



STATE OF ARKANSAS
**Department of Finance
and Administration**

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December 5, 2019

Senator Bruce Maloch, Co-Chair
Representative DeAnn Vaught, Co-Chair
Performance Evaluation & Expenditure Review Committee
Arkansas Legislative Council
State Capitol Building
Little Rock, AR 72201

RE: Appropriation and/or Funds Transfer Request(s)

Dear Co-Chairs:

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

Sincerely,


Larry W. Walther
Cabinet Secretary

LWW

Attachment(s)



Brian Welch, Executive Director

101 East Capitol, Suite 207
Little Rock, Arkansas 72201
Office: 501-683-1882

TO: DFA – Office of Budget
Jake Bleed, Budget Administrator

FROM: Brian Welch, Executive Director, Arkansas Commission for Parent Counsel

DATE: October 23, 2019

SUBJECT: Appropriation Changes

Jake,

Please accept this memo as request to adjust our appropriation totals within the confines of our appropriated funds. I have been advised that the proper mechanism in this situation is to request a transfer of funds from one commitment item to others, pursuant to Act 871 of 2019, Section 13. The referenced Section of Act 871 allows for the transfer of appropriation in just such a manner, the pertinent language stating "After receiving approval from the Chief Fiscal Officer of the State and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Arkansas Public Defender Commission is authorized to transfer appropriation, with the exception of Personal Services Matching, between the line items authorized herein for the Commission for Parent Counsel, to best utilize resources to meet the needs of the Parent Counsel's clientele."

We are requesting a few changes for reasons I will explain in detail. We are requesting \$280,000.00 be added to Commitment Item 14 "Legal Services / Refunds – Reimbursement" Fund HSC3766, Funds Center X66 and \$20,000.00 be added to Commitment Item 02 "Operating Expenses" Fund HSC3766 Funds, Center X66. The \$300,000.00 total amount would be deducted from the Extra Help appropriation in Commitment Item 01 to account for those funds going to Commitment Items 02 and 14.

The basis for our request originates from the initial set up of our appropriation when we were relocated from the Administrative Office of the Courts. Due to some complications with attorneys having multiple contracts and part-time State positions, Kay Barnhill and Paul Lothian had set up Extra Help positions for 14 of our attorneys. At the time of creation, no one knew the final totals for pay for these positions; the number of hours they would receive; or how many would be filled. As a result, the Extra Help appropriation line item was inflated. They took \$630,000 from our Commitment Item 14 and put it in Commitment Item 01 Extra Help to cover

for part time State Employees. That figure was much too high and did not leave us enough to cover the contracts in CI14.

Also, at the time of creation, there was no consideration made for mileage reimbursements for the Extra Help attorneys in our employ. We do pay some limited mileage reimbursement to our contract attorneys but are currently unable to do the same for our Extra Help attorneys as there is no appropriation for travel. In addition, as Executive Director part of my duties include travel for attorney evaluations, meetings, conferences and other official business. Currently, I am unable to be reimbursed for those expenses, again due to not having any appropriation for mileage reimbursement figured into our operating budget.

We are not asking for any additional monies beyond our appropriation total, but rather just the ability to apply the funds where they are needed. This is a unique situation as no one really knew how all this was going to fit together and we will not be able to honor our contractual commitments without the additional funds in CI14. We will also not be able to treat all our attorneys equally without the additional operating funds to cover mileage reimbursements.

For your review, I have attached a copy of the projected totals for both the Extra Help attorneys and the contract attorneys as well as the original appropriation numbers.

I thank you for your time and attention to this matter. If I have not made a proper request, you need other information or if you have any questions, please feel free to contact me at 501-258-3751 or brian.welch@arkansas.gov. Thank you for all your assistance in this matter.



Brian D. Welch II
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Attachments