

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0620 DFA - Disbursing Officer

ACT#: 0187

SECTION#: 2

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~PREGNANCY RESOURCE CENTER GRANTS.~~

AGENCY REQUEST

~~(a)(1) As used in this section, "pregnancy resource center" means an organization existing as of January 1, 2022, that:~~

- ~~(A) Seeks to provide a range of services to individuals facing an unintended pregnancy with the intention of encouraging pregnant women to give birth to their unborn children; and~~
- ~~(B) Does not perform, prescribe, provide referrals for, or encourage abortion or affiliate with any organization that performs, prescribes, provides referrals for, or encourages abortion.~~

~~(2) As used in this section, a "pregnancy resource center" includes without limitation:~~

- ~~(A) Organizations traditionally known as "crisis pregnancy organizations";~~
- ~~(B) Maternity homes;~~
- ~~(C) Adoption agencies; and~~
- ~~(D) Social services agencies that provide material support and other assistance to individuals facing an unintended pregnancy to help those individuals give birth to their unborn children.~~

~~(b)(1) The Department of Finance and Administration shall create a grant program to provide funding to pregnancy resource centers.~~

~~(2) Grant funds shall be disbursed directly to the pregnancy resource centers from the Department of Finance and Administration.~~

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EXECUTIVE RECOMMENDATION

~~(c)(1) The department shall promulgate rules to implement the disbursement of the grant moneys from the Pregnancy Resource Center Grant Sub-Fund in the Miscellaneous Agencies Fund Account.~~

~~(2) The rules shall include:~~

~~(A) A requirement that the entity requesting the grant monies submit a plan describing how the entity will spend the grant moneys;~~

~~and~~

~~(B) A statement that the funds shall not be disbursed all at once, but in increments in accordance with the plan described in subdivision (c)(2)(A) of this section.~~

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~FUNDING TRANSFER.~~

AGENCY REQUEST

~~(i) Immediately upon the effective date of this Section, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of one million dollars (\$1,000,000) from the Rainy Day Fund to the Pregnancy Resource Center Grant Sub-Fund in the Miscellaneous Agencies Fund Account to provide funding exclusively for the Pregnancy Resource Center Grants Appropriation in Section 1 in this Act to be distributed as set out in Pregnancy Resource Center Grants Special Language in Section 2 of this Act.~~

~~(ii) Any funds not expended in the Pregnancy Resource Center Grant Sub-Fund in the Miscellaneous Agencies Fund Account as established in subsection (i) herein after June 30, 2023 shall be transferred to the General Revenue Allotment Reserve Fund.~~

~~(iii) The provisions of this section shall be in effect upon passage and approval only through June 30, 2023.~~

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SECTION#: 40

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - APPROPRIATION - INFRASTRUCTURE INVESTMENT & JOBS ACT OF 2021. (i) All appropriation and expenditures for funding received for the Infrastructure Investment & Jobs Act of 2021 shall be expended using the Infrastructure Investment & Jobs Act of 2021 appropriation sections as authorized in this Act.

(ii) Any state agency, constitutional office, or institution shall request a transfer of appropriation, as provided in the Infrastructure Investment & Jobs Act of 2021 appropriation sections of this Act, from the Chief Fiscal Officer of the State, stating clearly the amount requested, purpose and any additional information requested by the Chief Fiscal Officer of the State.

(iii) After reviewing a request, the Chief Fiscal Officer of the State may deny, modify or approve the request based on the estimated amount of appropriation needed and currently available, purpose, estimated funding available and preferred spending priority. Upon approval or modification of a request by the Chief Fiscal Officer of the State and after meeting the requirements of subsection (iv) herein, the Department of Finance and Administration shall establish the transfer of appropriation on the books of the Department of Finance and Administration and the State Auditor, in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code 19-4-521 through 19-4-525.

(iv) Any request approved as authorized in subsection (iii) herein, including requests that establish a new commitment item or new appropriation shall require prior approval by the Legislative Council or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

(v) Any Oversight and/or Steering Committee charged with overseeing disbursement of funds and appropriation from funds received from the Infrastructure Investment & Jobs Act of 2021 appropriation sections of this Act shall coordinate with the Department of Finance and Administration as needed to facilitate the approval requirements herein in a timely manner.

(vi) Any appropriation approved in the Infrastructure Investment & Jobs Act of 2021 by the General Assembly shall only be used for:

1) The purpose and amount of planned expenditures as submitted for approval to the General Assembly and,

2) In the event that expenditures or obligations do not fully expend approved appropriation authority as authorized in this section, the excess appropriation may not be utilized for any additional expenditures other than the amount and purpose as submitted to and approved by the General Assembly.

(vii) The Chief Fiscal Officer of the State shall submit a monthly report to the Legislative Council or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly or to a designated subcommittee listing all Infrastructure Investment & Jobs Act of 2021 beginning balance of funds received, each appropriation approved as authorized in subsection (v) herein with the date the appropriation is established, state entity, purpose, amount, funding distributed, and remaining balance.

(viii) Determining the maximum amount of appropriation each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s). Further, the

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General Assembly has determined that a state agency, constitutional office, or institution may operate more efficiently if some flexibility is provided to the state agency, constitutional office, or institution 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 for approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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SECTION#: 41

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - APPROPRIATION - AMERICAN RESCUE PLAN ACT OF 2021. (i) All appropriation and expenditures for funding received for the American Rescue Plan Act of 2021 shall be expended using the American Rescue Plan Act of 2021 Appropriation Sections as authorized in this Act.

