

**REQUEST FOR SPECIAL LANGUAGE  
IN APPROPRIATION ACT**

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**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9909 Department of Inspector General**

**ACT#: 166**

**SECTION#: 18**

**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 Inspector General.

(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**

**9909 Department of Inspector General**

**ACT#: 166**

**SECTION#: 19**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9905 Department of Energy & Environment**

**ACT#: 191**

**SECTION#: 53**

**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 Energy and Environment.

(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**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 45**

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

**EXECUTIVE RECOMMENDATION**

EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of division laboratory equipment, including maintenance contracts, data processing equipment and mission-critical software, including maintenance contracts, as appropriated in the Capital Outlay and Data Processing Purchases line items of the Hazardous Waste Cleanup appropriation section, ~~shall~~ may be funded through interest earnings, ~~and~~ investment earnings, and no more than three percent (3%) of the corpus of ~~from~~ the Hazardous Substance Remedial Action Trust Fund and additional funding from the Hazardous Substance Remedial Action Trust Fund on July 1, ~~2022~~ 2023. Further, the Division shall report annually to the Arkansas Legislative Council or Joint Budget Committee all expenditures for these purchases.

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

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 46**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 47**

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

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State, the Arkansas Division of Environmental Quality may transfer from various department funds to the Division of Environmental Quality Fund Account the sum of \$1,500,000 in fiscal year ~~2022-2023~~ 2023-2024 for the exclusive purpose of supplementing funding for the appropriation provided in the State Operations appropriation section. The funds shall be used for personal services and operating expenses of the Arkansas Division of Environmental Quality - State Operations. Funds which remain in the Division of Environmental Quality Fund Account at the close of the fiscal year shall be carried forward and made available for the same purpose for the following fiscal year. These funds shall be used for the purpose stated above.

The amounts transferred shall not be considered as part of any statutory limitation on the use of funds for administration of programs of the Division.

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**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 48**

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

**EXECUTIVE RECOMMENDATION**

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

~~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**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 49**

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

**EXECUTIVE RECOMMENDATION**

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

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**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 50**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 8-1-105, concerning the Division of Environmental Quality Fee Trust Fund, is amended to add an additional subsection and to codify special language in appropriation acts to read as follows:

(d)(1) Expenditures from the fund for the cleanup of a nonhazardous site that poses a threat to the environment, as appropriated for that purpose, shall be funded only through interest earnings from the fund.

(2) The division shall seek cost recovery from the party responsible for damages to the environment requiring the use of appropriated funds and other funds spent by a governmental entity for nonhazardous site cleanup and remediation.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 51**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 8-6-1002, concerning the creation of the Landfill Post-Closure Trust Fund, is amended to add an additional subsection and to codify special language in appropriation acts to read as follows:

(f) The division may expend moneys from the fund to pay a state-approved contractor or a regional solid waste management district to complete all actions necessary to achieve the post-closure care of a landfill owned by the regional solid waste management district if the division determines that the regional solid waste management district:

- (1) Has filed for protection under federal bankruptcy law;
- (2) Is unable to meet its debt obligations in the ordinary course of its operations; or
- (3) Is otherwise insolvent.

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 8, Chapter 6, Subchapter 10, is amended to add an additional section to read as follows:

8-6-1006. Findings.

The General Assembly finds that:

- (1) A growing number of regional solid waste management districts within the state are facing difficulty in funding the necessary costs of post-closure care of landfills owned by the districts; and
- (2) Without post-closure care of landfills, irreparable harm to human health and the environment will occur.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 51**

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

**EXECUTIVE RECOMMENDATION**

This section is in effect only from July 1, 2023 through June 30, 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 52**

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

**EXECUTIVE RECOMMENDATION**

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

8-1-108. Investments.

(a) All funds that are held in a trust fund administered by the Division of Environmental Quality may be invested and reinvested subject to the written approval of the Treasurer of State.

(b) All investments as authorized for use by the Treasurer of State may be available for the funds held in a trust fund administered by the division.

(c) The movement of funds into and out of investments under this section shall be by fund transfers as directed by the Director of the Division of Environmental Quality or the director's designee.

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0930 DEE - Environmental Quality Division**

**ACT#: 191**

**SECTION#: 55**

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

**EXECUTIVE RECOMMENDATION**

ELECTRIC VEHICLE INFRASTRUCTURE FUND EXPENDITURES. Any expenditure with funds from the Electric Vehicle Infrastructure Fund by the Department of Energy and Environment shall be approved by Legislative Council, or by the Joint Budget Committee if in legislative session, prior to any expenditure of 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**

**0420 DEE - Arkansas Geological Survey**

**ACT#: new**

**SECTION#: new**

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

**EXECUTIVE RECOMMENDATION**

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

AGENCY REQUEST DENIED

FORWARD.

Any unexpended balance of funds generated from the sale of Arkansas Geological Survey assets, departmental transfer of funds, or transferred from general revenue deposited into the Miscellaneous Agencies Fund Account that 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 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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0420 DEE - Arkansas Geological Survey**

**ACT#: new**

**SECTION#: new**

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

**EXECUTIVE RECOMMENDATION**

statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and  
(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.  
The provisions of this section shall be in effect only from July 1, 2023 through June 30, 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0440 DEE - Oil and Gas Commission**

**ACT#: 62**

**SECTION#: 6**

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

**EXECUTIVE RECOMMENDATION**

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

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0440 DEE - Oil and Gas Commission**

**ACT#: new**

**SECTION#: new**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 15, Chapter 71, Subchapter 101, is amended to add an additional section to read as follows:

AGENCY REQUEST

15-71-118. Investments.

(a) All funds that are held in any trust or special revenue fund administered by the Oil and Gas Commission may be invested and reinvested subject to the written approval of the Treasurer of State.

(b) All investments as authorized for use by the Treasurer of State may be available for the funds held in any trust fund administered by the commission.

