

**REPORT OF THE SPECIAL LANGUAGE SUBCOMMITTEE  
OF THE  
ARKANSAS EXECUTIVE COUNCIL/JOINT BUDGET COMMITTEE**

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November 15, 2022

Co-Chairs:

The Special Language Subcommittee met on November 9, 2022 and makes the recommendations listed below to the Arkansas Executive Council/Joint Budget Committee.

<b>Volume/ Page</b>	<b>Subject</b>	<b>Committee Action</b>
<b>Workforce Services</b>		
4/87	ADDITIONAL POSITIONS - CODIFICATION	Legislative Recommendation (Attachment 1)
<b>Department of Education</b>		
5/7	SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION - CODIFICATION	Executive Recommendation
5/8	STATE FUND RESTRICTIONS - DELETE	Executive Recommendation
5/9	SCHOOL SAFETY SET ASIDE - CHANGE	Executive Recommendation
5/11	FUNDING TRANSFER - DELETE	Executive Recommendation
<b>Education - Public School Fund</b>		
5/17	CONSOLIDATION INCENTIVE - CODIFICATION	Executive Recommendation
5/18	RESIDENTIAL CENTERS/JUVENILE DETENTION - CODIFICATION	Executive Recommendation
5/22	RETIREMENT MATCHING - CODIFICATION	Revised Legislative Recommendation (Do not codify)
5/28	PUBLIC SCHOOL RETIREE HEALTH INSURANCE - CODIFICATION	Executive Recommendation
5/30	HEALTH INSURANCE - CODIFICATION	Executive Recommendation
5/31	ALTERNATIVE LEARNING ENVIRONMENT - CODIFICATION	Executive Recommendation
5/32	STATE FUND RESTRICTIONS - DELETE	Executive Recommendation
5/38	NSL MATCHING GRANT PROGRAM - CHANGE	Executive Recommendation
5/41	EDUCATOR COMPENSATION REFORM SUB-FUND - DELETE	Executive Recommendation
5/44	ENHANCED STUDENT ACHIEVEMENT FUNDING - DELETE	Executive Recommendation
<b>Career &amp; Technical Education</b>		
5/50	VOCATIONAL START-UP - CODIFICATION	Executive Recommendation
5/51	FUND TRANSFER - DELETE	Executive Recommendation
<b>Higher Education</b>		
5/52	DHE - EMERGENCY GRANTS & EXTRA HELP POOL - CODIFICATION	Executive Recommendation
5/56	DHE - LOANS - DELETE	Executive Recommendation
5/60	DHS - NATIONAL GUARD TUITION INCENTIVE PROGRAM - DELETE	Executive Recommendation
5/61	DHE - HEALTH EDUCATION GRANTS AND LOANS - PRIORITIES - CODIFICATION	Executive Recommendation

5/62	DHE - FINANCIAL AID PROGRAMS REPORTING - CODIFICATION	Executive Recommendation
5/63	DHE - AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS - CODIFICATION	Executive Recommendation
5/64	DHE - FUNDING FOR SALARY INCREASES - CODIFICATION	Executive Recommendation
5/70	DHE - STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM - CODIFICATION	Executive Recommendation
5/72	DHE - COST ALLOCATION - CODIFICATION	Executive Recommendation
5/73	DHE - APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIP - CODIFICATION	Executive Recommendation
5/74	DHE - ADMINISTRATIVE FEES - CODIFICATION	Executive Recommendation
5/76	DHE - ARKANSAS WORKFORCE CHALLENGE SCHOLARSHIP FUNDS - DELETE	Executive Recommendation
5/79	TO AMEND EXPENDITURES RELATED TO WOMEN'S SPORT ATHLETIC PROGRAMS - NEW	Executive Recommendation

**ADE - DHE - Northwest Technical Institute**

5/80	NTI - ADDITIONAL TEACHING LOAD - CODIFICATION	Executive Recommendation
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**School for the Blind**