(ii) Any state agency, constitutional office, or institution shall request a transfer of appropriation, as provided in the American Rescue Plan Act of 2021 Appropriation Sections of this Act, from the Chief Fiscal Officer of the State, stating clearly the amount requested, purpose and any additional information requested by the Chief Fiscal Officer of the State.

(iii) After reviewing a request, the Chief Fiscal Officer of the State may deny, modify or approve the request based on the estimated amount of appropriation needed and currently available, purpose, estimated funding available and preferred spending priority. Upon approval or modification of a request by the Chief Fiscal Officer of the State and after meeting the requirements of subsection (iv) herein, the Department of Finance and Administration shall establish the transfer of appropriation on the books of the Department of Finance and Administration and the State Auditor, in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code 19-4-521 through 19-4-525.

(iv) Any request approved as authorized in subsection (iii) herein, including requests that establish a new commitment item or new appropriation shall require prior approval by the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a

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regular session, fiscal session, or extraordinary session of the General Assembly.

(v) Any Oversight and/or Steering Committee charged with overseeing disbursement of funds and appropriation from funds received from the American Rescue Plan Act of 2021 Appropriation Sections of this Act shall coordinate with the Department of Finance and Administration as needed to facilitate the approval requirements herein in a timely manner.

(vi) Any appropriation approved in the American Rescue Plan of 2021 by the General Assembly shall only be used for:

(1) The purpose and amount of planned expenditures as submitted for approval to the General Assembly and,

(2) In the event that expenditures or obligations do not fully expend approved appropriation authority as authorized in this section, the excess appropriation may not be utilized for any additional expenditures other than the amount and purpose as submitted to and approved by the General Assembly.

(vii) It is the intent of the General Assembly that funds received from the American Rescue Plan of 2021 that are discretionary or are not required to be spent for a different general or specific purpose may be considered to be utilized to pay off existing debt service. The parameters for the selection of debt service payments may consider the highest interest rate owed and with priority given to the payment of Big River Steel General Obligations bonds and GARVEE Department of Transportation bonds.

(viii) The Chief Fiscal Officer of the State shall submit a monthly report to the Legislative Council during the extended recess, beginning on May 1,

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2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly or to a designated subcommittee listing all American Rescue Plan Act of 2021 beginning balance of funds received, each appropriation approved as authorized in subsection (v) herein with the date the appropriation is established, state entity, purpose, amount, funding distributed, and remaining balance.

(ix) Determining the maximum amount of appropriation each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s). Further, the General Assembly has determined that a state agency, constitutional office, or institution may operate more efficiently if some flexibility is provided to the state agency, constitutional office, or institution 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 or approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - APPROPRIATION - C.A.R.E.S.. (i) In the event that sufficient appropriation is not provided by the General Assembly, any state agency, constitutional office, or institution may request a transfer of appropriation, as provided in the C.A.R.E.S. Appropriation Section of this Act, from the Chief Fiscal Officer of the State, stating clearly the amount requested, purpose and any additional information requested by the Chief Fiscal Officer of the State.

(ii) After reviewing a request, the Chief Fiscal Officer of the State may deny, modify or approve the request based on the estimated amount of appropriation needed and currently available, purpose, estimated funding available and preferred spending priority. Upon approval or modification of a request by the Chief Fiscal Officer of the State and after meeting the requirements of subsection (iii) herein, the Department of Finance and Administration shall establish the transfer of appropriation on the books of the Department of Finance and Administration and the State Auditor, in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code 19-4-521 through 19-4-525.

(iii) Any request approved as authorized in subsection (ii) herein, including requests that establish a new commitment item or new appropriation shall require prior approval by the Arkansas Legislative Council or if meeting in Regular or Fiscal Session the Joint Budget Committee.

(iv) Determining the maximum amount of appropriation each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s). Further, the General Assembly has determined that a state agency, constitutional office,

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or institution may operate more efficiently if some flexibility is provided to the state agency, constitutional office, or institution 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 or 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 from the date of passage through June 30, ~~2023~~ 2024.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CLASSIFICATION AND USE OF APPROPRIATIONS. The appropriations authorized in the Marketing and Redistribution Section, hereof which are transferred to the various agencies, as authorized in the Transfer Provision - Marketing and Redistribution Section hereof, are to be used for the maintenance and general operation of the benefiting agency and shall only be expended under the provisions cited in Arkansas Code § 19-4-522, the same being the General Accounting and Budgetary Procedures Law of Arkansas. Provided, however, no appropriation authorized herein shall be expended for Conference and Travel Expenses or Professional Fees and Services.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION - MARKETING AND REDISTRIBUTION. The Department of Finance and Administration shall, upon transfer to the agencies or institutions fund or fund account of the proceeds derived from disposal of property by the Marketing and Redistribution division for the benefit of various agencies, transfer appropriation, as provided in the Marketing and Redistribution Section, hereof in such amount as funds are deposited into the Property Sales Holding Fund and transferred therefrom for the benefit of such agencies.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

RESTRICTIONS - MISCELLANEOUS TRANSFERS. Nothing in this Act is to be construed as an authority to transfer a like amount of current general revenues to fund appropriations provided for in the Miscellaneous Transfers Section of this Act.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