(c) The movement of funds into and out of investments under this section shall be by fund transfers as directed by the commission, or its designee.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9914 Department of Transformation & Shared Services**

**ACT#: 209**

**SECTION#: 14**

**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 Transformation and Shared Services.

(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**

**0472 DTSS - Geographic Information Systems Division**

**ACT#: 24**

**SECTION#: 5**

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

**EXECUTIVE RECOMMENDATION**

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

(1) Prior to June 30, ~~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 the appropriation and a copy of the written request set forth in (1) above;

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

(30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council or Joint Budget Committee; and

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0472 DTSS - Geographic Information Systems Division**

**ACT#: 24**

**SECTION#: 5**

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

**EXECUTIVE RECOMMENDATION**

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

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



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 14**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 15**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 15**

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

**EXECUTIVE RECOMMENDATION**

Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 16**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>BUILDING AUTHORITY DIVISION CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. Building Authority Division may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in the Building Maintenance Section of this Act to any appropriation authorized for Building Authority Division.</p> <p>The provisions of this section shall be in effect only from July 1, <del>2022</del> <u>2023</u> through June 30, <del>2023</del> <u>2024</u>.</p>	<p>AGENCY REQUEST</p>

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 17**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 17**

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

**EXECUTIVE RECOMMENDATION**

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 18**

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

**EXECUTIVE RECOMMENDATION**

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

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 19**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 20**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 21**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DTSS - Building Authority Division**

**ACT#: 25**

**SECTION#: 22**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: 46**

**SECTION#: 5**

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

**EXECUTIVE RECOMMENDATION**

COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

AGENCY REQUEST

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

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

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Division of Information Systems may operate more efficiently if some flexibility is provided to the Division of Information Systems authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: 46**

**SECTION#: 5**

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

**EXECUTIVE RECOMMENDATION**

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**

**0470 DTSS - Information Systems Division**

**ACT#: 46**

**SECTION#: 6**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 25, Chapter 4, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

25-4-129. Gifts, grants, and donations - Reports.

(a) The Director of the Division of Information Systems may accept on behalf of the Division of Information Systems funds from any source, including but not limited to:

(1) Special revenue;

(2) General revenue;

(3) Gifts;

(4) Grants;

(5) Cash;

(6) Bequests;

(7) Devices;

(8) Donations;

(9) Real property;

(10) Personal property; and

(11) Equipment.

(b) The division shall file with the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, a quarterly report summarizing all funds received under subsection (a) of this section.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0470 DTSS - Information Systems Division**

**ACT#: 46**

**SECTION#: 7**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION - LINE ITEMS - DIVISION OF INFORMATION SYSTEMS - OPERATIONS. After receiving approval from the Chief Fiscal Officer of the State and prior review by the Arkansas Legislative Council or Joint Budget Committee, the Secretary of the Department of Transformation and Shared Services is authorized to transfer appropriation between the line items authorized herein for the Division of Information Systems - Operations to best utilize resources to respond to the needs of the Division's customers.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 24**

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

**EXECUTIVE RECOMMENDATION**

Agency requests to codify with changes noted below.

REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Division of Community Correction, ~~and~~ Division of Correction or the Administrative and Shared Services Division is necessary for the efficient and effective operation of the divisions, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the division directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds, appropriations, and line-item appropriations within or between existing and newly created divisions, offices, sections, or units of the divisions. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Divisions of Correction, ~~and~~ Community Correction, and Administrative and Shared Services. Provided, however, that the Board shall be limited to submitting no more than two requests, encompassing a single purpose listed in this section, during any fiscal year per division. Transfer authority shall further be limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, and positions specific to each division agency. However, there shall be no fund transfers to or from the County Jail Reimbursement Fund. A Reallocation of Resources Transfer shall be limited to the following specific purposes:

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

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



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 24**

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

**EXECUTIVE RECOMMENDATION**

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

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Division of Correction and the Division of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled

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

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 24**

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

**EXECUTIVE RECOMMENDATION**

unconstitutional by a court 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 through June 30, ~~2023~~ 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 25**

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

**EXECUTIVE RECOMMENDATION**

Agency requests to codify.

HOLIDAY COMPENSATION. The Department of Corrections is authorized to pay employees for hours of unused holidays in the employee's holiday account. Payments of unused Holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Corrections will be eligible for all holiday pay accrued. This request is contingent on approval by the Chief Fiscal Officer of the State after the Secretary of the Department of Corrections has verified that sufficient revenues are available to make such payments to employees who have served in the following classifications, with the exception that those employees wishing to accrue banked hours be allowed the option to bank unused holiday hours in the employee's holiday account, not to exceed one-hundred fifty (150) hours:

Class

<u>Code</u>	<u>Title</u>	<u>Grade</u>
T033C	ADC/DCC MAJOR	GRADE GS09
T048C	ADC/DCC CAPTAIN	GRADE GS08
T054C	ADC/DCC LIEUTENANT	GRADE GS07
T065C	ADC/DCC CORRECTIONAL SERGEANT	GRADE GS06
T059C	ADC/DCC FOOD PREPARATION MANAGER	GRADE GS07
T075C	ADC/DCC CORPORAL	GRADE GS05
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE GS04
T070C	ADC/DCC FOOD PREPARATION SUPERVISOR	GRADE GS06

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

The Executive Recommendation is to leave this section in Special Language.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 25**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 29**

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

**EXECUTIVE RECOMMENDATION**

Agency requests to codify.

COUNTY JAIL REIMBURSEMENT FUND YEAR-END FUND BALANCE CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the County Jail Reimbursement Fund at the end of a fiscal year shall remain in the County Jail Reimbursement Fund and made available to fund appropriations authorized by law payable from the County Jail Reimbursement Fund for the following fiscal year.

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

- (1) Prior to June 30, ~~2022~~ 2023 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward from the first fiscal year to the second fiscal year by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward from the first fiscal year to the second fiscal year, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;
- (3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for

The Executive Recommendation is to leave this section in Special Language.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 29**

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

**EXECUTIVE RECOMMENDATION**

which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

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

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**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 37**

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

**EXECUTIVE RECOMMENDATION**

Delete - Duplicate of Special Language Code 0485-0190-016.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 38**

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

**EXECUTIVE RECOMMENDATION**

Agency requests to codify.

