

**REQUEST FOR SPECIAL LANGUAGE
IN APPROPRIATION ACT**

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2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0311 Disability Determination for Social Security Administration

ACT#: 36

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 76, Subchapter 3, is amended to add an additional section and to codify special language in appropriation acts to read as follows:

20-76-307. Extra help restriction.

An extra help employee of the State Department for Social Security Administration Disability Determination shall not be employed for a period of time exceeding one thousand eight hundred (1,800) hours in a fiscal year.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0311 Disability Determination for Social Security Administration

ACT#: 36

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ADDITIONAL POSITIONS. The Director of the State Department for Social Security Administration Disability Determination, after receiving the approval of the Office of Personnel Management, and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to establish such new additional full time positions as may become necessary to carry out the objectives of the department 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 fifty (250) positions may be created in addition to those authorized in the Regular Salaries section of this Act.

If the department requests continuation of any positions as established herein, the positions must be requested as new positions in the department's budget request.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0232 Election Commissioners, State Board of

ACT#: 34

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD - ELECTION EXPENSES. At the close of the fiscal year ending June 30, ~~2023~~ 2024, any unexpended balance of monies provided for Election Expenses, shall be transferred forward and made available for the same purpose for the fiscal year ending June 30, ~~2024~~ 2025.

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

(1) Prior to June 30, ~~2023~~ 2024 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 include

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0232 Election Commissioners, State Board of

ACT#: 34

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0232 Election Commissioners, State Board of

ACT#: 34

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

USE OF ELECTION EXPENSES APPROPRIATION. The funds appropriated for Election Expenses may be used to cover the expenses of the State Board of Election Commissioners and the county election commissions to conduct preferential primary elections, general primary elections, special primary elections, nonpartisan general elections, and statewide special elections.

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

Recommendation: This language should be deleted as it has been included in a combined section, and is found in the special language numbered 0232-0021-007 ("Transfer of Funds"), and is incorporated as subsection(a).

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0232 Election Commissioners, State Board of

ACT#: 34

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 7, Chapter 4, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

7-4-123. Use of election expenses appropriation - Transfer of funds.

(a) Funds appropriated for election expenses may be used to cover the expenses of the State Board of Election Commissioners and any county board of election commissioners to conduct:

- (1) Preferential primary elections;
- (2) General primary elections;
- (3) Special primary elections;
- (4) Nonpartisan general elections; and
- (5) Statewide special elections.

(b) The Director of the State Board of Election Commissioners shall certify to the Chief Fiscal Officer of the State the amount needed to pay the expenses of the election if:

- (1) The State Board of Election Commissioners is required to pay the expenses for any state-supported election in subsection (a) of this section; and
- (2) Funds are not available to pay for such elections.

(c)(1) Upon the approval of the Chief Fiscal Officer of the State, the amount certified by the director under subsection (a) of this section shall be transferred from the Budget Stabilization Trust Fund to the Miscellaneous Agencies Fund Account for the benefit of the State Board of Election Commissioners.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0232 Election Commissioners, State Board of

ACT#: 34

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

(2) All unused funds transferred under subdivision (c)(1) of this section shall be transferred back to the Budget Stabilization Trust Fund at the end of each fiscal year.

(3) The Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect all such transfers in the fiscal records of the:

(A) Auditor of State;

(B) Treasurer of State; and

(C) Chief Fiscal Officer of the State.

Recommendation: This language has been included in a combined section, and is found in the special language numbered 0232-0021-006 ("Use of Election Expenses Appropriation").

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0232 Election Commissioners, State Board of

ACT#: 34

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER. If funds are not available for the State Board of Election Commissioners to perform their duties, the Director of the State Board of Election Commissioners may from time to time certify to the Chief Fiscal Officer of the State the amount of funds needed and the Chief Fiscal Officer of the State shall transfer the certified amount from the Nonpartisan Filing Fee Fund to the Miscellaneous Agencies Fund for use by the State Board of Election Commissioners. The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9907 Department of Health

ACT#: 30

SECTION#: 50

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 25, Chapter 43, Subchapter 8, is amended to add an additional section to codify special language in appropriation acts to read as follows:

25-43-813. Employment of attorneys by certain medical professional boards.

