpended balance of funds for the Industry Training Program in the Arkansas Economic Development Commission Fund Account which remain at the close of each state fiscal year shall be carried forward to the next state fiscal year to be used for the same intent and purposes as set forth in law.

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

- (1) Prior to June 30, ~~2017~~2018 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;
- (3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

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EXECUTIVE RECOMMENDATION

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

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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SECTION#: 45

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SEED CAPITAL INVESTMENTS. Notwithstanding any other law to the contrary regarding general revenue year end fund balances, any monies received from the repayment of Seed Capital Investments authorized by the Division of Science and Technology of the Arkansas Economic Development Commission, shall be deposited into the State Treasury to the credit of the Miscellaneous Agencies Fund Account and shall remain in the Miscellaneous Agencies Fund Account to be made available solely for the benefit of the Division of Science and Technology of the Arkansas Economic Development Commission to provide additional Seed Capital Investments.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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SECTION#: 46

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD - TECHNOLOGY DEVELOPMENT. The Division of Science and Technology of the Arkansas Economic Development Commission is authorized to carry forward an amount of up to \$150,000 of any obligated but unexpended funds in the Technology Development line item in Section 16 for basic or applied research grants which remains at the end of the fiscal year ~~2017~~ 2018 to be used for the same purpose.

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

- (1) Prior to June 30, ~~2017~~ 2018 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;
- (3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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 ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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SECTION#: 47

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND BALANCE TRANSFER. Upon the effective date of this act, the available balances received by the Division of Science and Technology of the Arkansas Economic Development Commission from Client Services provided through the Arkansas Manufacturing Extension Network - Federal appropriation, shall be transferred to the Arkansas Manufacturing Extension Network - Cash Fund Account.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

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ACT#: 226

SECTION#: 48

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

APPROPRIATION AND FUND TRANSFERS. After receiving approval from the Chief Fiscal Officer of the State, the Director of the ~~Division of Science and Technology of the~~ Arkansas Economic Development Commission is authorized to transfer appropriation and funds from the Division of Science and Technology State Operations - Arkansas Acceleration Fund Programs line item within the Miscellaneous Agencies Fund Account to the Arkansas Acceleration Fund. The total of all transfers shall not exceed \$3,500,000.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

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0790 Economic Development Commission

ACT#: 226

SECTION#: 49

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

GENERAL IMPROVEMENT PROJECTS ADMINISTRATIVE FEE. The Rural Services Division of the Arkansas Economic Development Commission is authorized to retain and utilize for administrative cost purposes up to one and one half percent (1.5%) of the total amount of any General Improvement Fund moneys received for projects authorized for disbursement through the division by the General Assembly.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 50

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER. Upon request of the Director of the Rural Services Division of the Arkansas Economic Development Commission to the Chief Fiscal Officer of the State, the Chief Fiscal Officer of the State, from time to time, shall cause to be transferred on his books and those of the State Treasurer and Auditor of State, an amount not to exceed one and one half percent (1.5%) from the various sub funds created in any General Improvement Fund, established for disbursement through the Rural Services Division of the Arkansas Economic Development Commission, to the Miscellaneous Agencies Fund Account.

The funds transferred to the Miscellaneous Agencies Fund Account from the various sub funds established in any General Improvement Fund pursuant to this section shall be made available and utilized solely by the Rural Services Division of the Arkansas Economic Development Commission for maintenance and general operations costs.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

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ACT#: 226

SECTION#: 51

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish, upon request from the Arkansas Economic Development Commission, a special appropriation line item to be used in the acquisition of promotional items. When the Arkansas Economic Development Commission wishes to transfer from its operating expenses to promotional items, the request shall be forwarded to the Chief Fiscal Officer of the State for processing after prior approval by the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law. Further, the General Assembly has determined that the Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Arkansas Economic Development Commission authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this Section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this Section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

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SECTION#: 51

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The provisions of this Section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 52

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADMINISTRATIVE EXPENSES. Any unexpended balance of funds remaining on June 30, of each fiscal year in the Miscellaneous Agencies Fund Account for the Rural Services Division of the Arkansas Economic Development Commission that were transferred from the various sub funds created in any General Improvement Fund for the administration of general improvement fund projects shall remain in the Miscellaneous Agencies Fund Account and made available to the Rural Services Division of the Arkansas Economic Development Commission and utilized for the same purpose during the following fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0790 Economic Development Commission

ACT#: 226

SECTION#: 53

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

COUNTY FAIR GRANTS. The Rural Services Division of the Arkansas Economic Development Commission shall develop the necessary rules and regulations for the disbursement of matching fund grants to county fairs for the construction, renovation and/or improvements to county fair grounds. The grants shall be matched on a 50/50 basis. The match may be cash or in-kind. No county fair shall receive more than \$30,000 for the biennium.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0790 Economic Development Commission

ACT#: 226

SECTION#: 54

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

GRANT AWARD CRITERIA. The Rural Services Division of the Arkansas Economic Development Commission shall promulgate regulations establishing the criteria to be utilized in determining to whom grants will be made under this Act. Subject to the approval of the Governor, and approval by the Arkansas Legislative Council or the Joint Budget Committee, the Rural Services Division of the Arkansas Economic Development Commission shall distribute the grants.

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 Rural Services Division of the Arkansas Economic Development Commission may operate more efficiently if some flexibility is provided to the Rural Services Division of the Arkansas Economic Development Commission authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

The provisions of this section shall be in effect only from July 1, ~~2016~~
2017 through June 30, ~~2017~~ 2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0995 Emergency Management, Department of

ACT#: 250

SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

The provisions of this section shall be in effect from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 127

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 127

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer

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between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council 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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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ADVERTISING. No advertising targeting the prevention or reduction of tobacco use shall include the name, voice, or likeness of any elected official or their immediate family.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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TOBACCO FUND TRANSFER. The Arkansas Department of Health is authorized to transfer five hundred thousand dollars (\$500,000) for the fiscal year ending June 30, ~~2017~~ 2018 from the Prevention and Cessation Program Account to the Breast Cancer Control Fund in order to provide for the State's matching share for Medicaid services provided for breast and cervical cancer screening and treatment. The amount transferred annually shall be the only obligation of the Arkansas Department of Health for state match for these services.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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~~TRANSFER OF FUNDS — HOME HEALTH. The Disbursing Officer for the Arkansas Department of Health is hereby authorized to transfer all unexpended funds relative to the Home Health Services that pertain to reimbursement, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for the fiscal year ending June 30, 2017-2018. It is the intent of the General Assembly that with approval of the Arkansas Legislative Council or Joint Budget Committee that the Arkansas Department of Health shall have the authority to transfer funds from the fund balance of the Home Health appropriation.~~