5/82	ARKANSAS SCHOOL FOR THE BLIND - SPECIAL ALLOWANCE - CODIFICATION	Executive Recommendation
5/83	ARKANSAS SCHOOL FOR THE BLIND - BRAILLE AND LARGE PRINT TEXTBOOKS - CODIFICATION	Executive Recommendation
5/84	SCHOOL FOR THE BLIND - ADDITIONAL SALARY/ COMPENSATION PROVISION - DELETE	Executive Recommendation
5/86	CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE - CHANGE	Agency Request (Do not codify)
5/87	ARKANSAS SCHOOL FOR THE BLIND - TEACHER SALARY INCREASE - CODIFICATION	Executive Recommendation

**School for the Deaf**

5/93	ARKANSAS SCHOOL FOR THE DEAF ADDITIONAL SALARY/ COMPENSATION PROVISION - DELETE	Executive Recommendation
5/94	ARKANSAS SCHOOL FOR THE DEAF - SPECIAL ALLOWANCE	Executive Recommendation
5/95	ARKANSAS SCHOOL FOR THE DEAF - SHIFT DIFFERENTIAL - CHANGE	Executive Recommendation
5/96	CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE - CHANGE	Legislative Recommendation (Attachment 2 - Delete language)
5/98	ARKANSAS SCHOOL FOR THE DEAF - TEACHER SALARY INCREASE	Executive Recommendation (Delete language)

**DHS-Secretary's Office**

6/5	TRANSFER AUTHORITY - CHANGE	Executive Recommendation
6/10	NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM - CODIFICATION	Executive Recommendation
6/13	NURSING/DIRECT CARE RECRUITMENT /RETENTION BONUSSES - CODIFICATION	Executive Recommendation

**Department of Health**

1/11 NURSING/DIRECT CARE EDUCATION STIPEND PROGRAM - DELETE Executive Recommendation

**DHS-Division of Aging, Adult and Behavioral Health Services**

6/18 BEHAVIORAL HEALTH SERVICES - FEDERAL FUNDS Executive Recommendation

6/20 VOCATIONAL TRAINEES - CODIFICATION Executive Recommendation

6/23 BEHAVIORAL HEALTH SERVICES - JOB SHARE Executive Recommendation

6/24 BEHAVIORAL HEALTH SERVICES - STATE HOSPITAL CONTINGENCY POSITIONS Executive Recommendation

6/27 EXTRA HELP - BEHAVIORAL HEALTH SERVICES Executive Recommendation

6/28 BEHAVIORAL HEALTH SERVICES - PROCEEDS FOR SALES OF TIMBER AND HAY - CAPITAL IMPROVEMENTS AND EQUIPMENT - CODIFICATION Executive Recommendation

6/36 AGING AND ADULT SERVICES - STATE MATCH AUTHORIZED Executive Recommendation

6/37 AGING AND ADULT SERVICES - GRANT/CONTRACT DISBURSEMENT GUIDELINES Executive Recommendation

**DHS-County Operations**

6/44 DIVISION OF COUNTY OPERATIONS - STATE AND FEDERAL DISASTER DECLARATIONS - CODIFICATION Executive Recommendation

**DHS-Developmental Disabilities**

6/47 DEVELOPMENTAL DISABILITIES - VOCATIONAL TRAINEES - CODIFICATION Executive Recommendation

6/48 DEVELOPMENTAL DISABILITIES – TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT - DELETE Executive Recommendation

6/49 HUMAN DEVELOPMENT CENTERS AND COMMUNITY PROVIDERS - CODIFICATION Revised Agency Request (Attachment 3)

**DHS-Medical Services**

6/52 MEDICAID TOBACCO SETTLEMENT PROGRAM - PAYING ACCOUNTS - CODIFICATION Executive Recommendation

**DHS-Medical Services**

6/60 MEDICAL SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY - CODIFICATION Executive Recommendation

6/64 STATE PLAN - CODIFICATION Executive Recommendation

6/67 MEDICAL SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM - CODIFICATION Executive Recommendation

