

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/21/23

A Bill

HOUSE BILL 1134

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF
10 CORRECTIONS - DIVISION OF COMMUNITY CORRECTION FOR
11 THE FISCAL YEAR ENDING JUNE 30, 2024; AND FOR OTHER
12 PURPOSES.
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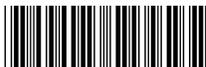
Subtitle

15 AN ACT FOR THE DEPARTMENT OF CORRECTIONS
16 - DIVISION OF COMMUNITY CORRECTION
17 APPROPRIATION FOR THE 2023-2024 FISCAL
18 YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Corrections - Division of Community Correction for the 2023-
26 2024 fiscal year, the following maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
32	(1) U084U	DCC DIRECTOR	1	GRADE SE02
33	(2) N129N	DCC DEPUTY DIR PAROLE/PROBATION SERV	1	GRADE GS14
34	(3) N114N	DCC DEPUTY DIR RESIDENTIAL SVCS	1	GRADE GS14
35	(4) T005C	DOC CORRECTIONAL WARDEN	6	GRADE GS12
36	(5) T004C	DCC PROGRAM ADMR PAROLE & PROBATION	6	GRADE GS11



1	(6)	M001C DCC TREATMENT ADMINISTRATOR	1	GRADE GS11
2	(7)	X025C DCC PAROLE/PROBATION AREA MANAGER	17	GRADE GS10
3	(8)	T015C DOC DEPUTY WARDEN	4	GRADE GS10
4	(9)	G222C DOC INTERNAL AFFAIRS ADMINISTRATOR	1	GRADE GS09
5	(10)	T033C DOC MAJOR	3	GRADE GS09
6	(11)	S094C ADC CONSTRUCTION/MAINTENANCE COORD	2	GRADE GS08
7	(12)	M007C DCC ASST TREATMENT PROGRAM MGR	7	GRADE GS08
8	(13)	X042C DCC PAROLE/PROBATION ASST AREA MGR	46	GRADE GS08
9	(14)	M021C DCC TREATMENT SUPERVISOR	7	GRADE GS08
10	(15)	T048C DOC CAPTAIN	4	GRADE GS08
11	(16)	T045C DCC PAROLE/PROBATION OFFICER	548	GRADE GS07
12	(17)	G154C DCC PROGRAM COORDINATOR	6	GRADE GS07
13	(18)	T059C DOC FOOD PREPARATION MANAGER	11	GRADE GS07
14	(19)	T054C DOC LIEUTENANT	33	GRADE GS07
15	(20)	M046C DOC TREATMENT COORDINATOR	18	GRADE GS07
16	(21)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
17	(22)	A063C RESEARCH & STATISTICS SUPERVISOR	1	GRADE GS07
18	(23)	C037C ADMINISTRATIVE ANALYST	6	GRADE GS06
19	(24)	M057C CHAPLAIN	6	GRADE GS06
20	(25)	T065C DOC CORRECTIONAL SERGEANT	67	GRADE GS06
21	(26)	T070C DOC FOOD PREPARATION SUPERVISOR	19	GRADE GS06
22	(27)	G180C GRANTS ANALYST	1	GRADE GS06
23	(28)	M048C SUBSTANCE ABUSE PROGRAM LEADER	58	GRADE GS06
24	(29)	C022C BUSINESS OPERATIONS SPECIALIST	7	GRADE GS05
25	(30)	G215C CAREER PLANNING & PLACEMENT SPECIALIST	14	GRADE GS05
26	(31)	G200C CLASSIFICATION & ASSIGNMENT OFFICER	4	GRADE GS05
27	(32)	X128C CORRECTIONAL UNIT ACCREDITATION SPEC	1	GRADE GS05
28	(33)	T092C DCC PAROLE/PROBATION OFFICER I	1	GRADE GS05
29	(34)	T076C DOC ADMIN REVIEW OFFICER	7	GRADE GS05
30	(35)	M059C DOC ADVISOR	136	GRADE GS05
31	(36)	S026C DOC ASST MAINTENANCE SUPERVISOR	9	GRADE GS05
32	(37)	T075C DOC CORPORAL	296	GRADE GS05
33	(38)	M058C DOC PROGRAM SPECIALIST	10	GRADE GS05
34	(39)	C024C DOC RECORDS SUPERVISOR	8	GRADE GS05
35	(40)	R031C INSTITUTION HUMAN RESOURCES COORD	6	GRADE GS05
36	(41)	C056C ADMINISTRATIVE SPECIALIST III	91	GRADE GS04

1	(42) T083C DOC CORRECTIONAL OFFICER I	1	GRADE GS04
2	(43) A098C FISCAL SUPPORT SPECIALIST	4	GRADE GS04
3	(44) C073C ADMINISTRATIVE SPECIALIST II	67	GRADE GS03
4	(45) M084C BEHAV HLTH AIDE	<u>1</u>	GRADE GS03
5	MAX. NO. OF EMPLOYEES	1,545	

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7 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department
 8 of Corrections - Division of Community Correction for the 2023-2024 fiscal
 9 year, the following maximum number of part-time or temporary employees, to be
 10 known as "Extra Help", payable from funds appropriated herein for such
 11 purposes: ten (10) temporary or part-time employees, when needed, at rates
 12 of pay not to exceed those provided in the Uniform Classification and
 13 Compensation Act, or its successor, or this act for the appropriate
 14 classification.