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

~~(1) Prior to June 30, 2017-2018 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 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~~

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~~statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and~~

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

~~Determining the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Department of Health may operate more efficiently if some flexibility is provided to the Arkansas Department of Health authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

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~~The provisions of this section shall be in effect only from July 1, 2016
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~~HOME HEALTH POSITION POOL. As need for services increase and additional services are implemented to better provide for the in-home health care needs of the citizens of the State of Arkansas, the Director of the Arkansas Department of Health may request the Department of Finance and Administration to approve the establishment of additional positions at salary rates not to exceed the maximum salaries established for comparable positions in the Uniform Classification and Compensation Act. Upon approval of the Legislative Council, the Arkansas Department of Health Section of In-Home Services may establish such positions.~~

~~—— (a) The following maximum number of such additional positions are hereby established for the Section of In-Home Services:~~

~~Maximum number of positions: 250~~

~~—— (b) In the event that new classifications are deemed necessary for any of these additional positions, the Department of Finance and Administration - Office of Personnel Management shall assign the appropriate title and grade after review by the Arkansas Legislative Council.~~

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

~~—The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017-2018.~~

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~~HOME HEALTH ON-CALL AND VISIT PAY. The Arkansas Department of Health is hereby authorized to compensate the following personnel responsible for providing in-home health care as necessary to maintain continuity of care outside routine working hours on weekdays and on weekends or holidays:~~

~~Area Nursing Director~~

~~Nursing Program Coordinator~~

~~Registered Nurse~~

~~Speech Pathologist~~

~~Physical Therapist~~

~~Licensed Social Worker~~

~~Occupational Therapist~~

~~Nurse Manager~~

~~Licensed Practical Nurse~~

~~Nursing Aide~~

~~Licensed Certified Social Worker~~

~~Visit pay shall not exceed \$75 per visit. Employees requested to be on-call and/or on standby for visiting on nights, weekends, and/or holidays will be eligible to receive on-call pay not to exceed \$60 per day. Provided however, no compensation shall be paid to any employee required to be on-call and/or standby who fails to respond after the second notification that their services are needed. In the event of equipment or paging device malfunction, such penalty shall not apply. All compensated services shall be provided as directed by the Arkansas Department of Health. All visit and on-call pay shall be paid from funds as appropriated in this Act. Such~~

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~~compensation for visit and on-call pay, when added to the employee's regular salary and benefits, shall not be construed as exceeding the maximum annual salary as described in the General Accounting and Budgetary Procedures Act.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017-2018.~~

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NUCLEAR DISASTER PLANNING GRANTS. The funds appropriated for Grants for Nuclear Planning shall be disbursed to those counties in this State which are required by state or federal regulation to maintain a Radiological Response Plan because of their close proximity to a nuclear electricity generating facility, and shall be issued solely for the purpose of defraying the cost of preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster exercises. Each county shall be eligible for that proportion of these funds as is determined fair and necessary under guidelines to be developed by the Arkansas Department of Health. However, a minimum of \$5,000 per county of said funds shall be utilized to support and operate a County Emergency Management Office. These county offices shall be prepared to respond to any Arkansas Nuclear I emergency. These funds shall be equally distributed to each Emergency Management Office in the following counties: Pope County, Johnson County, Yell County, Conway County and Logan County.

The funds appropriated for Grants for Nuclear Planning shall be distributed in quarterly installments by the Arkansas Department of Health to the Arkansas Department of Emergency Management for the sole purpose of defraying costs associated with preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster emergency exercises involving nuclear electricity generating facilities in this State.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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PARKING FEES. On July 1 of each year the Arkansas Department of Health shall pay \$50,000 from the Operations appropriation provided herein from non-general revenue to the War Memorial Stadium Commission.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

~~INFORMATION TECHNOLOGY INITIATIVES. The Department of Health shall not transfer any general revenue funds for expenditures payable for Information System Projects.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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EXECUTIVE RECOMMENDATION

INDIRECT COST ALLOCATION FUND TRANSFERS. Subject to such procedures as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Arkansas Department of Health is hereby authorized to transfer funds to the Public Health Fund from other program funds of the agency in order to reimburse for expenditures incurred for those programs.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

DEVELOPMENT RESTRICTIONS. In reviewing the impact on public health and safety of a plan for improvements to a public water system or public sewer system through the addition of distribution lines to a subdivision or commercial development, the Division of Engineering of the Department of Health shall consider the effect of the plan on future development or zoning of adjoining properties.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM. Special provision for a Nursing/Direct Care Education Stipend Program for the Arkansas Department of Health (ADH) is hereby authorized to pay from funds appropriated in this Act. This program is for eligible nursing students who are attending accredited nursing institutions to become ~~Registered or Licensed Practical Nurses~~. Advanced Practice Nurses

The stipend is ~~five thousand dollars (\$5,000)~~ seven thousand five hundred (\$7,500) per person per year. Any student who is awarded and accepts a stipend is under an employment commitment to the ADH and is required to work in a full-time employee status effective immediately upon graduation. The student employment commitment is equal to the number of years the stipend was awarded and accepted. In the event of Employee/Student default of the employment commitment, the Employee/Student will be considered in breach of contract and repayment of the stipend will be required as specified in the Stipend Contract.

The ADH shall determine, on an annual basis, the number of student stipends available due to the availability of funds and the need for direct care services.

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CARRY FORWARD OF FUNDS.

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(a) Except as authorized in subsection (c) of this section, the Department of Health is authorized to carry forward any unspent funds remaining in the Public Health Fund on June 30, ~~2017~~ 2018 allocated for the support of the Trauma System to be used for the same purposes in the next fiscal year.

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

(1) Prior to June 30, ~~2017~~ 2018, the agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Office of Budget of the Department of Finance and Administration;

(2) 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, the funding source and a copy of the written request set forth in subdivision (b)(1) of this section;

(3) Each agency, board, commission, or institution shall provide a written report to the Legislative Council or Joint Budget Committee containing all information set forth in subdivision (b)(2) of this section, 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

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Legislative Council or Joint Budget Committee, or both; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in subdivision (b)(3) of this section in the budget manuals or a statement of non-compliance by the agency, board, commission, or institution, or both.

(c) The Department of Health is authorized to transfer up to three million seven hundred thousand dollars (\$3,700,000) in carry forward funds to be used in the next fiscal year at the discretion of the Director of the Department of Health to:

(1) Enhance and integrate an emergency management system to include trauma, stroke, and myocardial infarction; and

(2) Provide long acting reversible contraceptives through services provided by the Department of Health local health units.