**DHS-Division of Provider Services and Quality Assurance**

6/76 CERTIFICATION AND LICENSURE - CODIFICATION Executive Recommendation

**DHS-Youth Services Division**

6/77 TRANSFER OF FUNDS FOR THE JUVENILE OMBUDSMAN PROGRAM - CHANGE Agency Request

6/79 YOUTH SERVICES - TIMBER SALES PROCEEDS - CAPITAL IMPROVEMENTS AND EQUIPMENT - CODIFICATION Executive Recommendation

**ASU - Jonesboro**

7/8 EMPLOYEE DEVELOPMENT INCENTIVES - DELETE Institution Request

**Arkansas Tech**

7/11 SPECIAL ALLOWANCES - CODIFICATION Revised language  
(Attachment 4 - Item C)  
7/12 ARKANSAS TECH INSTITUTE - CODIFICATION Legislative Recommendation  
7/14 TUITION REIMBURSEMENT - DELETE Legislative Recommendation  
(Delete language)

**Henderson State University**

7/15 COMMUNITY EDUCATION CENTER FUNDING  
- CODIFICATION Institution Request

**Southern Arkansas University**

7/17 TUITION REIMBURSEMENT - CODIFICATION Revised language  
(Attachment 4 - Item D)  
7/19 SPECIAL ALLOWANCES - DELETE Legislative Recommendation  
(Delete language)

**U of A - Fayetteville**

7/26 SPECIAL ALLOWANCES - CODIFICATION Revised language  
(Attachment 4 - Items A and B)  
7/28 ADDITIONAL PAYMENTS AUTHORIZED  
- DELETE Legislative Recommendation  
(Delete language)

**U of A - System and Various Divisions**

7/31 SCHOOL FOR MATHEMATICS, SCIENCES, AND THE  
ARTS SUMMER SCHOOL EMPLOYEES  
- CODIFICATION Institution Request  
7/32 EMPLOYEE DEVELOPMENT INCENTIVES - DELETE Institution Request

**U of A - Medical Sciences**

7/43 LEGISLATIVE FINDINGS AND INTENT - RURAL  
BROADBAND - CODIFICATION Institution Request  
7/52 UAMS - ADULT SICKLE CELL DISEASE PROGRAM  
- DELETE Institution Request  
7/54 UAMS - CENTER FOR DENTAL EDUCATION  
- CHANGE Revised Institution Request  
(Delete language)  
7/57 SPECIAL ALLOWANCES – PATIENT CARE &  
RESEARCH FACULTY - CODIFICATION Institution Request  
7/58 SPECIAL ALLOWANCES - RECRUITMENT - DELETE Institution Request  
7/59 AREA HEALTH EDUCATION CENTERS - TEACHER  
CONTRACT RESTRICTIONS - CODIFICATION Institution Request  
7/60 SPECIAL PROVISIONS FOR UNCLASSIFIED  
PATIENT CARE PERSONNEL - CODIFICATION Institution Request  
7/67 INDIGENT CARE REIMBURSEMENT - CODIFICATION Institution Request  
7/75 ON-CALL COMPENSATION - CODIFICATION Institution Request  
7/77 DHS AND UAMS MEMORANDUM OF  
UNDERSTANDING - CODIFICATION Institution Request

**U of A - Pine Bluff**

7/79 SPECIAL ALLOWANCES - CODIFICATION Revised language  
(Attachment 4 - Item F)

7/82	FORMULA COMPUTATIONS – 1890 MATCHING FUNDS - DELETE	Institution Request (Delete language)
7/83	SPECIAL ALLOWANCES - DELETE	Legislative Recommendation (Delete language)
<b>University of Central Arkansas</b>		
7/85	SPECIAL ALLOWANCE - CODIFICATION	Revised language (Attachment 4 - Item E)
7/87	TUITION REIMBURSEMENT - DELETE	Institution Request (Delete language)
<b>ASU - Beebe</b>		
7/91	FUNDING PROVISIONS - DELETE	Institution Request
<b>Southeast Arkansas College</b>		
7/95	TUITION REIMBURSEMENT - CODIFICATION	Institution Request