(a) Funds appropriated for maintenance and general operation in the operative appropriation act for the Department of Health shall not be expended in payment for services of attorneys for the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry, unless the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry makes a request in writing to the Attorney General to provide the required legal services.

(b) The office of the Attorney General shall provide the legal services requested under subsection (a) of this section, or if the office of the Attorney General shall determine that sufficient personnel are not available to provide the legal services requested under subsection (a) of this section, the Attorney General shall certify the same to the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry and may authorize the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry to employ legal counsel and to expend moneys appropriated for maintenance and general operations if:

(1) The Attorney General determines, and certifies in writing, that the Arkansas State Board of Dental Examiners, the Arkansas

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9907 Department of Health

ACT#: 30

SECTION#: 50

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

State Medical Board, or the State Board of Optometry needs the advice or assistance of legal counsel;

(2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry; and

(3)(A) The Attorney General receives confirmation in writing from the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry that the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry shall re-advertise annually for legal counsel if outside legal counsel is hired and that any amount to be paid for outside legal counsel will be reviewed and approved by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee.

(B) A certification under this section shall be required with respect to each instance of the employment of special legal counsel or shall be required annually with respect to legal counsel employed on a retainer basis.

(C) A copy of a certification under this section shall be entered in the official minutes of the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry, and shall be retained in the fiscal records of the Arkansas State Board of Dental Examiners, the Arkansas State Medical Board, or the State Board of Optometry for audit purposes.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9907 Department of Health

ACT#: 201

SECTION#: 18

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM. Special provision for a Nursing/Direct Care Education Stipend Program for the 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 Advanced Practice Nurses.

The stipend is 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.

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

Recommendation: This Special language should be deleted because it is included in a combined section under the DHS-Secretary's Office - Act 64, Section 14 -- Special Language Code 0716-0064-014

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9907 Department of Health

ACT#: 201

SECTION#: 21

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SHARED SERVICES. (a)(1) The Chief Fiscal Officer of the State may create a Shared Services paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses in the Shared Services Paying Account Appropriation by the Department of Health.

(2) The Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(3) The transfer authority provided to the department in subdivision (a)(2) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(4) The provisions of this section shall be in effect from the date of passage through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0265 Chiropractic Examiners, AR State Board of

ACT#: 30

SECTION#: 49

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS - INVESTIGATIVE SERVICES FOR CONSUMER COMPLAINTS. Ten thousand dollars (\$10,000) of the available appropriation in the Professional Fees Line item of this act shall be made available to the board for the purpose of contracting an independent or private investigator for investigative services regarding complaints submitted by consumers.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

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 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 Transformation & Shared Services - Division 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 Department of Transformation & Shared Services - Division 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

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0645 Health, Arkansas Department of

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SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

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

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

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 21, Chapter 8, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

21-8-104. Tobacco prevention or reduction advertising prohibited for elected officials and their immediate families.

An advertising or advertisement targeting the prevention or reduction of tobacco use shall not include the name, voice, or likeness of any elected official or his or her immediate family.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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, ~~2023~~ 2024 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

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2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 20-21-502 is amended to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

20-21-502. Administration.

(a) The Department of Health shall serve as the administering and disbursing agency for a program of issuing grants to those local governments located in such close proximity to nuclear-powered electricity generating facilities in this state that federal regulations or state rules require those local governments to maintain ~~nuclear disaster response procedures and precautions~~ a radiological response plan.

(b) Grants shall be issued by the department:

(1)(A) ~~to~~ To the county governments in the affected areas solely for the purpose of defraying costs associated with preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster exercises, and the

(B) The chief executive officer of each county shall be the agent of the county in entering into any agreements with the department in order to receive funds under this section. He or she

(C) The chief executive officer of each county shall also be the agent of the county in entering into agreements with officials of the local governments or their agencies within each county to disburse the funds under this section.