(d) The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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~~COMMUNITY HEALTH CENTERS. Allocation of state funding to Community Health Centers shall be prioritized to ensure that uninsured, under-insured, and underserved Arkansans receive needed services in order to improve their health, with this funding to preserve and strengthen Community Health Centers and increase Arkansans access to quality primary and preventive health care. The Department of Health shall ensure that any Community Health Center that receives funding through this Act shall first seek to include, in accordance with federal rule and guidance, as many local providers of health care services as possible, such as dental, pharmacy, mental health, and other ancillary services, within each Community Health Center's service area, to participate in the provision of such services as a contractor at a fair, reasonable prevailing rate. Community Health Centers will seek local providers, community, city, county, and state partners to participate in the planning for the development, and, as an employee or contractor, in the implementation of a new Community Health Center in an area of documented unmet need. In addition to reasonable prices, the availability and service quality levels provided by the private provider must meet or exceed the level of service quality provided, as established by the respective governing board, at similarly situated Community Health Centers through the state and at all times meet professional standards of competence and quality. Annually, the Department of Health shall require from the Community Health Centers the submission of performance indicators, to be determined by the Department of Health, reflecting, at a minimum, a listing of all services provided, fee schedules based on local prevailing rates and actual costs, sliding fee scales, and uniform data sets~~

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~~which identify the number of uninsured, Medicaid and Medicare patients and those patients which are below and above 200% of the federal poverty level. Local private providers within the service area that may have been significantly impacted by these services will be determined by the Department of Health. The Department of Health shall institute a procurement process for the allocation of funding provided through this Act, detailing that these and other requirements are factored into the allocation of any funding provided to Community Health Centers. In the implementation of this special language, the Department of Health is permitted, at its discretion, to allow individual applicants an implementation period of up to 90 days from the effective date of individual agreements to satisfy the requirements for private provider collaboration as specified above.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXTRA HELP. The Arkansas Department of Health may utilize ten (10) of their authorized extra-help positions for up to one thousand five hundred (1,500) hours when specific expertise is required to work on disaster drills, exercises, preparedness plans, public health emergencies, disasters and other events. The rates of pay may not exceed those provided in the Uniform Classification Act, or its successor, for the appropriate classification.

The provisions of this section shall be in effect from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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BREAST CARE PROGRAM. The Arkansas Department of Health shall annually budget, allocate, and expend for the Breast Care Program as appropriated in Section 5, the sum of at least four million seven hundred fifty-five thousand dollars (\$4,755,000) for Breast Cancer screening, diagnosis, treatment and outreach expenses of the Breast Care Program.

The Arkansas Department of Health shall file an annual progress report by each January 1 preceding a session of the General Assembly to the Co-Chairs of the Legislative Women's Caucus. This report shall include amounts budgeted, allocated and expended for the Breast Care Program for testing, diagnosis, treatment and outreach expenses.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

~~PATIENT CARE PROVIDERS — COMPENSATION, REQUIRED WITHHOLDING, FRINGE BENEFITS AND REPORTING.~~

AGENCY REQUEST

~~(a) The Arkansas Department of Health, at its discretion, is authorized to contract with intermittent Patient Care Providers in order to provide services in the home. The Department is authorized to pay compensation which may include state withholding, federal withholding, required matching, and other fringe benefits to contract Patient Care Providers. However, compensation shall not include state retirement or health benefits.~~

~~(b) The Department of Health shall provide the following mileage reimbursement rates to intermittent and/or Patient Care Providers:~~

~~—— (1) Beginning July 1, 2013, the Department of Health shall provide mileage reimbursement to all intermittent and/or contract Patient Care Providers at a rate of at least thirty-six (36) cents per mile or more as funding allows.~~

~~—— (2) Beginning July 1, 2014, the Department of Health shall provide mileage reimbursement to all intermittent and/or contract Patient Care Providers at a rate of at least thirty-nine (39) cents per mile or more as funding allows.~~

~~—— (3) Beginning July 1, 2015, the Department of Health shall provide mileage reimbursement to all intermittent and/or contract Patient Care Providers at the same rate as provided to all Department of Health employees.~~

~~(c) Prior to January 15, 2014 the Department of Health shall provide to the Joint Budget Committee or the Arkansas Legislative Council a report of the~~

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~~following information for the 2013 Fiscal Year and 2014 Fiscal Year to date:~~

~~—— (1) Revenues, expenditures, and year end fund balances of the Home Health Program, as related to the Department of Health's ability to fund an increased mileage reimbursement rate for the 2015 Fiscal Year.~~

~~—— (2) A report of all third party reimbursements received for the Home Health Program listed by program type including Medicaid, Medicare, Private Insurance, and Affordable Care Act Insurance Exchange participants.~~

~~—— (3) The potential impact of changes in the Arkansas Medicaid Program, Medicare or Affordable Care Act reimbursement rates and the effect those program changes may have on a potential mileage reimbursement increase for the 2015 Fiscal Year.~~

~~—— (4) A report of the amounts billed versus the total reimbursements for services rendered.~~

~~—— (5) Total miles claimed by Patient Care Providers and the total amounts reimbursed for mileage.~~

~~(d) All compensation to intermittent Patient Care Providers shall be made from the appropriation for Professional Fees and Services.~~

~~—The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017-2018.~~

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EXECUTIVE RECOMMENDATION

HEALTHCARE INDEPENDENCE PROGRAM AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Health Care Independence Program" means the Health Care Independence Program established under the Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.

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

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

(A) Identifying the purpose in the appropriation act;

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

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

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

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

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(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

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

(E) Internet websites and electronic media.

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

(A) Direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Solicited communications with potential recipients;

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

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

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

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(d) The Department of Health shall not apply for or accept any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the Health Care Independence Program.

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

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

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

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

(2) Subdivision (e)(1) of this section does not apply to certified application counselors at health related institutions, including

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without limitation the University of Arkansas for Medical Sciences.

(f) An appropriation authorized by the General Assembly shall not be subject to the provisions allowed through reallocation of resources or transfer of appropriation authority for the purpose of transferring an appropriation to any other appropriation authorized for the Department of Health to be allocated, budgeted, expended, or utilized in a manner prohibited by this section.

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

(h) This section expires on June 30, 2017 2018.