Respectfully submitted by Subcommittee Co-Chairs Senator Bart Hester and Representative Frances Cavanaugh

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

0810 DOC - Division of Workforce Services

ACT #: 181

SECTION 25

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

SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 11-10-310, concerning the duties of the Director of the Division of Workforce Services and personnel, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

(e) The director may establish new or additional full-time positions if:

(1) The new or additional full-time positions are necessary to:

(A) Carry out the objectives of the Division of Workforce Services' programs; or

(B) Meet federal requirements of new or expanded programs when such needs are financed by federal funds;

(2) The director receives the approval of the Office of Personnel Management;

(3) Prior to establishing the new or additional full-time positions the director shall seek approval by the Legislative Council, or if the General Assembly is in session, the Joint Budget Committee;

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**2023 - 2035 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0810 DOC - Division of Workforce Services**

**ACT #: 181**

**SECTION 25**

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

**EXECUTIVE RECOMMENDATION**

(4) The director authorizes the employment of no more than two hundred (200) persons in new or additional full-time positions in addition to those positions authorized in the salary schedule; and;

(5) The rate of pay for the new or additional full-time positions does not exceed those set out in the salary schedule for comparable positions as authorized under the regular salaries section of the division's appropriation act.

(f) If the division requests continuation of a growth pool position as established under this section, the position shall be requested as a new position in the division's next budget request.

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

**2023 - 2035 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0810 DOC - Division of Workforce Services**

**ACT #: 181**

**SECTION 25**

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

**EXECUTIVE RECOMMENDATION**

Stabilization law. Further, the General Assembly has determined that the Workforce Services Division of the Arkansas Department of Commerce may operate more efficiently if some flexibility is provided to the Workforce Services Division of the Arkansas Department of Commerce 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.



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

0513 DOE - SCHOOL FOR THE DEAF

ACT #: 202

SECTION 28

**CURRENT SPECIAL LANGUAGE (WITH INST. REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~ARKANSAS SCHOOL FOR THE DEAF - CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution and with the approval of the Chief Fiscal Officer of the State, the salary of teachers entering state service as teachers may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.~~  
~~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**

**0710 DHS - Developmental Disabilities Services Division**

**ACT #: 210**

**SECTION 14**

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

**EXECUTIVE RECOMMENDATION**

SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add additional sections and to codify special language in appropriation acts to read as follows:

20-48-419. Prohibition on closure of human development centers – Funding for human development centers and community providers.

(a) The Board of Developmental Disabilities Services and the Department of Human Services shall not close any of the existing five (5) human development centers.

Motion adopted to codify “Additional Compensation for Athletic Departments” for all Four Year Institutions in the Division of Higher Education Appropriation Bill (Item A).

Also, per the motion, items B through F for various institutions is the Special Language requests with the language for “Additional Compensation for Athletic Departments” removed, leaving only other unrelated language.

Item A:

**New Special Language for the Division of Higher Education Appropriation Bill:**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 6-62-110 is amended to read as follows:

6-62-110. Additional compensation for state-supported four-year institutions of higher education athletic department.

(a)(1) In recognition of the extra work involved in the participation of intercollegiate athletic teams in post-season competitions, and to promote exceptional achievement in the total sports program of each state-supported four-year institution of higher education, the Chancellor or President of a state-supported four-year institution of higher education, in accordance with policies issued by its Board of Trustees, may approve additional compensation for the athletic department and band personnel when any athletic team participates in a post-season competition or achieves exceptional recognition.

(2) Additional compensation approved under subdivision (a)(1) of this section shall be in addition to the regular salaries authorized by law, provided that the additional compensation shall be paid from income other than state funds.

(b) A Board of Trustees of a state-supported four-year institution of higher education may make additional payments to employees in the Athletic Department at the institution, or to employees that directly support the operation of the Athletic Department at the institution, in such amounts as the Board of Trustees may determine is appropriate in view of the unusual and exacting duties of such employees, provided the additional compensation shall be paid from income other than state funds.