(D) Each county shall be eligible for that proportion of funds issued under this section as is determined fair and necessary under guidelines to be developed by the department; and

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0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

(2) To the Division of Emergency Management in quarterly installments 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-powered electricity generating facilities in this state.

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0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 15

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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 War Memorial.

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

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0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 16

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

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ACT#: 201

SECTION#: 17

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 20, Chapter 28, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

20-28-107. Development restrictions.

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

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2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 19

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD OF FUNDS.

AGENCY REQUEST

(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, ~~2022~~ 2023 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, ~~2023~~ 2024, 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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0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 19

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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.

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

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 201

SECTION#: 20

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

BREAST CARE PROGRAM. The Arkansas Department of Health shall annually budget, allocate, and expend for the Breast Care Program as appropriated in the Operations Section in this Act, 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 House and Senate Public Health Committee. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0665 Health Services Permit Agency

ACT#: 70

SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Any unexpended balance of funds generated by fees and fines pursuant to Arkansas Code 20-8-103 et. seq. deposited into the Miscellaneous Agencies 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 funding as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, ~~2023~~ 2024 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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0665 Health Services Permit Agency

ACT#: 70

SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0274 Medical Board, Arkansas State

ACT#: 30

SECTION#: 51

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ARKANSAS STATE MEDICAL BOARD - EDUCATIONAL PROGRAMS. The State Medical Board is hereby authorized to expend from monies authorized herein, \$25 from each licensed physician licensed by the State Medical Board each year to be paid by the State Medical Board to 501(c)(3) Arkansas foundations that have healthcare professionals on their board and provide for identification, treatment and monitoring of healthcare professionals who suffer from alcohol or drug abuse problems, in order to promote the public health and safety and to insure the continued availability of skilled and highly trained medical professionals for the benefit of the public.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Minority Health Commission a special Promotional Items appropriation to be used in the acquisition of promotional items. When the Minority Health Commission wishes to transfer from its operating expenses appropriation and funds to the promotional items line, the request shall be forwarded by the Minority Health Commission 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 Minority Health Commission may operate more efficiently if some flexibility is provided to the Minority Health 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

The provisions of this section shall be in effect only from July 1, ~~2022~~

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

2023 through June 30, ~~2023~~ 2024.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFERS OF APPROPRIATION. 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 or she shall set out on the forms the particular classifications for which he or she is requesting an increase or decrease, the amounts thereof, and his or her 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 Transformation & Shared Services - Division of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Transformation & Shared Services - Division 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 or she deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council or Joint Budget Committee, approve the requested transfer if in his or her opinion it is in the best interest of the state.

AGENCY REQUEST

The General Assembly has determined that the agency in this act could

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Department of Health - Arkansas Minority Health 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 27

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 28

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Arkansas Minority Health Commission a special Promotional Items appropriation to be used in the acquisition of promotional items. When the Arkansas Minority Health Commission wishes to transfer from its operating expenses and/or Screening, Monitoring, Treating, Outreach & Advertising appropriation and funds to the promotional items line, the request shall be forwarded by the Arkansas Minority Health Commission 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 Minority Health Commission may operate more efficiently if some flexibility is provided to the Department of Health - Arkansas Minority Health 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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0319 Minority Health Commission, Arkansas

ACT#: 28

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

court of competent jurisdiction, this entire section is void.