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REFUND TO EXPENDITURE. Proceeds made available to the Arkansas Department of Health as a result of transitioning the In-Home Services program to a private sector provider are not subject to reclaim and shall be deposited as a refund to expenditure to reimburse the Department for expenditures incurred as a result of the transition. The proceeds shall be deposited into the same State Treasury Fund or Fund Account from which the original expenditure was incurred to the credit of the appropriation from which the original expenditure was made.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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FUND TRANSFERS. The Chief Fiscal Officer of the State, at the direction of the Governor, may transfer any remaining balances from the proceeds of transitioning the In-Home Services program to supplement the fund established as a set-aside in the 90th Session Projects Account of the General Improvement Fund in Section 3(a)(11) of Act 1147 of 2015 of the General Improvement Distribution Act, for transfer, from time to time, to any fund or fund account authorized by the General Assembly, or for transfers, from time to time, for projects in the Executive Discretionary Division in Section 3(d) of Act 1147 of 2015, upon approval by the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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ADDITIONAL PAYMENT AUTHORIZED. The Director of the Department of Health, with the approval of the Chief Fiscal Officer of the State, may provide a one-time payment of up to ten percent (10%) of the net proceeds available at the time of closing that are generated as a result of the transition of the In-Home Services program to those In-Home Services employees that remain in the Program until the transition date. The Director shall submit an allocation methodology for approval of the Chief Fiscal Officer of the State. Such additional payments shall not be considered salary and shall not be deemed or construed to exceed the maximum salaries established by the General Assembly.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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EMPLOYEE DEVELOPMENT INCENTIVES. In order to increase the adult degree completion rate and to develop its own human capital, Arkansas State University System is hereby authorized to offer one time lump-sum incentive bonuses or educational differentials of up to six percent (6%) of the employee's salary for degree attainment. A bonus or compensation differential may not be authorized if the education is included as a special requirement or minimum qualification established for the classification by the official class specification.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EMERGENCY GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an emergency/disaster event resulting in all or a significant portion of campus operations being interrupted, may request disaster assistance through the Arkansas Department of Higher Education. Upon the declaration of an emergency by the Governor, the institution may request, subject to the recommendation of the Director of the Department of Higher Education and approval of the Governor, a grant from the Disaster Relief Fund to assist in returning that campus to operation and/or to a sister campus providing services to the students from the affected campus. Certified law enforcement officers employed by an institution of higher education may be granted jurisdiction at the sister institution, upon agreement of both institutions.

The Department of Higher Education is authorized a pool of 500 extra help positions for use in such emergency situations. These positions may be assigned to the campus suffering the disaster event or to a sister campus providing services to the students from the affected campus. The Governor may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help pool positions.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION.

Upon determination by the president or chancellor of an institution of higher education that a reallocation of resources for purposes of reorganization or consolidation of administrative functions within the institution is necessary for efficient and effective operations of the institution, the president or chancellor, with approval of the institution's board of trustees, may have the authority to transfer positions, appropriations and related funds between campuses, divisions, branches, and other budgetary units of the institution, after receiving prior approval of the Legislative Council or Joint Budget Committee. The transfers of positions, programs, or activities shall be used for those purposes for which the appropriations were approved by the General Assembly. The transfers, consolidations, or reorganizations which involve academic programs shall be reviewed by the Department of Higher Education prior to submission to the Legislative Council or Joint Budget Committee. Provided, however, that the institution shall be limited to submitting no more than two (2) individual transaction transfer requests during any fiscal year and shall be further limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, positions specific to each institution, and no Tobacco Settlement funds or appropriations may be reallocated pursuant to this section.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for institutions of higher education each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation

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act(s) for institutions of higher education 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 institutions of higher education may operate more efficiently if some flexibility is provided to institutions of higher education 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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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LOANS. In order to provide timely payments under financial aid appropriations made in this Act, the Chief Fiscal Officer of the State is authorized to provide loans from the Budget Stabilization Trust Fund to make available all funds attributable to the financial aid programs under the then current official revenue estimates. In the event of an unanticipated state revenue shortfall, any such loans remaining at the end of a fiscal year shall be repaid from revenues distributed in the first two months of the next fiscal year. Funds for appropriations made in this Act for purposes other than financial aid shall not be affected by the application of this provision.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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WORK FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made available to the various technical colleges have been determined as set out in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as may be necessary shall be processed so that funds may be transferred from the Work Force 2000 Development Fund to the State Treasury fund or fund account from which the technical college draws its general revenue support. Such funds as may be transferred shall not exceed 93.691% of the total funds available from the Work Force 2000 Development Fund during the fiscal year.

In the event that a technical institute or comprehensive lifelong learning center which receives support from the Work Force 2000 Development Fund as determined by law transfers or merges into the Arkansas Technical College and Community College System for which Work Force 2000 Development Fund monies are determined by law, then the actual amount of support from the Work Force 2000 Development Fund in the preceding fiscal year for such educational institution shall be made available irrespective of any other provision of law which sets out maximum levels of support from such fund.

The funds distributed under Arkansas Code 26-51-205(d)(2)(C) in excess of those amounts collected and distributed prior to June 30, 2014 shall be deposited into the Skills Development Fund to be used only for personal services, grants, operation, support, and improvement of occupational, vocational, technical, and workforce development programs by the Department of Career Education - Office of Skills Development. The distributions of funds under Arkansas Code 26-51-205(d)(2)(C) in excess of

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those amounts collected and distributed prior to June 30, 2014 shall not apply to proceeds allocated to schools, colleges and educational institutions under Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B).

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BUILDING MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the Higher Education Building Maintenance Fund, any additional deposits are to be transferred to the Research Development Fund there to be used as provided by law.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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REFUND TO EXPENDITURES. Proceeds derived from the repayment of loans, grants, or scholarships funded by the Higher Education Grants Fund Account shall be deposited into the State Treasury fund from which it originated.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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NATIONAL GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law, any student who receives assistance from the appropriation made for the "National Guard Tuition Incentive Program" in this Act shall repay any loans and/or assistance if the student receives a discharge that is a less than Honorable Discharge. Priority for funding shall be given to students already receiving assistance from the National Guard Tuition Incentive Program.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