TRANSFER OF APPROPRIATION TO THE COUNTY JAIL REIMBURSEMENT FUND. If any savings of general revenue appropriation and funds accrue during the ~~2022-2023~~ 2023-2024 fiscal year in the operations of the Department of Corrections - Division of Correction & Community Correction, the Secretary of the Department of Corrections may request a transfer of appropriation from any line item appropriation to the County Jail Reimbursement Fund in order to meet obligations to counties for housing state inmates. Such transfer request shall be made upon the approval of the Chief Fiscal Officer of the State and prior review and approval by the Arkansas Legislative Council or Joint Budget Committee.

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

The Executive Recommendation is to leave this section in Special Language.



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 39**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 12, Chapter 41, Subchapter 1, is amended to codify special language in appropriation acts and to add an additional section to read as follows:

AGENCY REQUEST

12-41-110. Cost report for state inmates housed in local facilities.

(a)(1) The Association of Arkansas Counties shall compile and submit an annual report to the Legislative Council outlining all costs incurred, excluding construction costs, by local government units that house state inmates sentenced to the Division of Correction and the Division of Community Correction.

(2) The annual report under subdivision (a)(1) of this section shall be a representative sample of all counties housing state inmates and shall be submitted no later than July 1 of the calendar year immediately following the reporting year.

(b) The association in coordination with Arkansas Legislative Audit shall determine which counties shall be included in the sample and shall include a sufficient number of counties based upon varying population sizes and representing each congressional district to ensure a fair representation of costs incurred.

(c)(1) Guidelines for preparing the annual report under subdivision (a)(1) of this section shall be developed by the Arkansas Legislative Audit in coordination with the association.

(2) Arkansas Legislative Audit shall test the accuracy of the information submitted in the routine audit of an applicable county.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 43**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 12, Chapter 41, Subchapter 8, is amended to add an additional section to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

12-41-810. Juvenile offender transportation.

(a) Funds appropriated to the ~~Division of Correction~~ Department of Corrections for the transportation of juveniles shall be used to provide grants and reimbursements to local government units that have juvenile detention facilities for the transportation of juvenile offenders to the appropriate care or custody facilities or any other licensed juvenile facility approved by the court or as may be provided by law.

(b) A grant or reimbursement for juvenile offender transportation costs under subsection (a) of this section shall be made in accordance with the procedures and criteria developed and administered by the Office of Criminal Detention Facilities Review Coordinator.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: 46**

**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 Corrections.

(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**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: new**

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

**EXECUTIVE RECOMMENDATION**

REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Corrections Contingent Positions for the 2023-2024 fiscal year, the following maximum number of regular employees.

AGENCY REQUEST

CONTINGENT POSITIONS - MEDICAL SERVICES

			<u>MAXIMUM ANNUAL</u>	
			<u>MAXIMUM</u>	<u>SALARY RATE</u>
<u>ITEM</u>	<u>CLASS</u>	<u>NO. OF</u>	<u>FISCAL YEAR</u>	
<u>NO.</u>	<u>CODE</u>	<u>TITLE</u>	<u>EMPLOYEES</u>	<u>2023-2024</u>
(01)		CHIEF OF MEDICAL SERVICES	1	\$225,000
(02)		CHIEF OF DENTAL SERVICES	1	175,000
(03)		PHYSICIANS SPECIALIST	15	170,000
(04)		CHIEF OF PHARMACY	1	125,000
(05)		CHIEF OF NURSING SERVICES	1	90,000
(06)		UNIT/FACILITY MEDICAL MGR	15	90,000
(07)		RNP/PA	13	85,000
(08)		DIR OF MEDICAL RECORDS	1	75,000

PATIENT CARE -

(14)	L005N	PSYCHIATRIST	1	GRADE MP08
(12)	L008N	PHYSICIAN - STAFF	1	GRADE MP07
(9)	L013N	DENTAL DIRECTOR	1	GRADE MP06
(09)	L011N	DENTIST	16	GRADE MP06
(10)	L016N	REGISTERED PHARMACIST	3	GRADE MP05
(15)	L003C	PSYCHOLOGIST - PT	1	GRADE MP03

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: new**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>			<b>EXECUTIVE RECOMMENDATION</b>
(1)	L009C NURSE MANAGER	1	GRADE MP03
(11)	L019C REGISTERED NURSE COORD	13	GRADE MP02
(12)	L027C REGISTERED NURSE SUPV	45	GRADE MP02
(4)	L032C REGISTERED NURSE HOSPITAL	7	GRADE MP01
(2)	L033C PSYCH. EXAMINER	1	GRADE GS09
(13)	L024N PSYCHIATRIC DIRECTOR	1	GRADE GS09
(13)	L064C RADIOLOGY TECHNICIAN	8	GRADE GS07
(3)	M026C LICENSED SOCIAL WORKER	6	GRADE GS07
(14)	L069C LICENSED PRACTICAL NURSE 205		GRADE GS06
(15)	B111C LABORATORY TECHNICIAN	3	GRADE GS04
<u>PATIENT CARE - CLASSIFIED POSITIONS</u>			
(16)	L071C DENTAL HYGIENIST	9	GRADE GS05
(17)	C056C ADMINISTRATIVE SPEC III	13	GRADE GS04
(18)	C053C MEDICAL RECORDS TECH	26	GRADE GS03
(19)	C073C ADMINISTRATIVE SPEC II	9	GRADE GS03
(20)	L081C DENTAL ASSISTANT	15	GRADE GS04
<u>CLASSIFIED - NON-PATIENT CARE</u>			
(21)	CHIEF PSYCHIATRIC SERV.	1	\$400,000

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: new**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>			<b>EXECUTIVE RECOMMENDATION</b>	
(22)	VP OPERATIONS	1	\$200,000	
(23)	REGIONAL MANAGER	3	\$120,000	
(24)	PSYCHIATRIC SPECIALIST	6	GRADE MP08	
(25)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12	
(26)	D030C INFO SYSTEMS COORDINATOR	1	GRADE IT07	
(7)	G238C ADMINISTRATOR	1	GRADE GS09	
(27)	G178C POLICY DEVELOP. COORDINATOR	1	GRADE GS06	
(28)	A089C ACCOUNTANT I	1	GRADE GS07	
(29)	V014C BUYER	2	GRADE GS05	
(30)	D079C COMPUTER SUPPORT TECH	1	GRADE IT02	
(31)	R031C INSTITUTIONAL HR COORDINATOR	1	GRADE GS05	
(32)	R036C HR SPECIALIST	1	GRADE GS04	
(33)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE GS04	
(34)	L082C NURSING ASSISTANT	53	GRADE GS02	
(35)	A101C ACCOUNTING TECH	4	GRADE GS04	
(16)	C056C SECRETARY/ADMIN ASST	1	GRADE GS04	
(36)	V029C PURCHASING ASSISTANT	1	GRADE GS01	
<b>GRAND TOTAL CONTINGENT EMPLOYEES</b>		<b>514</b>		
<p><u>If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.</u></p> <p><u>The provisions of this section shall be in effect only from July 1, 2023</u></p>				