RESTRICTIONS - TRANSFER PROVISIONS. The Department of Finance and Administration shall transfer appropriation as provided in the Refund to Expenditures line item of the Miscellaneous Transfers Section, hereof in such amounts as funds are deposited into the State Treasury or financial institutions for proceeds received from insurance policies for casualty losses, overpayment of obligations, overpayment of salaries, over-allocation of federal assistance, maturity or redemption of investments, and subrogation payments received for workers' compensation claims paid, for the benefit of various state agencies. Provided, however, that the Chief Fiscal Officer of the State is hereby authorized to promulgate such rules, regulations, procedures, and guidelines as he or she may deem necessary and proper in order to carry out the provisions of this Act.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - PERSONAL SERVICES OVERTIME. In the event that there is not sufficient appropriation provided for by the General Assembly for overtime compensation pursuant to Arkansas Code § 19-4-1612 and related personal services matching for any state agency for the period ending June 30, ~~2023~~ 2024, said agency shall request a transfer from appropriations provided for Overtime in the Miscellaneous Transfers Section, herein, from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State, and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. The appropriation shall be established upon the books of the Department of Finance and Administration and the State Auditor. Provided, further, that if desired, said appropriation shall be supplemental to those regularly appropriated for such purposes by the General Assembly for that agency.

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

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EXECUTIVE RECOMMENDATION

CLASSIFICATION AND USE OF APPROPRIATIONS - REFUND TO EXPENDITURES. The appropriations authorized for Refund to Expenditures in the Miscellaneous Transfers Section, hereof which are transferred to the various agencies as authorized by the RESTRICTIONS - MISCELLANEOUS TRANSFERS and the RESTRICTIONS - TRANSFER POSITIONS Sections hereof are to be used for the same purposes and shall be expended under the same provisions as cited in Arkansas Code §§ 19-4-501 through 19-4-527, the same being the General Accounting and Budgetary Procedures Law of Arkansas, or its successor.

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

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SECTION#: 49

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 11, Chapter 10, Subchapter 5, is amended to add an additional section and to codify special language in appropriation acts to read as follows:

AGENCY REQUEST

11-10-545. Benefits paid to former employee of state agency.

(a) At the end of each calendar quarter, the Division of Workforce Services shall certify to a state agency the unemployment compensation benefit payments made to a former state agency employee who claimed and qualified for unemployment compensation benefits under the Division of Workforce Services Law.

(b) Upon satisfaction by the Chief Fiscal Officer of the State that the payments to a former state agency employee were made in accordance with the Division of Workforce Services Law, the Chief Fiscal Officer of the State shall disburse funds appropriated for unemployment compensation claims to reimburse the division for benefits paid in the previous calendar quarter.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - CASH FUNDS. In the event that the appropriation is not provided by the General Assembly for Cash Fund expenditures for any state agency, pursuant to Arkansas Code § 19-4-801 et seq., said agency shall request a transfer of appropriation from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State, and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, said cash fund appropriations shall be established upon the books of the Department of Finance and Administration, provided further, that upon request of the state agency and with the approval of the Chief Fiscal Officer of the State, the requested appropriations may be established upon the books of the Department of Finance and Administration in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code §§ 19-4-521 through 19-4-527.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

MISCELLANEOUS FEDERAL PROGRAMS. The appropriations provided in the Various State Agencies - Cash Section herein shall not be used to establish spending authority for new or unanticipated Federal Funds or Programs as defined by the provisions of the Miscellaneous Federal Grant Programs Act, Arkansas Code § 19-7-501 et seq., and the provisions of the General Accounting and Budgetary Procedures Act, Arkansas Code § 19-4-101 et seq., or its successor. Funds subject to the above mentioned acts shall be deposited in the State Treasury.

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

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EXECUTIVE RECOMMENDATION

SALARIES. No provisions as provided in the Various State Agencies - Cash Section herein shall be interpreted as the authority to create or establish new positions in addition to the positions established in the agency's Appropriation Act. In addition, salaries paid from appropriations transferred herein shall be subject to the provision of the Regular Salaries Procedures and Restrictions Act.

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

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SECTION#: 53

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SECTION X. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 19-7-502, concerning the procedure related to the availability of unanticipated federal funds, is amended to add an additional subsection to read as follows:

(e) Each even-numbered year the Chief Fiscal Officer of the State shall file with the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, a cumulative report summarizing all appropriations transferred and all additional positions authorized in relation to unanticipated federal funds subject to this subchapter, including without limitation miscellaneous federal grants and miscellaneous workforce investment programs, during the preceding two (2) fiscal years.

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SECTION#: 54

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - PERSONAL SERVICES AND REGULAR SALARIES. In the event that the Chief Fiscal Officer of the State determines that the General Assembly has not provided sufficient appropriation for the payment of Personal Services for any office of an elected Constitutional Officer, including the Bureau of Legislative Research, Division of Legislative Audit or the Judicial Department, any state agency, office, board, commission, institution or institution of higher education due to the enactment of this Act or any other Act approved by the General Assembly which raises the compensation level or required benefit matching costs of state employees, the agency, office, board, commission, institution of higher education or other institution may request a transfer from the appropriation provided herein from the Chief Fiscal Officer of the State. Such request shall clearly state the amount required, the fund or fund account from which the employees are currently being paid, and such other information as may be required by the Chief Fiscal Officer of the State that he or she deems necessary to make a decision regarding the request. Upon the approval of the Chief Fiscal Officer of the State, and upon review by the Performance Evaluation and Expenditure Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee or upon processing the request for elected Constitutional Officers and their employees by the Chief Fiscal Officer of the State, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. In the event that appropriation for the payment of Personal Services is not sufficient for the last payroll of the fiscal year, the Chief Fiscal Officer of the State may approve any transfers on an emergency basis and provide a