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16 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 17 appropriated, to the Department of Corrections, to be payable from the
 18 Division of Community Correction Fund Account, for personal services and
 19 operating expenses of the Department of Corrections - Division of Community
 20 Correction - State Operations for the fiscal year ending June 30, 2024, the
 21 following:

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2023-2024</u>
25	(01) REGULAR SALARIES	\$70,615,896
26	(02) EXTRA HELP	100,000
27	(03) PERSONAL SERVICES MATCHING	27,969,075
28	(04) OVERTIME	210,000
29	(05) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	13,054,409
31	(B) CONF. & TRAVEL	32,880
32	(C) PROF. FEES	168,729
33	(D) CAP. OUTLAY	125,000
34	(E) DATA PROC.	0
35	(06) REENTRY	<u>5,285,000</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$117,560,989</u>

SECTION 4. APPROPRIATION - OPERATIONS - SPECIAL REVENUE. There is hereby appropriated, to the Department of Corrections, to be payable from the Community Correction Revolving Fund, for operating expenses of the Department of Corrections - Division of Community Correction - Operations - Special Revenue for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$3,552,870
(B) CONF. & TRAVEL	100,000
(C) PROF. FEES	1,000,000
(D) CAP. OUTLAY	2,061,389
(E) DATA PROC.	0
(02) WAR MEMORIAL	10,000
(03) COMMUNITY CORRECTION PROGRAMS	6,000,000
(04) TRANSITIONAL HOUSING	<u>2,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$14,724,259</u>

SECTION 5. APPROPRIATION - RESIDENTS SERVICES - CASH. There is hereby appropriated, to the Department of Corrections, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Corrections - Division of Community Correction - Residents Services - Cash for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$2,557,846
(B) CONF. & TRAVEL	0
(C) PROF. FEES	101,800
(D) CAP. OUTLAY	1,000,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$3,659,646</u>

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SECTION 6. APPROPRIATION - FEDERAL ASSET FORFEITURE. There is hereby appropriated, to the Department of Corrections, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Corrections - Division of Community Correction - Federal Asset Forfeiture for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) ASSET FORFEITURE	<u>\$500,000</u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Programs" line item of the Operations - Special Revenue appropriation provided in this Act to construct new or renovate existing facilities to support the development of community correction facilities in the state. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Corrections - Division of Community Correction may operate more efficiently if some flexibility is provided to the Department of Corrections - Division of Community Correction authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or

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

5 The provisions of this section shall be in effect only from July 1, ~~2022~~
6 2023 through June 30, ~~2023~~ 2024.

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8 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PARKING
10 FEES. On July 1, of each year the Department of Corrections - Division of
11 Community Correction shall pay from the appropriation provided herein from
12 non-general revenue, the total amount appropriated for War Memorial Parking
13 Services from Fees to War Memorial.

14 The provisions of this section shall be in effect only from July 1, ~~2022~~
15 2023 through June 30, ~~2023~~ 2024.

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17 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
19 PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer
20 of the State and review and approval by the Arkansas Legislative Council or
21 Joint Budget Committee, the Director of the Department of Corrections -
22 Division of Community Correction is authorized to transfer appropriation from
23 any line item authorized in the State Operations and Operations - Special
24 Revenue Appropriations of this Act to any other line item authorized in the
25 State Operations and Operations - Special Revenue Appropriations of this Act.
26 Determining the maximum number of employees and the maximum amount of
27 appropriation and general revenue funding for a state agency each fiscal year
28 is the prerogative of the General Assembly. This is usually accomplished by
29 delineating such maximums in the appropriation act(s) for a state agency and
30 the general revenue allocations authorized for each fund and fund account by
31 amendment to the Revenue Stabilization law. Further, the General Assembly
32 has determined that the Department of Corrections - Division of Community
33 Correction may operate more efficiently if some flexibility is provided to
34 the Department of Corrections - Division of Community Correction authorizing
35 broad powers under this Section. Therefore, it is both necessary and
36 appropriate that the General Assembly maintain oversight by requiring prior

1 approval of the Legislative Council or Joint Budget Committee as provided by
2 this section. The requirement of approval by the Legislative Council or
3 Joint Budget Committee is not a severable part of this section. If the
4 requirement of approval by the Legislative Council or Joint Budget Committee
5 is ruled unconstitutional by a court of competent jurisdiction, this entire
6 section is void.