HEALTH EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education Coordinating Board, after consulting with the recognized associations of each of the applicable medical professions and other interested persons, shall determine the priorities for the applicable programs enumerated in the appropriation made for "Health Education Grants and Loans" in this Act. The Arkansas Department of Higher Education, if necessary, shall re-adjust the number of positions for entering students to be funded for each applicable program based upon the priorities determined by the board.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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FINANCIAL AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall report by May 30 to the House and Senate Interim Committees on Education the budgeted allocation for each financial aid program funded through the Higher Education Grants Fund Account for the upcoming fiscal year and projections for the following year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that receives state scholarship funds administered by the Arkansas Department of Higher Education shall be subject to audit/review of such funds by the Division of Legislative Audit, upon approval of the Legislative Joint Audit Committee.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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AUDIT DATA. All post-secondary institutions shall provide to the Arkansas Department of Higher Education a copy of the Integrated Post-Secondary Education Data System (IPEDS) data within three weeks following the IPEDS due date, which shall be subject to audit by the Arkansas Department of Higher Education.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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FUNDING FOR SALARY INCREASES. New funding through the Revenue Stabilization Act determined by the Arkansas Department of Higher Education to have been for salary increases for the fiscal year for Institutions of Higher Education shall be used exclusively for salary increases. New funding actually received for salary increases shall be spent exclusively for salary increases based upon the state general revenue portion of total unrestricted educational and general revenue. Funding received under this provision shall be used for no purpose other than to provide such salary increases. Any designated funds not used for salary increases shall be recouped at the end of each fiscal year and transferred to the General Revenue Allotment Reserve Fund.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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DHE PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall transfer sufficient funding for the fiscal year from the Higher Education Grants Fund Account to the Department of Higher Education Fund Account in order to finance the personal services costs of a DHE Program Coordinator.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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TRANSFER PROVISION. Upon certification by the Director of the Department of Higher Education that transfers are needed to make maximum utilization of funds and appropriations provided for financial aid programs, and with the approval of the Chief Fiscal Officer of the State ~~and a review by the Arkansas Legislative Council~~, funds and appropriations may be transferred between financial aid programs to more adequately align the appropriation with the number of eligible students.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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TRANSFER OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND LOANS. Upon certification to and with the approval of the Chief Fiscal Officer of the State, surplus funds and appropriations may be transferred between the appropriations provided for "Health Education Grants and Loans" by this Act by the General Assembly for Dental Aid Grants and Loans, Optometry Aid, Veterinary Aid, Podiatry Aid, and Chiropractic Aid ~~and Osteopathy Aid~~.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by the Department of Higher Education and the Chief Fiscal Officer of the State, institutions of higher education may transfer appropriation from the cash contingency appropriation to any other appropriation made to the institution from cash funds including the establishment of commitment items, and may transfer appropriation from the contingency appropriation made payable from each institution's State Treasury Fund to the state operations appropriation made payable from each institution's State Treasury Fund including the establishment of commitment items, and may transfer appropriation from the contingency appropriation made payable from the Tobacco Settlement Program Fund Accounts to any other appropriation made to the institution from Tobacco Settlement Program Fund Accounts including the establishment of commitment items.

(b) Contingency appropriation transfers shall only establish and supplement commitment items that were recommended by the Higher Education Coordinating Board in the budget manuals presented to the Legislative Council and Joint Budget Committee.

(c) The Department of Higher Education shall report contingency appropriation transfers and the establishment of any commitment items authorized by this Section to the Legislative Council or Joint Budget Committee for review during its July meeting. The report shall include, by institution, the establishment of, and the amounts transferred to, each commitment item, the reasons therefor and the source of funds. Institutions shall submit contingency appropriation transfer and commitment item establishment requests authorized by this Section to the Department of

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Higher Education no later than July 1. Upon the failure of an institution to submit the required information by the July 1 deadline, the Department of Higher Education shall immediately notify by written notification the chairpersons of the Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student Undergraduate Research Fellowship (SURF) Program is the continued development of undergraduate academic research efforts at Arkansas colleges and universities. The Arkansas Department of Higher Education shall adopt rules and regulations necessary for the proper administration of the Student Undergraduate Research Fellowship Program. Administrative functions and responsibilities may include, but not necessarily be limited to, the development of eligibility criteria, collection of applications, coordination of student evaluations, distribution of public notices, and funding of grants for academic research purposes. Staff of the Arkansas Department of Higher Education shall administer this program. The Arkansas Department of Higher Education shall be authorized to expense costs associated with the administration of the program, from funds made payable from the Higher Education Grants Fund Account for the Student Undergraduate Research Fellowship Program as authorized in Section 4 of this Act.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

COOPERATION AGREEMENTS. Any institution of Higher Education that has its main campus, satellite campus, or center located within a twenty five mile radius of any other main campus of an institution of higher education shall enter into a written agreement with that institution which must address duplication of services between the institutions.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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COST ALLOCATION. The Department of Higher Education may refund to the Higher Education Fund Account or the Higher Education Grants Fund Account such amounts determined by the Department to be reimbursements received from the Office of the Arkansas Lottery for costs related to the administration of the Arkansas Academic Challenge Scholarship Program.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of Higher Education shall determine the amount available, up to \$200,000 per fiscal year, to fund the Arkansas Geographical Critical Needs Minority Teacher Scholarships and shall certify to the Chief Fiscal Officer of the State and the State Treasurer such amount as is required to be transferred from the Higher Education Grants Fund Account. Upon receiving such certification, the Chief Fiscal Officer of the State and the State Treasurer shall cause to be transferred the necessary funds and appropriation to the fund account of the University of Arkansas at Pine Bluff for implementation of this program. The University of Arkansas at Pine Bluff may use up to twenty percent (20%) of the funds and appropriation for administration of the program.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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HIGHER EDUCATION CENTRAL POOL POSITIONS. (a) Universities - (1) The Department of Higher Education shall establish and maintain a central pool of three hundred (300) positions to be used to establish additional positions when an institution does not have sufficient positions available to meet unanticipated enrollment growth, industry training demands, and its mandated responsibilities.

(2) Central pool positions are to be used by the institutions if the personnel service needs exceed the number of positions authorized by the General Assembly and that were not anticipated at the time of the passage of the institution's operating appropriation act.

(3) No position established under this section may exceed the salary rate of the highest maximum annual salary rate or the highest grade level position authorized by the General Assembly in the requesting institution's operating appropriation act.

(4) The institution shall provide justification to the Department of Higher Education for the need to allocate positions from the central pool.

(5) Titles shall not be assigned to the institution from the central pool until specific positions are requested by the institution, recommended by the Department of Higher Education and approved by the Arkansas Legislative Council or the Joint Budget Committee.

(6) If an institution requests any central pool position to be continued during the subsequent fiscal year, the position must be requested as a new position in the institution's subsequent fiscal year budget request.

(b) Colleges - (1) The Department of Higher Education shall establish and maintain a central pool of two hundred fifty (250) positions to be used to

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establish additional positions when an institution does not have sufficient positions available to meet unanticipated enrollment growth, industry training demands, and its mandated responsibilities.

(2) Central pool positions are to be used by the institutions if the personnel service needs exceed the number of positions authorized by the General Assembly and that were not anticipated at the time of the passage of the institution's operating appropriation act.

(3) No position established under this section may exceed the salary rate of the highest maximum annual salary rate or the highest grade level position authorized by the General Assembly in the requesting institution's operating appropriation act.

(4) The institution shall provide justification to the Department of Higher Education for the need to allocate positions from the central pool.