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report to the Performance Evaluation and Expenditure Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee. The appropriation shall then be added to the proper account on the books of the Department of Finance and Administration and the State Auditor payable from the fund or fund account from which the employees of the state agency, office, board, commission, institution of higher education or other institution are authorized to be paid by law. Such appropriation transfers shall be limited to Regular Salaries or Personal Services Matching or both.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUNDING TRANSFER - PERFORMANCE FUND. Funding of compensation increases provided by the General Assembly in the fiscal year ending June 30, ~~2023~~ 2024, and funding for the appropriation transfers authorized by the TRANSFER PROCEDURES - PERSONAL SERVICES AND REGULAR SALARIES Section of this Act for those state agencies, offices, boards, commissions, institutions and state institutions of higher education which are supported in whole or in part from general revenues shall, if required, be provided for by a transfer from the Performance Fund to the proper fund or fund account and in such amounts as may be determined by the Chief Fiscal Officer of the State and upon review by the Performance Evaluation and Expenditure Review Subcommittee of the Arkansas Legislative Council or Joint Budget Committee. The state agencies, offices, boards, commissions, institutions and state institutions of higher education shall, in addition to the funds provided in this section for Personal Services from the Performance Fund, make available any funding generated from its salary savings for such purposes as provided for herein, from the funds or fund accounts as prescribed by law.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

PUBLIC DEFENDER. The appropriation provided in the Public Defender Reimbursement line item of the Miscellaneous Grants and Expenses Section herein shall be expended only for the purpose of reimbursing the Public Defender of Pulaski County to provide defense for the mentally ill.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

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DELETE; already codified at 23-111-505(b)

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SECTION#: 58

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SHERIFFS' ASSOCIATION. A lump sum monthly installment of at least one-twelfth (1/12) of the annual allocation provided for in the Arkansas Sheriffs' Association Section of this Act, or so much thereof as may be made available, shall be provided to the Arkansas Sheriffs' Association to be used exclusively for the establishment and operation of crime prevention and alcohol and drug abuse programs and for a grant to the Arkansas Sheriffs' Association to study ways to improve the administration of sheriffs' offices and developing and improving education programs designed for sheriffs' offices in Arkansas.

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS. In the event that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows:

(a) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocations found in the ALLOCATION RESTRICTIONS Section of this Act for:

(1) the Administrative Office of the Courts to fund the State Central Services Fund for Trial Court Administrators,

(2) the District Judges Association for the District Court Coordinator, and

(3) Administrative Office of the Courts to fund State Central Services Fund for Court Reporters.

(b) The total funds remaining in the State Administration of Justice Fund after the monthly distribution is made under subdivision (a) of this section shall be distributed to the remaining state programs and state agencies listed in the ALLOCATION RESTRICTIONS Section of this Act but not listed in subdivision (a) of this section shall be funded in the percentage of the total funds available in the Administration of Justice Fund; that is if less than 100% of the total monthly allocation is available for distribution, monthly allocations for the remaining agencies will be funded at an equal percentage consistent with the remaining available funds, provided that any of the allocations listed in the ALLOCATION RESTRICTIONS Section that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in

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the ALLOCATION RESTRICTIONS Section of this Act. Any shortage from one month will be adjusted in future months' payments as funds become available.

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

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ALLOCATION RESTRICTIONS. There is hereby allocated to state programs and agencies, as set out herein, the following allocations of funds appropriated for State Agencies Distribution Item in the Administration of Justice Fund Section, to the Department of Finance and Administration - Disbursing Officer, there to be used as provided by law.

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Item No.	Maximum Allocation Fiscal Years	
	2022-2023	<u>2023-2024</u>
(1) Board of Trustees of the University of Arkansas for the purpose and as regulated by §§ 6-64-604 through 6-64-606		\$2,687,619
(2) Drug Abuse Prevention and Treatment Fund for use in the Drug Abuse Prevention and Treatment Program of the Bureau of Alcohol and Drug Abuse Prevention		342,000
(3) Highway Safety Special Fund for programs of the Arkansas Highway Safety Program within DHS		1,324,795
(4) Division of Arkansas State Police for the State Police Retirement Fund		1,499,256
(5) Division of Arkansas State Police Fund		400,000
(6) Crime Victims/Reparations Revolving Fund		

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for the purpose and as regulated by Arkansas Code Annotated § 16-90-701 et seq.	2,089,723	
(7) Prosecutor Coordinator's Office for deposit in the Law Enforcement and Prosecutor Drug Enforcement Training Fund	70,660	
(8) Crime Information System Fund	98,064	
(9) Justice Building Construction Fund	990,000	
(10) District Court Judge and the District Court Clerk Education Fund	100,000	
(11) Arkansas Judicial Retirement System Fund	902,797	
(12) State Central Services Fund for the benefit of the Public Defender Commission	6,908,027	
(13) State Central Services Fund for Administrative Office of the Courts - Court Reporters	6,075,374	
(14) Justice Building Fund	83,528	
(15) Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Fund	50,000	
(16) State Central Services Fund for Administrative Office of the Courts - Trial Court Administrators	8,312,527	