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

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0277 Nursing, Arkansas State Board of

ACT#: 30

SECTION#: 52

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ARKANSAS STATE BOARD OF NURSING - FUNDING TRANSFER. The Arkansas State Board of Nursing may request a fund transfer in an amount not to exceed one hundred thousand dollars (\$100,000) each fiscal year from the State Board of Nursing Fund to the cash in State Treasury fund as determined by the Chief Fiscal Officer of the State to provide funds for the Student Loan Program appropriation provided herein. Upon approval of the Chief Fiscal Officer of the State, the amount requested shall be transferred on his or her books and those of the State Treasurer and the Auditor of State.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0292 Speech-Language Pathology & Audiology

ACT#: 30

SECTION#: 53

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 17, Chapter 100, Subchapter 2, is amended to add an additional section to codify special language in appropriation acts to read as follows:

17-100-208. Outside investigators.

(a) The Board of Examiners in Speech-Language Pathology and Audiology shall contract with an outside investigator as needed to perform investigations and conduct inspections of alleged wrongdoing.

(b) The duties of an investigator hired under this section shall include without limitation investigation and inspection of all complaints, as determined by the board, to determine whether a person has:

(1) Practiced his or her profession in such a way as to endanger the general health and welfare of the public; or

(2) Otherwise violated this chapter or rules of the board.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0295 Spinal Cord Commission

ACT#: 30

SECTION#: 54

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ARKANSAS SPINAL CORD COMMISSION - LINE ITEM TRANSFER. Any savings made in the State Appropriation may, after receiving advice and approval of the Department of Finance and Administration, be transferred to the Spinal Treatment Program.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 19-12-117(g), concerning the establishment of the Arkansas Tobacco Settlement Commission and resulting from Initiated Act 1 of 2000, is amended to codify special language in appropriation acts to read as follows:

(g)(1) The commission is authorized to hire an independent third party with appropriate experience in health, preventive resources, health statistics, and evaluation expertise to perform monitoring and evaluation of program expenditures made from the program accounts pursuant to this chapter.

(2)(A) Such monitoring and evaluation shall be performed in accordance with § 19-12-118, and the third party retained to perform such services shall prepare a biennial report to be delivered to the General Assembly and the Secretary of the Department of Health by each August 1 preceding a general session of the General Assembly.

(B) The report shall be accompanied by a recommendation from the commission as to the continued funding for each program.

(3) The commission shall file a quarterly progress report with the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

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 Transformation & Shared Services - Division of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Transformation & Shared Services - Division 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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

SECTION#: 5

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

SECTION#: 6

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

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

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

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0334 Tobacco Settlement Commission, Arkansas

ACT#: 29

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9910 Department of Labor & Licensing

ACT#: 165

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SHARED SERVICES. (a)(1) The Chief Fiscal Officer of the State may create a Shared Services paying accounts on his or her books and on the books of the Treasurer of State and the Auditor of State for the payment of personal services and operating expenses in the Shared Services Paying Account Appropriation by the Department of Labor and Licensing.

(2) The Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of this act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(3) The transfer authority provided to the department in subdivision (a)(2) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(4) The provisions of this section shall be in effect from the date of passage through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9910 Department of Labor & Licensing

ACT#: 165

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXPENDITURE AND TRANSFER LIMITATIONS. (i) Notwithstanding any other transfer provisions authorized by law, the expenditures for each individual Board, Commission, Section or Division in the Department of Labor and Licensing combined with fund transfers for the individual board, commission, section, or division, such as but not limited to Shared Services Transfers, shall not exceed the net collections of the individual board, commission, section, or division in any fiscal year as set out in this section.

(ii) The calculations for each individual entities expenditures, transfers and net collections or revenue shall be determined separately for each board, commission, section or division and at no time shall a combined calculation be utilized.

(iii) The total expenditures for a fiscal year for each entity shall be determined by the average expenditures of the last three completed fiscal years combined with any current fiscal year budgeted fund transfer.

(iv) The net collections or revenue for a fiscal year for each entity shall be determined by the average revenue collections of the last three completed fiscal years.

(v) At no time shall a fund transfer in a fiscal year cause the total expenditures, as set out in subsection (iii) of this section, to exceed the net collections or revenue, as set out in subsection (iv) of this section.