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**9903 Department of Corrections**

**ACT#: 203**

**SECTION#: new**

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

**EXECUTIVE RECOMMENDATION**

through June 30, 2024.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 21**

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

**EXECUTIVE RECOMMENDATION**

Agency Request to transfer under 9903 and combine it with 0485-190-013  
 REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the ~~Division~~Department of Corrections Contingent Positions for the ~~2022-2023~~2023-2024 fiscal year, the following maximum number of regular employees.

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM NO.	CLASS CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE	
				<del>2022-2023</del>	2023-2024
(01)		CHIEF OF MEDICAL SERVICES	1	\$225,000	
(02)		CHIEF OF DENTAL SERVICES	1	175,000	
(03)		PHYSICIANS SPECIALIST	15	170,000	
(04)		CHIEF OF PHARMACY	1	125,000	
(05)		CHIEF OF NURSING SERVICES	1	90,000	
(06)		UNIT/FACILITY MEDICAL MGR	15	90,000	
(07)		RNP/PA	13	85,000	
(08)		DIR OF MEDICAL RECORDS	1	75,000	
PATIENT CARE -					
(09)	L011N	DENTIST	15	GRADE MP06	
(10)	L016N	REGISTERED PHARMACIST	3	GRADE MP05	
(11)	L019C	REGISTERED NURSE COORD	13	GRADE MP02	
(12)	L027C	REGISTERED NURSE SUPV	45	GRADE MP02	
(13)	L064C	RADIOLOGY TECHNICIAN	8	GRADE GS07	
(14)	L069C	LICENSED PRACTICAL NURSE	180	GRADE GS06	

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 21**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>			<b>EXECUTIVE RECOMMENDATION</b>
(15) B111C LABORATORY TECHNICIAN	3	GRADE GS04	
PATIENT CARE - CLASSIFIED POSITIONS			
(16) L071C DENTAL HYGIENIST	8	GRADE GS05	
(17) C056C ADMINISTRATIVE SPEC III	11	GRADE GS04	
(18) C053C MEDICAL RECORDS TECH	26	GRADE GS03	
(19) C073C ADMINISTRATIVE SPEC II	9	GRADE GS03	
(20) L081C DENTAL ASSISTANT	14	GRADE GS04	
CLASSIFIED - NON-PATIENT CARE			
(21) CHIEF PSYCHIATRIC SERV.	1	\$400,000	
(22) VP OPERATIONS	1	\$200,000	
(23) REGIONAL MANAGER	3	\$120,000	
(24) PSYCHIATRIC SPECIALIST	6	GRADE MP08	
(25) A014C FISCAL DIVISION MANAGER	1	GRADE GS12	
(26) D030C INFO SYSTEMS COORDINATOR	1	GRADE IT07	
(27) G178C POLICY DEVELOP. COORDINATOR	1	GRADE GS06	
(28) A089C ACCOUNTANT I	1	GRADE GS07	
(29) V014C BUYER	2	GRADE GS05	
(30) D079C COMPUTER SUPPORT TECH	1	GRADE IT02	
(31) INSTITUTIONAL HR COORDINATOR	1	GRADE GS05	
(32) HR SPECIALIST	1	GRADE GS04	
(33) A098C FISCAL SUPPORT SPECIALIST	1	GRADE GS04	
(34) NURSING ASSISTANT	53	GRADE C110	



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 22**

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

**EXECUTIVE RECOMMENDATION**

Move under 9903

AGENCY REQUEST

MEDICAL/MENTAL HEALTH SERVICES - CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department of Corrections cannot continue a medical contract with a private provider and the Board deems it necessary to utilize Department staff to provide the required services, the Department is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in the Inmate Care & Custody appropriation of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service (s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein.

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 23**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER OF APPROPRIATION WITHIN CAPITAL IMPROVEMENT PROJECTS.

The Department of Corrections is hereby authorized to transfer appropriation between and/or among the various capital improvements/construction projects authorized by the General Assembly. Such transfers may be made only after approval by the Governor and after prior approval by the Arkansas Legislative Council or Joint Budget Committee. Such authorization shall in no way mean that the total amount of funds or appropriations for capital improvement/construction projects be greater than that provided by the General Assembly for the Department of Corrections.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 23**

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

**EXECUTIVE RECOMMENDATION**

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 26**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 25, Chapter 8, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

25-8-111. Department of Corrections employee compensation report.

(a) The Division of Budgets and Accounting shall prepare and submit to the Legislative Council, or Joint Budget Committee if the General Assembly is in session, a report reflecting:

(1) The amount of appropriation and funding necessary for the Department of Corrections to sufficiently budget for the expenditure of payments to employees for all:

(A) Holiday liability;

(B) Gap time liability;

(C) Overtime; and

(D) Hazardous duty compensation; and

(2) The current balances of the liabilities described in subdivision (a)(1) of this section.

(b) The report required by subsection (a) of this section shall be included in the summary budget information manual submitted during the biennial budget process.

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 25, Chapter 8, Subchapter 1, is amended to add an additional section to codify special language in appropriation acts to read as follows:

25-8-111. Department of Corrections employee compensation report.

(a) The Division of Budgets and Accounting shall prepare and submit to the Legislative Council, or Joint Budget Committee if the General Assembly is in session, a report reflecting:

(1) The amount of appropriation and funding necessary for the Department of Corrections to sufficiently budget for the expenditure of payments to employees for all:

(A) Holiday liability;

(B) Gap time liability;

(C) Overtime; and

~~(D) Hazardous duty compensation; and~~

(2) The current balances of the liabilities described in subdivision (a)(1) of this section.