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(17) Drug Abuse Prevention and Treatment Fund for use in the Drug Abuse Prevention and Treatment program of the Bureau of Alcohol and Drug Abuse Prevention	
312,000	
(18) State Central Services Fund for the Benefit of the Administrative Office of the Courts Div. of Dependency-Neglect Representation	
4,284,838	
(19) Miscellaneous Agencies Fund Account for the benefit of the State Crime Laboratory	
576,988	
(20) District Judges Association for the District Court Coordinator	
67,028	
(21) Public Legal Aid Fund	
855,432	
(22) Administrative Office of the Courts - County Reimbursements for Jurors	
850,000	
(23) Administrative Office of the Courts - Drug Court Coordinator to reimburse the State Central Services Fund	
66,320	
(24) State Central Services Fund for Court Security by Administrative Office of the Courts	
<u>362,791</u>	
TOTAL AMOUNT ALLOCATED	
<u>\$39,309,767</u>	
The provisions of this section shall be in effect only from July 1, 2022 <u>2023</u> through June 30, 2023 <u>2024</u> .	

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EXECUTIVE RECOMMENDATION

YEARLY FUND TRANSFERS. On July 1, 2010 and each July 1, thereafter, if the fund balance of the Crime Victims Reparation Revolving Fund falls below one million dollars (\$1,000,000), 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 a sum not to exceed one million dollars (\$1,000,000) or so much thereof as is available from fund balances that exceed seven million dollars (\$7,000,000) as determined by the Chief Fiscal Officer of the State, from the State Administration of Justice Fund to the Crime Victims Reparations Revolving Fund to provide funds for personal services, operating expenses and claims for the Office of the Attorney General - Crime Victims Reparations Program.

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

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EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 24-11-203, concerning the Arkansas Fire and Police Pension Review Board, is amended to add an additional subsection to codify special language in appropriation acts to read as follows:

(k)(1) On or before June 15 of each fiscal year, the Arkansas Fire and Police Pension Review Board shall certify to the Chief Fiscal Officer of the State the amount of funding it recommends for disbursement in the ensuing fiscal year to underfunded municipal fire and police relief and pension plans as defined in § 24-11-217.

(2) After receiving the certification required under subdivision (k)(1) of this section, the Chief Fiscal Officer of the State shall immediately transfer on his or her books and the books of the Treasurer of State the lesser of the total amount recommended by the Arkansas Fire and Police Pension Review Board or the amount appropriated by the General Assembly for the ensuing fiscal year from the Revenue Holding Fund Account to the Firemen's and Police Officers' Pension and Relief Fund for distribution to the recommended underfunded plans.

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EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 24-11-217, concerning allocations to underfunded policemen's pension and relief funds and underfunded firemen's pension and relief funds, is amended to add an additional subsection to codify special language in appropriation acts to read as follows:

(f) Funds distributed to underfunded local pension programs through appropriation by the General Assembly for the purpose of payment of Firemen's and Police Officers' Pension and Relief Fund taxes for municipal fire and police relief and pension funds shall not be used to enhance benefits of the recipients.

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EXECUTIVE RECOMMENDATION

SECTION 64. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK FORCE 2000 DISTRIBUTION. After the amount to be made available to a technical college, technical institute or comprehensive lifelong learning center has been determined, as provided by law, the Chief Fiscal Officer of the State shall process the documents necessary so that the funds may be transferred from the Work Force 2000 Development Fund to the State Treasury fund or fund account from which the technical college, technical institute, or comprehensive lifelong learning center draws its general revenue support.

The Chief Fiscal Officer of the State shall also cause an equal amount of the appropriation provided for Technical Colleges Accreditation and Vo-Tech Accreditation in the Work Force 2000 Section of this Act to be transferred to the institutions' appropriate line item appropriation or allocation, there to be supplemental and in addition to those appropriations or allocations provided by the General Assembly for personal services and operating expenses of the institution from the State Treasury Fund or fund account.

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

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EXECUTIVE RECOMMENDATION

JUVENILE DETENTION FACILITIES - ALLOCATION. There is hereby allocated to the local juvenile detention facilities, as set out herein, the following amounts as appropriated to the Department of Finance and Administration - Disbursing Officer for grants for operating expenses of local juvenile detention facilities for the fiscal year ending June 30, ~~2023~~ 2024:

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Item No.	Juvenile Detention Facility	Maximum Allocation	
		Fiscal Years	
		2022-2023	<u>2023-2024</u>
(01)	Arkansas County Juvenile Detention Center		31,167
(02)	Benton County Juvenile Detention Center		22,082
(03)	Craighead County Juvenile Detention Center		31,167
(04)	Crittenden County Juvenile Detention Center		31,167
(05)	Faulkner County Juvenile Detention Center		20,783
(06)	Garland County Juvenile Detention Center		28,574
(07)	Independence County Juvenile Detention Center		31,167
(08)	Jefferson County Juvenile Detention Center		31,167
(09)	Miller County Juvenile Detention Center		31,167
(10)	Mississippi County Juvenile Detention Center		16,891
(11)	Pulaski County Juvenile Detention Center		31,167
(12)	Sebastian County Juvenile Detention Center		31,167
(13)	Washington County Juvenile Detention Center		31,167
(14)	Yell County Juvenile Detention Center		<u>31,167</u>
Total Amount Allocated			<u>\$ 400,000</u>

The amount of funds distributed to the local juvenile detention facilities shall be adjusted as necessary on a pro-rata basis depending upon the

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actual amount of funding provided for this purpose in each fiscal year. If during the fiscal year any of the Juvenile Detention Facilities ceases operations, the facilities' remaining funds will be distributed to the remaining Juvenile Detention Facilities in a proportional basis.