(vi) Any fund transfers combined with expenditures shall not be greater than revenue collections that could create the need for a board, commission, section or division to raise fees, fines, penalties, or any other collection method in order to continue to provide the services for which they were created.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

9910 Department of Labor & Licensing

ACT#: 165

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

(vii) Any expenditures for a board, commission, section or division authorized by the General Assembly through the budget hearing and appropriation process, that is specifically requested and approved to be payable out of that individual entity's accumulated fund balances for expenses other than normal operating expense shall be exempt from this section and that expenditure from fund balances shall not be used to calculate the expenditures as set out in subsection (iii) of this section.

(viii) The provisions as set forth in this section does not prevent any individual board, commission, section, or division, from promulgating new or update rules or submitting a request to raise or lower fees, fines, penalties, or any other collection method.

(ix) In the event that an individual board, commission, section, or division has a fiscal year where expenditures combined with budget transfers out exceeds collections or revenue as set out in subsection (v) of this section and that individual board, commission, section, or division has a current fund balance greater than the average expenditures as calculated in subsection (iii) of this section, then that individual board, commission, section, or division is exempt from the provision of this section and may utilize those fund balances to exceed the expenditure combined with transfers without limitation.

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

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0200 Abstracters' Board of Examiners, Arkansas

ACT#: 37

SECTION#: 52

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 17, Chapter 11, Subchapter 4, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

17-11-404. Investigations - Independent or private investigator.

(a) A member of the Arkansas Abstracters' Board shall not:

(1) Act as an investigator on a matter before the board; or

(2) Perform any investigative task or work required by the board.

(b)(1) The board shall contract an independent investigator or private investigator to perform any investigative task or work as needed or as required by law.

(2) An appropriation made available for professional fees in the Abstracters' Board Operations appropriation act shall be made available to the board for the purpose of contracting under subdivision (b)(1) of this section.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0203 Accountancy, State Board of

ACT#: 37

SECTION#: 53

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ARKANSAS STATE BOARD OF PUBLIC ACCOUNTANCY - PROMOTIONAL ITEMS. Upon approval of the Chief Fiscal Officer of the State, the Arkansas State Board of Public Accountancy is hereby authorized to transfer appropriation from Operating Expenses to Promotional Items in the appropriation authorized by the Arkansas State Board of Public Accountancy - Operations Appropriation in this Act in an amount not to exceed five hundred dollars (\$500) each fiscal year to meet the Board's educational needs.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0211 Bail Bondsman Licensing Board, Professional

ACT#: 37

SECTION#: 54

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PROFESSIONAL BAIL BONDS COMPANY AND PROFESSIONAL BAIL BONDSMAN LICENSING BOARD - FUND TRANSFER. The professional Bail Bonds Company and Professional Bail Bondsman Licensing Board shall deposit as special revenues sufficient fees and penalties directly into the Bail Bondsman Board fund to provide for personal services and operating expenses for the board. At the end of each fiscal year, the Professional Bail Bondsman Licensing Board shall be allowed to retain a fund balance sufficient to cover the personal services and operating expenses of the board for the following fiscal year. Seventy-five percent (75%) of any funds remaining in excess of this balance shall be transferred to the General Revenue Fund Account in the State Treasury.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0212 Barber Examiners, State Board of

ACT#: 37

SECTION#: 55

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 17-20-403, concerning the application for registration of barber colleges and public welfare considerations, is amended to add an additional subsection to codify special language in appropriation acts to read as follows:

(c) The board shall not deny any application for the establishment of a new barber college on the basis of geographic proximity to an existing barber college.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0390 Workers' Compensation Commission

ACT#: 8

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 11, Chapter 9, Subchapter 2, is amended to add an additional section to codify special language in appropriation acts to read as follows:

11-9-211. Workers' Compensation Commission - Investment authority.

(a) All funds held at any time in the Death and Permanent Total Disability Trust Fund, the Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible.

(b) All investments authorized for use by the Treasurer of State shall be available for investment of the listed funds.