(5) Titles shall not be assigned to the institution from the central pool until specific positions are requested by the institution, recommended by the Department of Higher Education and approved by the Arkansas Legislative Council or the Joint Budget Committee.

(6) If an institution requests any central pool position to be continued during the subsequent fiscal year, the position must be requested as a new position in the institution's subsequent fiscal year budget request.

(c) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for institutions of higher education each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for institutions of higher education and the general

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revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that institutions of higher education may operate more efficiently if some flexibility is provided to institutions of higher education 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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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OUTCOME-CENTERED FUNDING AWARDS. Upon certification of the Director of the Department of Higher Education, the Chief Fiscal Officer of the State shall transfer to the Department of Higher Education Fund Account certified amounts based upon the outcome-centered funding policy of the Arkansas Higher Education Coordinating Board from the State Treasury funds of the Institutions of Higher Education. The Department of Higher Education will distribute funds from the Outcome-Centered Funding Awards Appropriation based upon the outcome-centered funding policy of the Arkansas Higher Education Coordinating Board.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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ADMINISTRATIVE FEES. The Department of Higher Education is authorized to recover non-refundable administrative fees related to the institutional certification and exemption process for out-of-state, non-public, and for-profit colleges and universities. These fees include a notification fee, an application processing fee, and travel expenses for the certification review teams.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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DHE WORKFORCE INITIATIVE ACT FUNDING. 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, funding up to the amount authorized in Section 17 of this Act, from the Department of Higher Education Fund Account to the Workforce Initiative Act of 2015 Fund in order to finance the distribution of grants identified under §6-60-107.

The provisions of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

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(a) As used in this section:

(1) "Health Care Independence Program" means the Health Care Independence Program established under the Health Care Independence Act of 2013, Arkansas Code § 20-77-2401 et seq.; and

(2) "Arkansas Works Program" means the Arkansas Works Program established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2, Arkansas Code § 23-61-1001 et seq.

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

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

(A) Identifying the purpose in the appropriation act;

(B) Delineating such maximums in the appropriation act for a publicly supported institution of higher education; and

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

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in the acts of publicly supported institutions of higher education.

(c)(1) Except as provided in this subsection, the publicly supported institutions of higher education shall not allocate, budget, expend, or utilize

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any appropriation authorized by the General Assembly for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace, the Health Care Independence Program, or the Arkansas Works Program, including without limitation:

- (A) Unsolicited communications mailed to potential recipients;
- (B) Television, radio, or online commercials;
- (C) Billboard or mobile billboard advertising;
- (D) Advertisements printed in newspapers, magazines, or other print media; and
- (E) Internet websites and electronic media.

(2) This subsection does not prohibit the publicly supported institutions of higher education from:

- (A) Direct communications with licensed insurance agents;
- (B) Solicited communications with potential recipients;
- (C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.

(ii) Educational materials and information distributed under subdivision (c)(2)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding

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the coverage for which the potential recipient might be eligible; and

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

(d) The publicly supported institutions of higher education shall not apply for or accept any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace, the Health Care Independence Program, or the Arkansas Works Program.

(e)(1) Except as provided in subdivision (e)(2) of this section, the publicly supported institutions of higher education shall not:

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

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

(B) Apply for or accept any funds, including without

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limitation federal funds, for the purpose of funding activities of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

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

(f) An appropriation authorized by the General Assembly shall not be subject to the provisions allowed through reallocation of resources or transfer of appropriation authority for the purpose of transferring an appropriation to any other appropriation authorized for a publicly supported institutions of higher education to be allocated, budgeted, expended, or utilized in a manner prohibited by this section.

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

(h) This section expires on June 30, ~~2017~~2018.

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0455 Natural Resources Commission, Arkansas

ACT#: 256

SECTION#: 20

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. At the end of each fiscal year, the Chief Fiscal Officer of the State shall authorize the transfer of obligated water, sewer, and solid waste funds, as provided in the appropriation act for the Natural Resources Commission in the appropriation entitled "Water, Sewer and Solid Waste - State", from the Miscellaneous Agencies Fund Account, to the Water, Sewer and Solid Waste Revolving Fund.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0455 Natural Resources Commission, Arkansas

ACT#: 256

SECTION#: 21

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. At the end of each fiscal year, the Chief Fiscal Officer of the State shall authorize the carry forward of funds to support the amount of obligated grants that are certified by the Natural Resources Commission for Matching Grants in the appropriation entitled "Water Quality Plan Implementation".

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

- (1) Prior to June 30, ~~2017~~ 2018 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 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) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget

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0455 Natural Resources Commission, Arkansas

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

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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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0455 Natural Resources Commission, Arkansas

ACT#: 256

SECTION#: 22

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. At the end of the fiscal year, the Chief Fiscal Officer of the State shall authorize the carry forward of funds to support the amount of obligated grants that are certified by the Natural Resources Commission for Water Quality Technicians in the appropriation entitled "Water Quality Plan Implementation".

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

- (1) Prior to June 30, ~~2017~~ 2018 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 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) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget

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0455 Natural Resources Commission, Arkansas

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0370 Public Employees Retirement System

ACT#: 116

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

JUDICIAL RETIREMENT FUND TRANSFERS. A sum not to exceed ~~\$58,301~~ \$60,050 in the ~~2016-2017~~ 2017-2018 fiscal year may be transferred from the Judges Retirement Fund to the Arkansas Public Employees Retirement System Fund for costs incurred by the Arkansas Public Employees Retirement System in administering the Judicial Retirement System. Such transfer request shall be made to the Chief Fiscal Officer of the State, and upon his approval, said transfer shall be made on his books and those of the Treasurer of the State and the Auditor of the State.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0370 Public Employees Retirement System

ACT#: 116

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

STATE POLICE RETIREMENT FUND TRANSFERS. A sum not to exceed ~~\$107,463~~ \$110,687 in the ~~2016-2017~~ 2017-2018 fiscal year may be transferred from the State Police Retirement Fund to the Arkansas Public Employees Retirement System Fund for costs incurred by the Arkansas Public Employees Retirement System in administering the State Police Retirement System. Such transfer request shall be made to the Chief Fiscal Officer of the State, and upon his approval, said transfer shall be made on his books and those of the Treasurer of the State and the Auditor of the State.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0370 Public Employees Retirement System

ACT#: 116

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXEMPTION FROM PRIOR REVIEW. The Arkansas Public Employees Retirement System is hereby exempted from seeking prior review by the Arkansas Legislative Council with regard to transfers between the Benefits line item in the Cash Fund Appropriation and the Benefits-Non-Employee line item in the Operations Appropriation which are specifically related to transfers necessitated by the changes in retirees' selection of the method of payment of retirement benefits. All other provisions of Arkansas Code § 19-4-522 shall be applicable.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0370 Public Employees Retirement System

ACT#: 116

SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL STATE POLICE RETIREMENT FUND TRANSFERS. A sum not to exceed \$50,000 may be transferred from the State Police Retirement Fund to the Arkansas Public Employees Retirement Fund to share in the costs incurred by the Arkansas Public Employees Retirement System in the purchase and implementation of a new pension administration system, which will be utilized to administer State Police pension transactions for members and retirees. Said transfer shall sunset at the end of fiscal year ~~2017~~2018. Such transfer request shall be made to the Chief Fiscal officer of the State, and upon his approval, said transfer shall be made on his books and those of the Treasurer of the State and the Auditor of the State.