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

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EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS FOR THE PROGRAM - CA/R/DV - UAMS. The Department of Human Services may provide funding in an amount not to exceed \$300,000 for each fiscal year for expansion of services by the Child Abuse/Rape/Domestic Violence Section of the University of Arkansas - Medical Sciences. The Secretary of the Department of Human Services shall certify the amount of available funds for this purpose for each year. The Chief Fiscal Officer of the State shall transfer the amount of certified funds available from an account designated by the Secretary of the Department of Human Services to the Miscellaneous Agencies Fund Account to expand services provided by the Child Abuse/Rape/Domestic Violence Section of the University of Arkansas - Medical Sciences.

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

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EXECUTIVE RECOMMENDATION

ARKADELPHIA 2025 COMMISSION. (a) There is hereby created the Arkadelphia 2025 Commission to be composed of the Mayor, City Manager, and Chairman of the City Planning Commission of Arkadelphia, the Superintendent of the Arkadelphia Public School District, the member of the Arkansas House of Representatives representing the Arkadelphia area, the member of the Arkansas Senate representing the Arkadelphia area, the County Judge of Clark County, the Presidents of Ouachita Baptist University and Henderson State University, the President and Executive Secretary of the Arkadelphia Chamber of Commerce, and at least an equal number of citizens of the Arkadelphia area to be appointed by the members just named. The Commission shall be as broadly based as possible to represent all the diverse interests and to represent every race, gender, income level, and geographic area.

(b) The Commission shall have the following powers and duties:

(1) Determine the immediate needs of Arkadelphia and its surrounding area;

(2) Determine the long-range needs and opportunities of the Arkadelphia area;

(3) Seek and expend funds from all sources, both public and private;

(4) Coordinate the activities of the various federal, state, and local agencies as well as the private sector in providing for the economic, social, and physical needs of the area;

(5) To serve as the lead agency in the rebuilding and revitalization of the Arkadelphia area;

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(6) Adopt bylaws and establish goals; and
(7) Perform all other powers and functions necessary to fulfill its duties.
(c) The Commission shall be subject to audit by the Division of Legislative Audit.
The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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EXECUTIVE RECOMMENDATION

STATE'S CONTRIBUTIONS. The Secretary of the Department of Finance and Administration is authorized to transfer Appropriation and Funding between State's Contributions line items authorized in the State's Contributions Section. Any unexpended balances in funds provided for State's Contributions in this Act remaining June 30, ~~2022~~ 2023, shall be carried forward during the fiscal year ending June 30, ~~2023~~ 2024.

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

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EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - PERSONAL SERVICES STIPENDS. If there is not sufficient appropriation, from funds deposited in the State Treasury or Cash Accounts of an agency, for personal services, or personal services matching for any state agency for the period ending June 30, ~~2023~~ 2024, for State agencies that process payroll through the Arkansas Administrative Statewide Information System for federal and state tax reporting as necessary to comply with the payment of stipends under United States Internal Revenue Code (IRC), 2001-Code-Vol, Sec 3401 and Treasury Regulations §31.3401(c)-1(a) and §1.1402(c)-2(b), and others which govern the reporting of income and payment of withholding and matching taxes for personal services, the agency shall request a transfer from appropriation provided for Personal Services and Personal Services Matching in the appropriation for Various State Agencies - U.S. IRC and Treasury Regulations herein, from the Chief Fiscal Officer of the State, stating clearly the amounts required for each item. Upon approval of the Chief Fiscal Officer of the State, the State Auditor shall be notified as to the amount and the purposes for which the appropriation is to be made and such appropriation as needed shall be established upon the books of the Department of Finance and Administration and the State Auditor. Provided, however, that in the event the total amount of transfer requested in any fiscal year exceeds Ten Thousand Dollars (\$10,000), the Chief Fiscal Officer of the State shall seek prior review by the Arkansas Legislative Council or Joint Budget Committee before the transfer shall be made.

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

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EXECUTIVE RECOMMENDATION

POSITION ESTABLISHMENT. The Chief Fiscal Officer of the State shall have the authority to establish such positions as necessary for State agencies to process payroll through the Arkansas Administrative Statewide Information System for federal and state tax reporting purposes as necessary to comply with the United States Internal Revenue Code (IRC), 2001-Code-Vol, Sec 3401 and Treasury Regulations §31.3401(c)-1(a) and §1.1402(c)-2(b), and others which govern the reporting of income and payment of withholding and matching taxes for personal services. The positions established shall not be considered as part of the total number of authorized positions for an agency and shall only be considered as placeholders for payments to individuals who are board or commission members or elected officials of the State that do not otherwise receive salaries or wages as defined in Arkansas Code § 19-4-521 for their personal services. Further, none of the positions established under this section shall imply eligibility for state retirement or state health insurance benefits. The establishment of such positions shall not exceed 250 positions in any fiscal year.

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

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EXECUTIVE RECOMMENDATION

TRANSFER AUTHORIZED - ARKANSAS CHILDREN'S HOSPITAL. The Arkansas Children's Hospital may request the Chief Fiscal Officer of the State to transfer funds made available for the following by this Act sums not to exceed \$1,000,000 for the Arkansas Children's Hospital Burn Center, \$700,000 for the Children's Hospital Payments, \$600,000 for the Reproductive Health Monitoring, and \$233,600 for the Intensive Care Nursery each fiscal year from the Miscellaneous Agencies Fund Account to the Department of Human Services Grants Fund Account. The transferred funds shall be used to match federal funds used for supplemental Medicaid payments to Arkansas Children's Hospital.