(c) The movement of these funds into and out of investments shall be by fund transfers as directed by the Chair of the Workers' Compensation Commission.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0390 Workers' Compensation Commission

ACT#: 8

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

WORKERS' COMPENSATION COMMISSION - REFUND TO EXPENDITURE. The proceeds from the reimbursement of travel expenses received by the Arkansas Workers' Compensation Commission shall be deposited into the same State Treasury Fund or Fund Account from which the original travel expenditures was incurred as a refund to expenditure 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0390 Workers' Compensation Commission

ACT#: 8

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 11, Chapter 9, Subchapter 2, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

11-9-212. Workers' Compensation Commission - Fund transfers.

After receiving approval from the Chief Fiscal Officer of the State, the Chair of the Workers' Compensation Commission may transfer funds from the Second Injury Trust Fund to the Death and Permanent Total Disability Trust Fund or the Workers' Compensation Fund, or both.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0324 Public Defender Commission, Arkansas

ACT#: 16

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INDIGENT PARENT COUNSEL REPRESENTATION. The Commission for Parent Counsel shall have the authority to use the appropriation provided in line item Parent Counsel Reimbursements of the Parent Counsel Program appropriation herein for the purpose of entering into independent professional service contracts on a full-time or part-time basis with attorneys who are qualified to provide counsel for indigent parents in dependency-neglect cases.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0324 Public Defender Commission, Arkansas

ACT#: 16

SECTION#: 13

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION - LINE ITEMS - COMMISSION FOR PARENT COUNSEL.
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.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0324 Public Defender Commission, Arkansas

ACT#: 16

SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EXTRA HELP EXEMPTION - COMMISSION FOR PARENT COUNSEL. Extra Help positions authorized herein for the Commission for Parent Counsel are specifically exempt from limitation of hours. Employees currently working on a part-time basis may be utilized concurrently as Extra Help within the agency. The total amount of compensation for part-time and Extra Help work combined cannot exceed the maximum compensation allowed for a grade GS11 as authorized in the Uniform Classification and Compensation Act. Flexibility is needed to allow for non-traditional work schedules that may be necessary to accommodate the schedule of the individual being represented. Attorneys utilized as Extra Help employees are not prevented from having other employment.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0324 Public Defender Commission, Arkansas

ACT#: 16

SECTION#: 15

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. If the Public Defender Commission should determine that the appropriations made available for payments to the Counties are insufficient, appropriation may be transferred from the Public Defender Commission Program line item to the Bail Bond-County Public Defender line item, after receiving approval of the Chief Fiscal Officer of the State.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0324 Public Defender Commission, Arkansas

ACT#: 16

SECTION#: 16

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PUBLIC DEFENDERS. (a) No funds appropriated herein shall be used for expenses in cases where a defendant is represented by retained counsel where retained counsel have not gone through the Public Defender Commission's attorney certification procedure and designation process as established by state law and the Commission's regulations. All defendants and retained attorneys must strictly adhere to the procedure established by the Commission to equitably and responsibly monitor and distribute State funds for this purpose.

(b) The Public Defender Commission may approve exemptions to subsection (a) as needed. Reasons for granting exemption should be specified in writing.

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

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0324 Public Defender Commission, Arkansas

ACT#: NEW

SECTION#: NEW

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

MAXIMUM SALARY. In order to maintain equity between the prosecutors and public defenders, Public Defender positions are authorized to be paid up to the maximum salary of their grade as determined by the Public Defender Commission.
The provisions of this section shall be in effect only from July 1, 2023 through June 30, 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0370 Public Employees Retirement System

ACT#: 90

SECTION#: 9

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

JUDICIAL RETIREMENT FUND TRANSFERS. A sum not to exceed ~~\$63,708~~ \$150,000 in the ~~2022-2023~~ 2023-2024 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0370 Public Employees Retirement System

ACT#: 90

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

STATE POLICE RETIREMENT FUND TRANSFERS. A sum not to exceed \$~~117,428~~ \$250,000 in the ~~2022-2023~~ 2023-2024 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0370 Public Employees Retirement System