(c)(1) Any such allowances authorized in this section shall be in addition to the regular salaries of such employees.

(2) If the allowance funds authorized under this section are utilized, a state-supported four-year institution of higher education shall report

annually to the Arkansas Legislative Joint Auditing Committee the exact disposition of those allowance funds.

**Item B:**

**New Special Language for U of A Fayetteville Appropriation Bill:**

**U of A Fayetteville:**

Arkansas Code 6-64-1012 is amended to read as follows:

~~6-64-1012. Additional compensation for athletic department.~~

~~In recognition of the extra work involved in the participation of intercollegiate athletic teams in post-season competition, and to promote exceptional achievement in the total sports program, the Chancellor of the University of Arkansas at Fayetteville, in accordance with policies issued by the Board of Trustees of the University of Arkansas, may approve additional compensation of up to one (1) month's salary for the athletic department and band personnel when any athletic team participates in post-season competition or achieves exceptional recognition, which shall be in addition to the regular salaries authorized by law, provided that the additional compensation shall be paid from contributions from sources other than public funds.~~

**Item C:**

**Arkansas Tech (Volume 7, page 11):**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 6- 65- 302, concerning the powers and duties of the Board of Trustees of Arkansas Tech University, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

(c)(1) The board may reimburse tuition, fees, and other education related expenses of a current university faculty member who seeks additional education levels that will benefit the university in meeting accreditation and professional standards.

(2) Reimbursement under subdivision (c)(1) of this section shall be authorized only when the reimbursement request submitted by the current university faculty member has been documented by the university to meet critical shortage instructional areas or is necessary for restructuring the academic programs of the university.

**Item D:**

**Southern Arkansas University (Volume 7 pg17)**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 6- 65- 402 is amended to codify special language in appropriation acts to read as follows:

6-65-402. Board of trustees - Powers and duties.

(a) The Board of Trustees of Southern Arkansas University appointed under the provisions of § 6- 65- 401 is charged with the management and control of Southern Arkansas University.

(b)(1) The board may reimburse tuition, fees, and other education related expenses of a current university faculty member who seeks additional education levels that will benefit the university in meeting accreditation and professional standards.

(2) Reimbursement under subdivision (b)(1) of this section shall be authorized only when the reimbursement request submitted by the current university faculty member has been documented by the university to meet critical shortage instructional areas.

**Item E:**

**University of Central Arkansas (Volume 7, Page 85)**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 6-67-103, concerning powers and duties of the Board of Trustees of the University of Central Arkansas, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

(e)(1) The board may reimburse tuition, fees, and other education related expenses of a current university faculty member who seeks additional education levels that will benefit the university in meeting accreditation and professional standards.

(2) Reimbursement under subdivision (e)(1) of this section shall be authorized only when the reimbursement request submitted by the current university faculty member has been documented by the university to meet critical shortage instructional areas.

**Item F:**

**University of Arkansas at Pine Bluff (Volume 7, Page 79)**

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 6- 64- 303, concerning the establishment of the University of Arkansas at Pine Bluff by the Board of Trustees of the University of Arkansas, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

(c)(1) The Board of Trustees of the University of Arkansas, after seeking prior review by the Arkansas Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, may approve the employment of scientists with research capabilities to conduct research in the Biomedical Research Center established at the University of Arkansas at Pine Bluff.

(2) The Board of Trustees of the University of Arkansas may approve salaries for scientists up to, but not to exceed, one and one-half (1 1/2) of that portion of the Distinguished Professor line item maximum authorized by the General Assembly to be paid from University of Arkansas at Pine Bluff funds.

(d) Any computations made by the Division of Higher Education and the Arkansas Higher Education Coordinating Board in determining the levels of recommended funding for the University of Arkansas at Pine Bluff shall include one hundred percent (100%) matching funds for the 1890 Research and Extension Programs in the base.