The Arkansas Children's Hospital may also request the Chief Fiscal Officer of the State to transfer the sum not to exceed \$1,000,000 each fiscal year from the Miscellaneous Agencies Fund Account from funds made available by this Act for the Intensive Care Nursery to the Department of Human Services Grants Fund Account. The transferred funds shall be used to match federal Medicaid funds for cost-based reimbursement for helicopter patient transport.

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

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EXECUTIVE RECOMMENDATION

INNOVATION AND PROJECT DEVELOPMENT FUND TRANSFERS. The Department of Transformation & Shared Services - Division of Information Systems is a cost recovery agency subject to the requirements of the United States Office of Management and Budget Circular A-87 Cost Principles for State, Local and Indian Tribal Government (A-87) and Cost Principles for Developing Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government Implementation Guide for the Office of Management and Budget Circular A-87 (ASMBC-10). To comply with these federal rules, it is necessary to establish an Innovation and Project Development appropriation and general revenue fund account within the Department of Finance and Administration - Disbursing Officer for the Department of Transformation & Shared Services - Division of Information Systems. This fund shall be used for state enterprise innovation projects that would enhance the technology operations of the State that cannot be cost allocated to federal programs. The Department of Transformation & Shared Services - Division of Information Systems will maintain documentation for projects billed for these purposes. Fund transfers may be made from the General Revenue Fund Account, upon the approval of the Chief Fiscal Officer of the State and prior review of the Arkansas Legislative Council or Joint Budget Committee, to reimburse the Department of Transformation & Shared Services - Division of Information Systems for the amounts billed.

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

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EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 26-51-205, concerning the state income tax on corporations and the Work Force 2000 Development Fund, is amended to codify special language in appropriation acts and to add an additional subsection to read as follows:

(e)(1)(A) After the amounts to be made available to the various technical institutes or comprehensive lifelong learning centers have been determined under subdivisions (d)(2)(A) and (d)(2)(B) of this section, such documents as may be necessary shall be processed so that funds may be transferred from the Work Force 2000 Development Fund to the State Treasury fund or fund account from which the technical institute or comprehensive lifelong learning center draws its general revenue support.

(B) The amount of the funds transferred under subdivision (e)(1)(A) of this section shall not exceed six and three hundred nine thousandths percent (6.309%) of the total funds available from the Work Force 2000 Development Fund during each fiscal year.

(2) If a technical college, community college, or educational institution that receives support from the Work Force 2000 Development Fund as determined by law transfers from the Arkansas Technical College and Community College System for which Work Force 2000 Development Fund moneys are determined by law, then the actual amount of support from the Work Force 2000 Development Fund in the preceding fiscal year for the transferring educational institution shall be made available regardless of any other provision of law that sets out maximum levels of support from such fund.

(3)(A) The funds distributed under subdivision (d)(2)(C) of

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this section in excess of those amounts collected and distributed before June 30, 2014, shall be deposited into the Skills Development Fund to be used only for personal services, grants, operation, support, and improvement of occupational, vocational, technical, and workforce development programs by the Office of Skills Development of the Department of Commerce.

(B) The distributions of funds under subdivision (d)(2)(C) of this section in excess of those amounts collected and distributed before June 30, 2014, shall not apply to proceeds allocated to schools, colleges, and educational institutions under subdivisions (d)(2)(A) and (d)(2)(B) of this section.

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EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - PERSONAL SERVICES EXTRA HELP. In the event that there is not sufficient appropriation provided for by the General Assembly for payment of personal services related to Extra Help for any state agency for the period ending June 30, ~~2023~~ 2024, said agency may request a transfer from appropriations provided for Personal Services Extra Help in the Miscellaneous Transfers Section herein, from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State, and after seeking prior review by the Arkansas Legislative Council or Joint Budget Committee, the State Auditor shall be notified as to the amount and the purposes for which said appropriation is to be made. The appropriation shall then be established upon the books of the Department of Finance and Administration and the State Auditor. Provided further, that if desired, said appropriation shall be supplemental to those regularly appropriated for such purposes by the General Assembly for the agency.

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

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EXECUTIVE RECOMMENDATION

DELETE; under 14-166-202(a)(7),the West Central Arkansas Economic Development Districts already a recognized district

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EXECUTIVE RECOMMENDATION

FUND USAGE AUTHORIZED. The Arkansas Children’s Hospital President and C.E.O. may request the Department of Human Services-Division of Medical Services to retain in the Department of Human Services Grant Fund account an amount not to exceed \$1,000,000 for funds made available by the act to be used to match federal funds used for supplemental Medicaid payments to Arkansas Children’s Hospital.

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

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EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - MEDICAL MARIJUANA IMPLEMENTATION AND REGULATION. In the event that sufficient appropriation is not provided by the General Assembly for expenditures resulting from the implementation and regulation of the Arkansas Medical Marijuana Amendment of 2016 for any state agency, pursuant to Arkansas Code § 19-4-701 et seq., said agency shall request a transfer of appropriation from the Chief Fiscal Officer of the State, stating clearly the amount required. Upon approval of the Chief Fiscal Officer of the State said appropriations shall be established upon the books of the Department of Finance and Administration in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code §§ 19-4-521 through 19-4-527.