(b) The report required by subsection (a) of this section shall be included in the summary budget information manual submitted during the biennial budget process.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 27**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 12, Chapter 27, Subchapter 1, is amended to codify special language in appropriation acts and to add an additional section to read as follows:

AGENCY REQUEST

12-27-150. Juvenile sex offender assessments.

The Division of Correction may enter into a cooperative agreement with a qualified state treatment and assessment agency to conduct assessments of juveniles in the custody of the division who are required to register as sex offenders under § 9-27-356 and pay for services upon receipt of invoice.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 28**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 12, Chapter 28, Subchapter 1, is amended to codify special language in appropriation acts and to add an additional section to read as follows:

AGENCY REQUEST

12-28-108. Inmate cost report.

(a)(1) Within ninety (90) days of the end of each state fiscal year, the Director of the Division of Correction shall submit to the Legislative Council a report of all direct and indirect costs incurred for housing and caring for inmates incarcerated in the division's facilities.

(2) Costs shall be calculated and reported in total for the division and in total by each division facility.

(3) The report submitted under subdivision (a)(1) of this section shall also include:

- (A) Overall cost per-inmate per-day;
- (B) Cost per-inmate per-day for each division facility;
- (C) Overall cost per-bed per-day; and
- (D) Cost per-bed per-day for each division facility.

(b) In compiling costs and drafting the report under subsection (a) of this section, the director shall:

(1)(A) Record all expenditures in a manner that provides for the association of costs with each division facility.

(B) Costs not directly attributable to a particular division facility such as overhead, administration, and inmate treatment shall be allocated each division facility on the basis of inmate population.

(2) Maintain documentation to support all elements of costs and cost reimbursement both in total and for each division facility;



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 28**

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

**EXECUTIVE RECOMMENDATION**

(3)(A) Exclude capital outlay disbursements.

(B) However, depreciation expenses for all fixed assets within a specific division facility shall be included.

(C) Depreciation expenses not directly associated with the fixed assets of a particular division facility shall be allocated to each division facility on the basis of inmate population;

(4) Include any interest expenses incurred by the division or another state governmental entity as a result of prison construction;

(5) Exclude all payments to local governments for care of inmates housed in local government facilities;

(6) Exclude all payments to local governments for inmates held under § 12-30-401 et seq.;

(7)(A) Include the state matching requirements associated with federal grant expenditures.

(B) Documentation shall be sufficiently maintained to identify state matching costs by grant;

(8)(A) Deduct reimbursements for costs incurred.

(B) The amount of a reimbursement deducted shall be equal to or less than the cost with which the reimbursement is associated; and

(9) Include all ancillary costs, including without limitation:

(A) Division expenses incurred through fund transfers;

(B) Retirement costs;

(C) Audit costs;

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 28**

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

**EXECUTIVE RECOMMENDATION**

(D) Division costs for shared employees paid by another state governmental entity;

(E) Inmate educational and rehabilitation costs; and

(F) Inmate related expenses incurred by the Attorney General except for expenses resulting from the defense of habeas corpus cases.

(c)(1) The division shall enumerate the number of inmates housed at each division facility statewide each day throughout the fiscal year for which costs are being reported.

(2) The enumeration described under subdivision (c)(1) of this section shall be calculated in total inmate days and shall be categorized into total direct and indirect costs compiled as required by this section.

(3) Inmates housed in local governmental facilities and being held as inmates under § 12-30-401 et seq. shall be excluded from the enumeration of inmates housed at division facilities.

(d) The division shall maintain documentation supporting the number of inmates housed at division facilities.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 30**

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

**EXECUTIVE RECOMMENDATION**

REFUND TO EXPENDITURE. The proceeds from the sale of feeder cattle by the Department of Corrections - Division of Correction shall be deposited into the State Treasury as a refund to expenditure to the credit of the appropriation available to the Department of Corrections - Division of Correction for the "Purchase Cattle/Meat" line item.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 31**

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

**EXECUTIVE RECOMMENDATION**

USE OF MAINTENANCE AND OPERATION APPROPRIATION AND SALVAGED MATERIALS CONSTRUCTION. The Department of Corrections - Division of Correction is hereby authorized to utilize Maintenance and General Operation Appropriation in conjunction with surplus and/or salvageable materials for the purpose of implementing construction projects to benefit the Department and its various programs. Before such projects may be undertaken, a Method of Finance must be submitted for prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, and review and approval by the Department of Finance and Administration and the Building Authority Division of the Department of Finance and Administration.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 31**

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

**EXECUTIVE RECOMMENDATION**

requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 32**

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

**EXECUTIVE RECOMMENDATION**

UTILITY RATE INCREASE TRANSFER. In the event of a ten percent (10%) increase in utility rates and fuel rates, the Department of Corrections is authorized to transfer any line item appropriation in this Act to the Maintenance and Operation line item for support of the increase after receiving approval of the Chief Fiscal Officer of the State. Prior to the utilization of the transfer authority, a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of the transfer.

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 32**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 33**

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

**EXECUTIVE RECOMMENDATION**

MENTAL HEALTH SERVICES. In the event the Department determines to enter into a professional contract for mental health services, the Department may, upon approval of the Chief Fiscal Officer of the State and after prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, make appropriate transfers from regular salaries, personal services matching and various maintenance and operation classifications to the professional fees and services classification for payment of the contractual amount.

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

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

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 33**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 34**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL REVENUE/CASH FUNDS TRANSFER. The Department of Corrections is authorized to transfer funds from various Special Revenue and Cash Funds into the Inmate Care and Custody Fund Account in order to adjust to the budget needs upon prior approval by the Arkansas Legislative Council or Joint Budget Committee and approval of the Board of Corrections and the Chief Fiscal Officer of the State.

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 35**

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

**EXECUTIVE RECOMMENDATION**

NEW FACILITIES. If it is found that contracting for the operation of new facilities is economically beneficial to the State of Arkansas, the Department of Corrections may, after receiving approval of the Chief Fiscal Officer, and seeking prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, transfer from any line item appropriation contained in the Inmate Care & Custody appropriation of this Act into the Professional Fees and Services line item contained in the Inmate Care & Custody appropriation of this Act to operate new facilities. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Corrections may operate more efficiently if some flexibility is provided to the Department of Corrections authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a 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**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 35**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 36**

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

**EXECUTIVE RECOMMENDATION**

APPROPRIATION TRANSFER FOR CONSTRUCTING AND EQUIPPING. The Department of Corrections is hereby authorized to transfer appropriations between any line items authorized herein but only for the purpose of financing construction or equipment for a facility of the department. Any transfers authorized by this section shall require the approval of the Chief Fiscal Officer of the State after prior review and approval by the Legislative Council or Joint Budget Committee.