7 The provisions of this section shall be in effect only from July 1, ~~2022~~
8 2023 through June 30, ~~2023~~ 2024.

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10 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections,
13 at the request of the Secretary of Corrections, that a reallocation of
14 resources within the Department of Corrections - Divisions of Community
15 Correction and Corrections is necessary for the efficient and effective
16 operation of the departments, the Board, with approval of the Governor and
17 approval by the Arkansas Legislative Council or Joint Budget Committee, shall
18 have the authority to instruct the Department Secretary, to request from the
19 Chief Fiscal Officer of the State, a transfer of positions, programs, funds,
20 appropriations, and line-item appropriations within or between existing and
21 newly created divisions, offices, sections, or units of the departments. If
22 it is determined that the requested transfer should be made, the Chief Fiscal
23 Officer of the State shall then initiate the necessary transfer documents to
24 reflect the transfers upon the fiscal records of the State Treasurer, the
25 State Auditor, the Chief Fiscal Officer of the State, and the Department of
26 Corrections - Divisions of Correction and Community Correction. Provided,
27 however, that the Board shall be limited to submitting no more than two
28 requests, encompassing a single purpose listed in this section, during any
29 fiscal year per department. Transfer authority shall further be limited to
30 no more than five percent (5%) of the total General Revenue and Special
31 Revenue appropriation, funding, and positions specific to each division.
32 However, there shall be no transfers to or from the County Jail Reimbursement
33 Fund. A Reallocation of Resources Transfer shall be limited to the following
34 specific purposes:

- 35 a) Costs to open and operate temporary beds;
36 b) Payment of Debt Service;

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

8 Determining the maximum number of employees and the maximum amount of
9 appropriation and general revenue funding for a state agency each fiscal year
10 is the prerogative of the General Assembly. This is usually accomplished by
11 delineating such maximums in the appropriation act(s) for a state agency and
12 the general revenue allocations authorized for each fund and fund account by
13 amendment to the Revenue Stabilization law. Further, the General Assembly
14 has determined that the Department of Corrections - Divisions of Correction
15 and Community Correction may operate more efficiently if some flexibility is
16 provided to the Board of Corrections authorizing broad powers under the
17 Reallocation of Resources provisions herein. Therefore, it is both necessary
18 and appropriate that the General Assembly maintain oversight by requiring
19 prior approval of the Legislative Council or Joint Budget Committee as
20 provided by this section. The requirement of approval by the Legislative
21 Council or Joint Budget Committee is not a severable part of this section.
22 If the requirement of approval by the Legislative Council or Joint Budget
23 Committee is ruled unconstitutional by a court jurisdiction, this entire
24 section is void.

25 The provisions of this section shall be in effect only from July 1, ~~2022~~
26 2023 through June 30, ~~2023~~ 2024.

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28 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
30 CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of
31 the Governor and Chief Fiscal Officer of the State and upon approval by the
32 Arkansas Legislative Council or Joint Budget Committee, the Director of the
33 Department of Corrections - Division of Community Correction, as authorized
34 by the Board of Corrections, is authorized to use the appropriations
35 authorized under the line item established herein for "Community Correction
36 Programs" are to be used by the Department of Corrections - Division of

1 Community Correction for establishment and operation of, to include
2 construction, renovation, and contracting for establishment and operation of,
3 residential and non-residential community correction programs such as, but
4 not limited to, community correction centers, drug, alcohol, and mental
5 health treatments, intensive supervision, restitution, and others as
6 established and approved by the Board of Corrections and as may be provided
7 by law.

8 The provisions of this section shall be in effect only from July 1, ~~2022~~
9 2023 through June 30, ~~2023~~ 2024.

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11 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
13 AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent
14 (10%) increase in utility and fuel rates, the Department of Corrections -
15 Division of Community Correction is authorized to transfer from any line item
16 in the State Operations Appropriation to the Operating Expense line item in
17 the State Operations Appropriation for support of the increase after
18 receiving approval of the Chief Fiscal Officer of the State. Prior to the
19 utilization of the transfer authority a report shall be made to the Arkansas
20 Legislative Council or Joint Budget Committee including justification for the
21 transfer and the amount of transfer.

22 Determining the maximum number of employees and the maximum amount of
23 appropriation and general revenue funding for a state agency each fiscal year
24 is the prerogative of the General Assembly. This is usually accomplished by
25 delineating such maximums in the appropriation act(s) for a state agency and
26 the general revenue allocations authorized for each fund and fund account by
27 amendment to the Revenue Stabilization law. Further, the General Assembly
28 has determined that the Department of Corrections - Division of Community
29 Correction may operate more efficiently if some flexibility is provided to
30 the Department of Corrections - Division of Community Correction authorizing
31 broad powers under this Section. Therefore, it is both necessary and
32 appropriate that the General Assembly maintain oversight by requiring prior
33 approval of the Legislative Council or Joint Budget Committee as provided by
34 this section. The requirement of approval by the Legislative Council or
35 Joint Budget Committee is not a severable part of this section. If the
36 requirement of approval by the Legislative Council or Joint Budget Committee

1 is ruled unconstitutional by a court of competent jurisdiction, this entire
2 section is void.