The provisions of this section shall be in full effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0370 Public Employees Retirement System

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SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL JUDICIAL RETIREMENT FUND TRANSFERS. A sum not to exceed \$50,000 may be transferred from the Judicial Retirement Fund to the Arkansas Public Employees Retirement Fund to share in the costs incurred by the Arkansas Public Employees Retirement System in the purchase and implementation of a new pension administration system, which will be utilized to administer Judicial pension transactions for members and retirees. Said transfer shall sunset at the end of fiscal year ~~2017~~2018. Such transfer request shall be made to the Chief Fiscal Officer of the State, and upon his approval, said transfer shall be made on his books and those of the Treasurer of State and the Auditor of the State.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0370 Public Employees Retirement System

ACT#: 116

SECTION#: 15

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~ESTABLISHMENT OF A TEMPORARY "POSITION POOL"~~

AGENCY REQUEST

~~———— (a) To address temporary staffing needs during the 16-172017-2019 biennium due to the (1) implementing a new pension administration system (COMPASS) and (2) meeting the new Governmental Accounting Standards Board (GASB) #67 (Financial Reporting for Pension Plans) and #68 (Accounting and Financial Reporting for Pensions) statements, the Arkansas Public Employees Retirement System is authorized for the 2016-20172017-2018 fiscal year, a pool of no more than ten (10) classified grade C117 level positions at base level pay of \$32,249 each. Positions established during the 2016-20172017-2018 fiscal year would be continued into the 2017-20182018-2019 fiscal year, along with the remainder of the available positions in the pool. All positions would sunset as of 6/30/1718. All position advertisements shall clearly state the temporary employment period and hired individuals shall sign a disclosure form acknowledging the 6/30/1718 end date.~~

~~———— (b) The Arkansas Public Employees Retirement System is authorized to access the pool positions authorized in this Section at any time it is determined by the Executive Director that the need exists to provide for continuity of services during those implementation heavy periods of time. The Executive Director shall provide a quarterly report of the number of positions utilized and associated salaries to the Chief Fiscal Officer of the State and to the Arkansas Legislative Council for review.~~

~~———— (c) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accompanied by delineating the maximum number of personnel by~~

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas Public Employees Retirement System could utilize these positions to better accomplish the major initiatives faced by the Agency during the 16-172017-2019 biennium by providing the temporary position pool in Subsection (a) of this Section. The General Assembly shall maintain oversight of the utilization of the position pool by requiring review of the Legislative Council. Therefore, the requirement of review by the Legislative Council is not a severable part of this Section. If the requirement of review 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, 2016 2017 through June 30, 2017 2018.~~

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ACT#: 244

SECTION#: 15

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)	EXECUTIVE RECOMMENDATION
<p>RESTRICTIONS ON FUNDS APPROPRIATED TO THE COMMUNITY INVESTMENT INITIATIVE. Funds appropriated for Community Investment Funds from the Temporary Assistance for Needy Families (TANF) Block Grant for the fiscal years 2016-2017 2017-2018 and 2017-2018 2018-2019 (combined) shall be subject to these restrictions in their use for the specified statutory purposes to the extent the funds are available:</p> <ul style="list-style-type: none">— (1) improving outcomes for youth (at least \$1,000,000),— (2) parenting and family functioning (at least \$500,000),— (3) marriage and relationship skills (at least \$500,000),— (4) fatherhood programs (at least \$500,000),— (5) family and employment services for ex-offenders (at least \$500,000), and— (6) services to child only TEA cases (at least \$500,000).	<p align="center">AGENCY REQUEST</p>

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0810 Workforce Services, Department of

ACT#: 244

SECTION#: 16

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~SUSPENSION OR REDUCTION OF FUNDS APPROPRIATED TO THE COMMUNITY INVESTMENT INITIATIVE. Spending for the Community Investment Initiative can be suspended or reduced if the Director of the Department of Workforce Services and the Transitional Employment Board certify that~~

~~— a) Funding from the Temporary Assistance for Needy Families block grant is needed to support a critical economic development initiative,~~

~~— b) Other funds from the Temporary Assistance for Needy Families block grant are not available beyond those needed for the operation of the TEA, Work Pays and High Wage Education and Training Programs and for an adequate reserve for possible increases in cash assistance during the current fiscal year, and~~

~~— c) Spending for the economic development initiative is allowable within the federal rules governing the Temporary Assistance for Needy Families Block Grant.~~

~~Certification of these conditions shall be made to the Governor and the Chief Fiscal Officer of the State and notification shall be made to the Legislative Council and the Senate and House Public Health and Welfare Committees.~~

~~If spending on the Community Investment Initiative is reduced, these reductions shall be assessed proportionately to the funds designated by the TEA Board for each of the six statutory purposes of the Community Investment Initiative.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017-2018.~~

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ACT#: 244

SECTION#: 17

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD - NEW HIRE REGISTRY. Any balance in the funds made available by this Act for the New Hire Registry which remain on June 30, ~~2017~~ 2018, may be carried forward into the next fiscal year, to be used for the same purpose.

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

(1) Prior to June 30, ~~2017~~ 2018 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

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

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

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

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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, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0810 Workforce Services, Department of

ACT#: 244

SECTION#: 18

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP. There is hereby authorized, for the Department of Workforce Services for the ~~2016-2017~~ 2017-2018 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: three hundred eighty (380) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. Any of these positions utilized in a manner which are funded by federal sources are specifically exempt from limitation of hours, either by Act or Regulation.

In order to comply with the timeliness requirements set forth by the Social Security Act, the Chairman of the Board of Review is authorized to utilize part-time or temporary employees from the pool of positions provided to the Department of Workforce Services in any occurrence where the number of appeals to the Board of Review or Appeal Tribunal increases above a level that can be resolved by the permanent staff in a timely manner. The Department of Workforce services will determine the appropriate funding source within the Department for said positions.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

"REED ACT FUNDS". Funds received by the State may be used as specified in 903 of the Social Security Act, for the purpose of construction and improvement of buildings, rent/lease costs, acquisition of land, the payment of salaries and related benefits of central and local office staff, maintenance and operation of central and local offices, payment of unemployment insurance benefits, or as otherwise prescribed in Section 903 of the Social Security Act, as amended.