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 40**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 12-27-123 is amended to codify special language in appropriation acts to read as follows:

12-27-123. Supervision and transfer of employees - Additional compensation.

(a) All employees of the Department of Corrections shall be under the direct supervision and control of the Secretary of the Department of Corrections, who shall report directly to the Board of Corrections.

(b) The Compliance Division, which consists of but is not limited to a compliance attorney and an auditor, shall be under the direct authority of the board.

(c)(1) The ~~Division of Correction~~ Department of Corrections may award additional compensation to exempt employees who are members of the emergency response units.

(2) These employees are eligible to receive up to three percent (3%) per hour additional compensation for the actual number of hours that an employee spends on an emergency response action.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 41**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 12-27-103(b), concerning the powers and duties of the Division of Correction, is amended to add an additional subdivision to read as follows:

(19) The Division of Correction may deposit the proceeds from the sale of state property through the Marketing and Redistribution Section as cash funds deposited in the State Treasury as determined by the Chief Fiscal Officer of the State in an amount not to exceed one hundred thousand dollars (\$100,000) to be used for the operating expenses of the Paws in Prison program.

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 42**

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

**EXECUTIVE RECOMMENDATION**

Move under 9903.

PROMOTIONAL ITEMS. The Department of Corrections —~~Division of Correction~~—is hereby authorized to purchase from Maintenance & General Operations Classifications in the General Revenue fund appropriation provided by this act, up to an amount not to exceed ~~\$5,000~~—\$10,000 each fiscal year for promotional items produced by its prison industry division, to meet the Agency's employee recruitment needs; subject to the authorization of the Director of the Agency, and with the approval of the Chief Fiscal Officer of the State. The Director of the Agency shall report quarterly to the Board of Corrections the amount and type of promotional items purchased under this Section.

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

PROMOTIONAL ITEMS. The Department of Corrections - Division of Correction is hereby authorized to purchase from Maintenance & General Operations Classifications in the Industry Program (SDD0100) appropriation provided by this act, up to an amount not to exceed \$5,000 each fiscal year for promotional items produced by its prison industry division, to meet the Agency's employee recruitment needs; subject to the authorization of the Director of the Agency, and with the approval of the Chief Fiscal Officer of the State. The Director of the Agency shall report quarterly to the Board of Corrections the amount and type of promotional items purchased under this Section.

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



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 44**

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

**EXECUTIVE RECOMMENDATION**

Agency request to codify and be for the entire Department.

CARRY FORWARD - ENERGY, MAINTENANCE & OPERATIONAL SAVINGS. Any unexpended balance of funds authorized in this Act for guaranteed energy, maintenance, and operational savings generated through energy usage, solar power, waste management, water conservation, and similar efficiency efforts on June 30 ~~2023~~2024 shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2024~~ 2025. Any realized savings and expenditures shall be reported to the Arkansas Legislative Council or Joint Budget Committee no later than thirty (30) days prior to the time the Agency presents its budget request to the Legislative Council/Joint Budget Committee. This authority authorizes the reinvestment of guaranteed savings for future and existing energy conservation projects.

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

Executive Recommendation is to leave this section in Special Language for Business Area 0480- Division of Corrections.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0480 DOC - Division of Correction**

**ACT#: 203**

**SECTION#: 45**

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

**EXECUTIVE RECOMMENDATION**

Agency requests to codify and be for the Department.

TRANSFER OF FUNDS. The Arkansas Department of Corrections shall provide funding each year in an amount not to exceed \$100,000 for a Deputy Prosecuting Attorney who will be assigned to handle the prosecution of offenses occurring at the Arkansas Department of Corrections. Upon request by the Auditor of the State, the Chief Fiscal Officer of the State shall transfer an amount not to exceed \$100,000 from an account designated by the Secretary of the Department of Corrections to the State Central Services Fund as a direct revenue to fund a Deputy Prosecuting Attorney who will be assigned to handle the prosecution of offenses occurring at the Arkansas Department of Corrections.

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

Executive Recommendation is to leave this section in Special Language for Business Area 0480- Division of Corrections.

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 7**

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

**EXECUTIVE RECOMMENDATION**

COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Programs" line item of the Operations - Special Revenue appropriation provided in this Act to construct new or renovate existing facilities to support the development of community correction facilities in the state.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 7**

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

**EXECUTIVE RECOMMENDATION**

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 8**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 9**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer of the State and review and approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction is authorized to transfer appropriation from any line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act to any other line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 9**

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

**EXECUTIVE RECOMMENDATION**

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**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 10**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 10**

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

**EXECUTIVE RECOMMENDATION**

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

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 10**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 11**

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

**EXECUTIVE RECOMMENDATION**

~~HOLIDAY COMPENSATION. The Department of Corrections - Division of Community Correction is authorized to pay employees for unused holidays in the employee's holiday account. Payments of unused holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Corrections - Division of Community Correction will be eligible for all holiday pay accrued. This request is contingent on approval by the Chief Fiscal Officer of the State and the Secretary of the Department of Corrections has verified that sufficient revenues are available to make such payments to employees in the following classifications, with the exception that those employees wishing to accrue banked hours be allowed the option to bank unused holiday hours in the employee's holiday account, not to exceed one hundred fifty (150) hours:~~

AGENCY REQUEST

	Maximum Annual
	Salary Rate
Class	Fiscal Year
Code Title	2022-2023 2023-2024
<del>T033C ADC/DCC MAJOR</del>	<del>GRADE GS09</del>
<del>T048C ADC/DCC CAPTAIN</del>	<del>GRADE GS08</del>
<del>T054C ADC/DCC LIEUTENANT</del>	<del>GRADE GS07</del>
<del>T059C ADC/DCC FOOD PREPARATION MANAGER</del>	<del>GRADE GS07</del>
<del>T065C ADC/DCC CORRECTIONAL SERGEANT</del>	<del>GRADE GS06</del>
<del>T070C ADC/DCC FOOD PREPARATION SUPERVISOR</del>	<del>GRADE GS06</del>
<del>T075C ADC/DCC CORPORAL</del>	<del>GRADE GS05</del>