ACT#: 90

SECTION#: 11

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 or Joint Budget Committee with regard to transfers between the Benefits and Refund line items in the Public Employees Retirement Cash appropriation section and the Benefits-Non Employee line item in the Public Employees Retirement Operations appropriation section 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0370 Public Employees Retirement System

ACT#: 90

SECTION#: 12

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 System 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 ~~2023~~ 2024. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0370 Public Employees Retirement System

ACT#: 90

SECTION#: 13

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 System 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 ~~2023~~ 2024. 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0450 Public Service Commission, Arkansas

ACT#: 41

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CONTINGENCY RESTRICTION - UTILITIES DIVISION. In the event of unforeseen conditions, additional appropriations become necessary that are not authorized or contemplated in the Utilities Division appropriation of this Act and such events make it necessary that the Public Service Commission - Utilities Division receives additional appropriations to carry out the objectives of the agency, the Director of the Public Service Commission is hereby authorized to request the approval of the Governor and the Chief Fiscal Officer of the State, as hereinafter provided, for transfer of the additional appropriations provided in the Contingency appropriation to the appropriations provided by the Utilities Division appropriation, but in no event shall the transfers exceed the appropriations provided in the Contingency appropriation of this Act. Whenever the Director of the Public Service Commission deems it necessary to establish additional appropriations as authorized herein, he or she shall file with the Governor a written report accompanied by necessary supporting documents setting forth the facts, justifications, and circumstances that necessitate such appropriation. Upon receipt of such reports and supporting documents, the Governor, or his or her designee, shall study the same, and if he or she shall determine that such additional appropriations are being sought in strict compliance with this Act, the Governor, after seeking prior review and prior approval by the Arkansas Legislative Council or the Joint Budget Committee, may approve or modify such request for additional appropriations as in his or her judgment he or she deems necessary, and shall forward a copy thereof to the Chief Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer of the State shall direct the State

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0450 Public Service Commission, Arkansas

ACT#: 41

SECTION#: 10

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

Auditor to process said transfer upon his books in accordance with the provisions as set out therein.

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 Public Service Commission - Utilities Division may operate more efficiently if some flexibility is provided to the Public Service Commission - Utilities Division authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0450 Public Service Commission, Arkansas

ACT#: 41

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REFUND TO EXPENDITURE. The proceeds from the reimbursement of travel expenses received by the Public Service Commission, shall be deposited into the same State Treasury Fund or Fund Account from which the original travel expenditure was incurred as a refund to expenditure 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0450 Public Service Commission, Arkansas

ACT#: 41

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CONTINGENCY RESTRICTION - TAX DIVISION. In the event additional appropriations become necessary that are not authorized or contemplated in the Tax Division appropriation of this Act and specific cases, situations, and/or programs make it necessary that the Arkansas Public Service Commission - Tax Division receives additional appropriations to carry out the objectives of the Division, the Chairman of the Arkansas Public Service Commission is hereby authorized to request the approval of the Governor and the Chief Fiscal Officer of the State for transfers of the appropriations provided in the Contingency line item of the Tax Division appropriation of this Act to other line items within the Tax Division appropriation. In no event shall the transfers in any fiscal year exceed the appropriations provided in the Contingency line item of the Tax Division appropriation of this Act. The Governor may approve or modify such request for transfer of appropriations as in his or her judgment he or she deems necessary, and shall seek prior review and approval of the Arkansas Legislative Council or Joint Budget Committee and inform the Chief Fiscal Officer of the State. Upon notification, the Chief Fiscal Officer of the State shall direct the State Auditor to process said transfer upon his or her books in accordance with the provisions as set out herein.

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.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0450 Public Service Commission, Arkansas

ACT#: 41

SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

Further, the General Assembly has determined that the Public Service Commission - Tax Division may operate more efficiently if some flexibility is provided to the Public Service Commission - Tax Division authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.