The amount obligated pursuant to this Act shall not exceed the amount by which (a) the aggregate of the amounts transferred to the account of this State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts used by this State and charged against the amounts transferred to the account of this State.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0810 Workforce Services, Department of

ACT#: 244

SECTION#: 20

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADDITIONAL POSITIONS. The Director of the Department of Workforce Services, after receiving the approval of the Office of Personnel Management, and after seeking the prior review by the Arkansas Legislative Council, shall have the authority to establish such new or additional full time positions as may become necessary to carry out the objectives of the program and/or to meet Federal requirements of new and/or expanded programs where such needs are financed by federal funds; provided that not more than two hundred persons may be employed in addition to those authorized in the salary schedule and that the rate of pay shall not exceed those set out in the salary schedule for comparable positions as authorized under the provisions of Section 1 of this Act.

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0810 Workforce Services, Department of

ACT#: 244

SECTION#: 21

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF APPROPRIATION. Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State and after having sought the prior approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Workforce Services is hereby authorized to make transfers from any appropriation made by this Act to any other appropriation made by this Act with the exception of the "Reed Act Funds" appropriations set forth in Section 8 of this Act, and of the appropriation made for Regular Salaries or Maintenance and General Operation. Such transfers may be made whenever it appears, by projecting the expenditures of any of the appropriations in this Act, that there will be a deficiency of appropriation in one item and that there will be a corresponding excess of appropriation in another item or items which may be transferred. The transfer of appropriation shall be effected only on approval of the Chief Fiscal Officer of the State. Provided, however, that no transfer of appropriations may be authorized to increase the total amount appropriated for Regular Salaries, or Maintenance and General Operations, except as may be authorized elsewhere by law.

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 Workforce Services may operate more efficiently if some flexibility is

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provided to the Department of Workforce Services authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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SECTION#: 22

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INTER-AGENCY TRANSFER OF STATE GENERAL REVENUE FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Director of the Department of Human Services (DHS) and the Director of the Department of Workforce Services (DWS), the Chief Fiscal Officer of the State may approve up to ~~three million six hundred forty thousand six hundred fifty dollars (\$3,640,650)~~ one million dollars (\$1,000,000) each fiscal year in State General Revenue appropriated to DWS for the TANF program to be transferred to the DHS - Division of County Operations in support of Arkansas' TANF Programs or any related separate state programs.

The Director of the Department of Workforce Services shall provide a report of all transfers made to the DHS - Division of County Operations to the Performance Evaluation and Expenditure Review Committee of the Arkansas Legislative Council and Joint Budget Committee. The report must include the justification for and the amount of the completed transfers.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

INTER-AGENCY TRANSFER OF STATE GENERAL REVENUE FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Director of the Department of Human Services (DHS) and the Director of the Department of Workforce Services (DWS), the Chief Fiscal Officer of the State may approve up to three million six hundred forty thousand six hundred fifty dollars (\$3,640,650) each fiscal year in State General Revenue appropriated to DWS for the TANF program to be transferred to the DHS - Division of County Operations in support of Arkansas' TANF Programs or any related separate state programs.

The Director of the Department of Workforce Services shall provide a report of all transfers made to the DHS - Division of County Operations to the Performance Evaluation and Expenditure Review Committee of the Arkansas Legislative Council and Joint Budget Committee. The report must include the justification for and the amount of the completed transfers.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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0810 Workforce Services, Department of

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SECTION#: 23

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF TANF BLOCK GRANT FUNDS. Each fiscal year, the Department of Workforce Services shall transfer the sum of seven million five hundred thousand dollars (\$7,500,000) from the state's federal Temporary Assistance for Needy Families block grant to the Department of Education Public School Fund Account to be used solely for the Arkansas Better Chance Program.

If the state match for the Temporary Assistance for Needy Families grant or the state's Temporary Assistance for Needy Families grant is reduced, the amount to be transferred may be adjusted in proportion to the percentage change in the state match or the state's Temporary Assistance for Needy Families grant. The amount to be transferred may also be reduced proportionately if new cost requirements are imposed upon the state as a result of new or revised Temporary Assistance for Needy Families regulations at the federal level.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0810 Workforce Services, Department of

ACT#: 244

SECTION#: 24

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~TRAINING TRUST FUND TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of two million five hundred thousand dollars (\$2,500,000) from the Department of Workforce Services Training Trust Fund to the Skills Development Fund.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

TRAINING TRUST FUND TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of two million five hundred thousand dollars (\$2,500,000) from the Department of Workforce Services Training Trust Fund to the Skills Development Fund.

The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0810 Workforce Services, Department of

ACT#: 244

SECTION#: 25

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~RESTRICTIONS ON FINANCIAL ASSISTANCE UNDER THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.~~

AGENCY REQUEST

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

~~_____ (2) The purposes of subsection (a) of this section are typically accomplished by:~~

~~_____ (A) Identifying the purpose in the appropriation act;~~

~~_____ (B) Delineating such maximums in the appropriation act for a state agency; and _____~~

~~_____ (C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the revenue stabilization law.~~

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

~~_____ (b)(1) On or before October 1, 2017, the Department of Workforce Services shall request a waiver from the federal government to:~~

~~_____ (A) Restrict the financial assistance granted to a recipient of the Temporary Assistance for Needy Families Program or its successor program to purchase goods and services that are considered essential and necessary for the welfare of the family, including without limitation:~~

~~_____ (i) Food;~~

~~_____ (ii) Clothing;~~

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0810 Workforce Services, Department of

ACT#: 244

SECTION#: 25

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~(iii) Housing;~~
~~(iv) Utilities;~~
~~(v) Child care; and~~
~~(vi) Incidentals, including without limitation transportation and medicine or medical supplies or equipment not covered by either the Arkansas Medicaid Program or the health benefit plan of the individual; and~~
~~(b) Restrict the cash withdrawal from an electronic benefit transfer card account that receives financial assistance under the Temporary Assistance for Needy Families Program or its successor program by electronic benefit transfer system.~~
~~(2) If the federal government denies the waiver application, this section shall not be implemented.~~
~~(3) If the department does not request a wavier under subdivision (b)(1) of this section, the department shall not allocate, budget, expend, or utilize appropriations under this act for the participation of persons in the Temporary Assistance for Needy Families Program.~~
~~The provisions of this section shall be in effect only from July 1, 2016-2017 through June 30, 2017-2018.~~