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 11**

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

**EXECUTIVE RECOMMENDATION**

~~T083C ADC/DCC CORRECTIONAL OFFICER I GRADE GS04~~

~~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**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 12**

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

**EXECUTIVE RECOMMENDATION**

~~MEDICAL SERVICES — CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department of Corrections — Division of Community Correction cannot continue a medical contract with a private provider and the Board deems it necessary to utilize staff to provide the required services, the Department of Corrections — Division of Community Correction is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in the State Operations Appropriation of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein. —The provisions of this section shall be in effect only from July 1, 2022 2023 through June 30, 2023-2024.~~

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 13**

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

**EXECUTIVE RECOMMENDATION**

Agency Request to transfer under 9903 and combine it with 0480-203-021  
~~REGULAR SALARIES CONTINGENT POSITIONS.~~ There is hereby  
 established for the Department of Corrections - Division of Community  
 Correction - Contingent Positions for the 2022-2023 2023-2024 fiscal year,  
 the following maximum number of regular employees.

~~CONTINGENT POSITIONS - MEDICAL SERVICES~~

		MAXIMUM ANNUAL	
		MAXIMUM	SALARY RATE
ITEM CLASS		NO. OF	FISCAL YEAR
NO. CODE TITLE		EMPLOYEES	2022 2023 2023- 2024
(1) L009C	NURSE MANAGER	1	GRADE MP03
(2) L033C	PSYCH. EXAMINER	1	GRADE GS09
(3) M026C	LICENSED SOCIAL WORKER	6	GRADE GS07
(4) L032C	REGISTERED NURSE HOSPITAL	7	GRADE MP01
(5) L069C	LIC PRACT NURSE	25	GRADE GS06
(6) C056C	ADMIN SPECIALIST III	2	GRADE GS04
(7) G238C	ADMINISTRATOR	1	GRADE GS09
(8) L081C	DENTAL ASSISTANT	1	GRADE GS04
(9) L013N	DENTAL DIRECTOR	1	GRADE MP06
(10) L071C	DENTAL HYGIENIST	1	GRADE GS05
(11) L011N	DENTIST	1	GRADE MP06

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 13**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p><del>(12) L008N PHYSICIAN - STAFF 1 GRADE MP07</del></p> <p><del>(13) L024N PSYCHIATRIC DIRECTOR 1 GRADE GS09</del></p> <p><del>(14) L005N PSYCHIATRIST 1 GRADE MP08</del></p> <p><del>(15) L003C PSYCHOLOGIST - PT 1 GRADE MP03</del></p> <p><del>(16) C056C SECRETARY/ADMIN ASST 1 GRADE GS04</del></p> <p><del>MAXIMUM NUMBER OF CONTINGENT EMPLOYEES</del></p> <p><del>MEDICAL SERVICES 52</del></p> <p><del>If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.</del></p> <p><del>The provisions of this section shall be in effect only from July 1, 2022 through June 30, 2023-2024.</del></p>	

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 14**

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

**EXECUTIVE RECOMMENDATION**

COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use the appropriations authorized under the line item established herein for "Community Correction Programs" are to be used by the Department of Corrections - Division of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

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

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 15**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent (10%) increase in utility and fuel rates, the Department of Corrections - Division of Community Correction is authorized to transfer from any line item in the State Operations Appropriation to the Operating Expense line item in the State Operations Appropriation for support of the increase after receiving approval of the Chief Fiscal Officer of the State. Prior to the utilization of the transfer authority a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of transfer.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 15**

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

**EXECUTIVE RECOMMENDATION**

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 16**

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

**EXECUTIVE RECOMMENDATION**

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

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

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

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

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 17**

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

**EXECUTIVE RECOMMENDATION**

MOTOR VEHICLE PURCHASE PROVISION. The Department of Corrections - Division of Community Correction is hereby authorized to purchase motor vehicles from the appropriations authorized for Capital Outlay in the State Operations and Special Revenue Operations appropriations in this Act.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 18**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 12-27-140 is amended to codify special language in appropriation acts to read as follows:

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

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

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

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

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

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

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

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 18**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 7**

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

**EXECUTIVE RECOMMENDATION**

COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use funds appropriated for "Community Correction Programs" line item of the Operations - Special Revenue appropriation provided in this Act to construct new or renovate existing facilities to support the development of community correction facilities in the state.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 7**

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

**EXECUTIVE RECOMMENDATION**

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

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



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 8**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 9**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. Upon seeking and receiving approval from the Chief Fiscal Officer of the State and review and approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction is authorized to transfer appropriation from any line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act to any other line item authorized in the State Operations and Operations - Special Revenue Appropriations of this Act.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 9**

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

**EXECUTIVE RECOMMENDATION**

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**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 10**

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

**EXECUTIVE RECOMMENDATION**

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

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 10**

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

**EXECUTIVE RECOMMENDATION**

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

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 10**

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

**EXECUTIVE RECOMMENDATION**

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 11**

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

**EXECUTIVE RECOMMENDATION**

~~HOLIDAY COMPENSATION. The Department of Corrections - Division of Community Correction is authorized to pay employees for unused holidays in the employee's holiday account. Payments of unused holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Corrections - Division of Community Correction will be eligible for all holiday pay accrued. This request is contingent on approval by the Chief Fiscal Officer of the State and the Secretary of the Department of Corrections has verified that sufficient revenues are available to make such payments to employees in the following classifications, with the exception that those employees wishing to accrue banked hours be allowed the option to bank unused holiday hours in the employee's holiday account, not to exceed one hundred fifty (150) hours:~~