3 The provisions of this section shall be in effect only from July 1, ~~2022~~
4 2023 through June 30, ~~2023~~ 2024.

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6 SECTION 13. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 12-27-
7 114, concerning state inmates housed in a county jail and the reimbursement
8 to the county, is amended to codify special language in appropriation acts to
9 add an additional subsection to read as follows:

10 (d)(1)(A) The Division of Correction and Division of Community
11 Correction shall prepare a monthly report of county jail reimbursement
12 invoices under this section for payment from the County Jail Reimbursement
13 Fund.

14 (B) The monthly report under subdivision (d)(1)(A) of this
15 section shall:

16 (i) Be posted on the website of the Division of
17 Correction and the website of the Division of Community Correction for at
18 least three (3) years; and

19 (ii) Include a summary of invoices returned by each
20 county for payment for previous months within the fiscal year, the amounts
21 paid, and any balances owed.

22 (2) The monthly reports under subdivision (d)(1)(A) of this
23 section shall be combined into one (1) annual report at the end of each
24 fiscal year.

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26 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOTOR
28 VEHICLE PURCHASE PROVISION. The Department of Corrections - Division of
29 Community Correction is hereby authorized to purchase motor vehicles from the
30 appropriations authorized for Capital Outlay in the State Operations and
31 Special Revenue Operations appropriations in this Act.

32 The provisions of this section shall be in effect only from July 1, ~~2022~~
33 2023 through June 30, ~~2023~~ 2024.

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35 SECTION 15. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 12-27-
36 140 is amended to codify special language in appropriation acts to read as

1 follows:

2 12-27-140. Division of Community Correction annual report - Quarterly
3 report of position vacancies.

4 (a)(1) On July 31 of each year, the Division of Community Correction
5 shall submit an annual report to the Legislative Council showing the number
6 of persons sentenced or transferred to the division during the fiscal year
7 for each criminal offense classification.

8 (2) Persons sentenced or transferred for multiple offenses shall
9 be noted in the report.

10 (b) The report shall include a breakdown by race of all persons
11 charged in each criminal offense classification.

12 (c) The division shall cooperate with and upon request make
13 presentations and provide various reports, to the extent the division's
14 budget will allow, to the Legislative Council concerning division policy and
15 criteria on discretionary offender programs and services.

16 (d) The division shall report quarterly to the Legislative Council or,
17 if the General Assembly is in session, the Joint Budget Committee, the:

18 (1) Number of parole or probation officer positions currently
19 vacant in the division;

20 (2) Number of parole or probation assistant area manager
21 positions currently vacant in the division;

22 (3) Number of parole or probation area manager positions
23 currently vacant in the division; and

24 (4) Average case load being assigned to each parole or probation
25 officer.

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27 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
28 authorized by this act shall be limited to the appropriation for such agency
29 and funds made available by law for the support of such appropriations; and
30 the restrictions of the State Procurement Law, the General Accounting and
31 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
32 Procedures and Restrictions Act, or their successors, and other fiscal
33 control laws of this State, where applicable, and regulations promulgated by
34 the Department of Finance and Administration, as authorized by law, shall be
35 strictly complied with in disbursement of said funds.

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1 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General
2 Assembly that any funds disbursed under the authority of the appropriations
3 contained in this act shall be in compliance with the stated reasons for
4 which this act was adopted, as evidenced by the Agency Requests, Executive
5 Recommendations and Legislative Recommendations contained in the budget
6 manuals prepared by the Department of Finance and Administration, letters, or
7 summarized oral testimony in the official minutes of the Arkansas Legislative
8 Council or Joint Budget Committee which relate to its passage and adoption.

9
10 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly, that the Constitution of the State of Arkansas prohibits
12 the appropriation of funds for more than a one (1) year period; that the
13 effectiveness of this Act on July 1, 2023 is essential to the operation of
14 the agency for which the appropriations in this Act are provided, and that in
15 the event of an extension of the legislative session, the delay in the
16 effective date of this Act beyond July 1, 2023 could work irreparable harm
17 upon the proper administration and provision of essential governmental
18 programs. Therefore, an emergency is hereby declared to exist and this Act
19 being necessary for the immediate preservation of the public peace, health
20 and safety shall be in full force and effect from and after July 1, 2023.

21
22 */s/Joint Budget Committee*

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25 **APPROVED: 3/16/23**