AGENCY REQUEST

	Maximum Annual
	Salary Rate
Class	Fiscal Year
Code Title	2022-2023 2023-2024
<del>T033C ADC/DCC MAJOR</del>	<del>GRADE GS09</del>
<del>T048C ADC/DCC CAPTAIN</del>	<del>GRADE GS08</del>
<del>T054C ADC/DCC LIEUTENANT</del>	<del>GRADE GS07</del>
<del>T059C ADC/DCC FOOD PREPARATION MANAGER</del>	<del>GRADE GS07</del>
<del>T065C ADC/DCC CORRECTIONAL SERGEANT</del>	<del>GRADE GS06</del>
<del>T070C ADC/DCC FOOD PREPARATION SUPERVISOR</del>	<del>GRADE GS06</del>
<del>T075C ADC/DCC CORPORAL</del>	<del>GRADE GS05</del>

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 11**

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

**EXECUTIVE RECOMMENDATION**

~~T083C ADC/DCC CORRECTIONAL OFFICER I GRADE GS04~~

~~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**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 12**

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

**EXECUTIVE RECOMMENDATION**

~~MEDICAL SERVICES — CONTINGENCY POSITIONS. If it has been determined by the Board of Corrections that the Department of Corrections — Division of Community Correction cannot continue a medical contract with a private provider and the Board deems it necessary to utilize staff to provide the required services, the Department of Corrections — Division of Community Correction is allowed, upon notification of the Chief Fiscal Officer of the State and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, to utilize the contingent positions for medical services contained in this Act and make the appropriate transfers from the Professional Fees and Services line item contained in the State Operations Appropriation of this Act to Regular Salaries, Personal Services Matching and various Maintenance and General Operations classifications. Further, the Department may utilize the service(s) of a state-based or national-based Professional Recruitment Service, or network, as may be necessary to recruit, fill, or maintain the occupancy of the positions stated herein. —The provisions of this section shall be in effect only from July 1, 2022 2023 through June 30, 2023-2024.~~

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 13**

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

**EXECUTIVE RECOMMENDATION**

Agency Request to transfer under 9903 and combine it with 0480-203-021  
~~REGULAR SALARIES CONTINGENT POSITIONS.~~ There is hereby  
 established for the Department of Corrections - Division of Community  
 Correction - Contingent Positions for the 2022-2023 2023-2024 fiscal year,  
 the following maximum number of regular employees.

~~CONTINGENT POSITIONS - MEDICAL SERVICES~~

		MAXIMUM ANNUAL			
		MAXIMUM	SALARY RATE		
ITEM	CLASS	NO. OF	FISCAL YEAR		
NO.	CODE	TITLE	EMPLOYEES	2022-2023	2023-2024
(1)	L009C	NURSE MANAGER	1	GRADE MP03	
(2)	L033C	PSYCH. EXAMINER	1	GRADE GS09	
(3)	M026C	LICENSED SOCIAL			
		WORKER	6	GRADE GS07	
(4)	L032C	REGISTERED NURSE			
		HOSPITAL	7	GRADE MP01	
(5)	L069C	LIC PRACT NURSE	25	GRADE GS06	
(6)	C056C	ADMIN SPECIALIST III	2	GRADE GS04	
(7)	G238C	ADMINISTRATOR	1	GRADE GS09	
(8)	L081C	DENTAL ASSISTANT	1	GRADE GS04	
(9)	L013N	DENTAL DIRECTOR	1	GRADE MP06	
(10)	L071C	DENTAL HYGIENIST	1	GRADE GS05	
(11)	L011N	DENTIST	1	GRADE MP06	

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 13**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p><del>(12) L008N PHYSICIAN - STAFF 1 GRADE MP07</del></p> <p><del>(13) L024N PSYCHIATRIC DIRECTOR 1 GRADE GS09</del></p> <p><del>(14) L005N PSYCHIATRIST 1 GRADE MP08</del></p> <p><del>(15) L003C PSYCHOLOGIST - PT 1 GRADE MP03</del></p> <p><del>(16) C056C SECRETARY/ADMIN ASST 1 GRADE GS04</del></p> <p><del>MAXIMUM NUMBER OF CONTINGENT EMPLOYEES</del></p> <p><del>MEDICAL SERVICES 52</del></p> <p><del>If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.</del></p> <p><del>The provisions of this section shall be in effect only from July 1, 2022 through June 30, 2023-2024.</del></p>	

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 14**

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

**EXECUTIVE RECOMMENDATION**

COMMUNITY CORRECTION PROGRAMS LINE ITEM USES. After seeking and receiving approval of the Governor and Chief Fiscal Officer of the State and upon approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Department of Corrections - Division of Community Correction, as authorized by the Board of Corrections, is authorized to use the appropriations authorized under the line item established herein for "Community Correction Programs" are to be used by the Department of Corrections - Division of Community Correction for establishment and operation of, to include construction, renovation, and contracting for establishment and operation of, residential and non-residential community correction programs such as, but not limited to, community correction centers, drug, alcohol, and mental health treatments, intensive supervision, restitution, and others as established and approved by the Board of Corrections and as may be provided by law.

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

AGENCY REQUEST

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 15**

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

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY FOR UTILITY AND FUEL RATE INCREASE. In the event of a ten percent (10%) increase in utility and fuel rates, the Department of Corrections - Division of Community Correction is authorized to transfer from any line item in the State Operations Appropriation to the Operating Expense line item in the State Operations Appropriation for support of the increase after receiving approval of the Chief Fiscal Officer of the State. Prior to the utilization of the transfer authority a report shall be made to the Arkansas Legislative Council or Joint Budget Committee including justification for the transfer and the amount of transfer.

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

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**SECTION#: 15**

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

**EXECUTIVE RECOMMENDATION**

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

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

**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 16**

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

**EXECUTIVE RECOMMENDATION**

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

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

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

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

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

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

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**ACT#: 190**

**SECTION#: 17**

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

**EXECUTIVE RECOMMENDATION**

MOTOR VEHICLE PURCHASE PROVISION. The Department of Corrections - Division of Community Correction is hereby authorized to purchase motor vehicles from the appropriations authorized for Capital Outlay in the State Operations and Special Revenue Operations appropriations in this Act.

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

AGENCY REQUEST



**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0485 DOC - Division of Community Correction**

**ACT#: 190**

**SECTION#: 18**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 12-27-140 is amended to codify special language in appropriation acts to read as follows:

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

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

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

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

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

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

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

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

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

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**2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

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**EXECUTIVE RECOMMENDATION**

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