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

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EXECUTIVE RECOMMENDATION

FUND TRANSFER AUTHORITY. From time to time, the Chief Fiscal Officer of the State may transfer from his or her books and those of the Treasurer of State and the Auditor of State from the Medical Marijuana Implementation and Operations Fund to various state agencies' funds the amounts necessary to fund the expenses for the implementation, administration, and/or enforcement of the Arkansas Medical Marijuana Amendment of 2016.

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

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EXECUTIVE RECOMMENDATION

BLANKET BOND PROGRAM. The Secretary of the Department of Finance and Administration is authorized to transfer Appropriation between the Blanket Surety Bond Program appropriations authorized for State Employees (Appropriation 2DM), County Employees (Appropriation 2DN), Municipal Employees (Appropriation 2DP) and Public School Employees (Appropriation 2DQ).

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

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EXECUTIVE RECOMMENDATION

TRANSFER PROCEDURES - VARIOUS TEMPORARY APPROPRIATION FOR STATE AGENCIES AND INSTITUTIONS. (i) In the event that sufficient appropriation is not provided by the General Assembly for any state agency or institution, an agency or institution may request a transfer of appropriation, as provided in the Various Temporary Appropriation for State Agencies and Institutions Appropriation Section of this Act, from the Chief Fiscal Officer of the State, stating clearly the amount requested, purpose and any additional information requested by the Chief Fiscal Officer of the State.

(ii) After reviewing a request the Chief Fiscal Officer of the State may deny, modify or approve the agencies or institutions request based on the estimated amount of appropriation needed and currently available, purpose, estimated funding available and preferred spending priority. Upon approval or modification of a request by the Chief Fiscal Officer of the State and after meeting the requirements of subsection (iii) herein, the Department of Finance and Administration shall establish the transfer of appropriation on the books of the Department of Finance and Administration and the State Auditor, in compliance with the applicable classifications of appropriations as enumerated in Arkansas Code 19-4-521 through 19-4-525.

(iii) Any request approved as authorized in subsection (ii) herein, including requests that establish a new commitment item or new appropriation shall require prior approval by the Arkansas Legislative Council or if meeting in Regular or Fiscal Session the Joint Budget Committee.

(iv) Any appropriation approved as authorized in this Section shall not be carried forward to the next fiscal year and shall be identified as a change

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level increase by the state agency or institution, if requested.

(v) Determining the maximum amount of appropriation for a state agency or institution 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 or institution. Further, the General Assembly has determined that a state agency or institution may operate more efficiently if some flexibility is provided to the state agency or institution 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 or 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.

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~~LAW ENFORCEMENT STIPEND GRANTS:~~

~~(a)(1) — This section shall be known and may be cited as the "Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022".~~

~~(2) It is the intent of the General Assembly that:~~

~~(A) An eligible full-time law enforcement officer is not awarded more than one (1) salary stipend under this section even if the eligible full-time law enforcement officer is employed by more than one (1) eligible local law enforcement agency or eligible state law enforcement agency during the applicable time period described under this section; and~~

~~(B) The salary stipends awarded under this section shall not occur more than one (1) time unless authorized by the General Assembly in subsequent legislation.~~

~~(3)(A) While all persons employed by a local or a state law enforcement agency or other state agency, locality, or political subdivision of the state are engaged in important and vital work in our criminal justice system, it is the intent of the General Assembly to limit the salary stipends provided for under this section to the most vital law enforcement officers who are out on the street, literally standing between criminals and the public~~

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~~or engaged in the active investigation of criminal acts committed against the public at large.~~

~~(B) As such, the General Assembly intends for the salary stipends to be awarded to our state troopers, our deputy county sheriffs, our city and municipal police officers, our officers engaged in closely supervising our probationers and parolees, detectives who solve crimes, our patrolmen and patrolwomen, our criminal investigators, and any of the other certified law enforcement officers who patrol and work our streets, who are the face of our communities, and who are active every day in protecting the public and stopping and investigating crime.~~

~~(b) As used in this section:~~

~~(1) "Auxiliary law enforcement officer" means a person who:~~

~~(A) Meets the minimum standards and training requirements prescribed for an auxiliary law enforcement officer by law;~~

~~(B) Receives no salary or wages for the performance~~

~~of his or her duties; and~~

~~(C) Is appointed by a political subdivision of the state or a law enforcement agency as a reserve officer,~~

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~~volunteer officer, or mounted patrol, not including any law enforcement officer or deputy county sheriff employed by a planned community property owners' association; person who:~~

(2)(A) "Eligible full-time law enforcement officer" means a

~~(i) Is an appointed law enforcement officer responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state;~~

~~(ii) Is employed by and receives a salary authorized by an eligible local law enforcement agency or eligible state law enforcement agency;~~

~~(iii) Has the statutory authority to enforce the criminal, traffic, and highway laws of the state and serves a law enforcement function for an eligible local law enforcement agency or eligible state law enforcement agency;~~

~~(iv) Is employed as a law enforcement officer more than twenty-four (24) hours per week; and~~

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~~(v) Has satisfactorily completed a program of basic law enforcement training at a school approved by the Arkansas Commission on Law Enforcement Standards and Training.~~

~~(B) "Eligible full-time law enforcement officer" includes a person who satisfies the requirements of subdivision (b)(2)(A) of this section and who is employed as specialized police personnel for the Department of Corrections.~~

~~(C) "Eligible full-time law enforcement officer" does not include a person employed as:~~

~~(i) Specialized police personnel not employed by the Department of Corrections, including without limitation:~~

~~(a) An employee of a county, regional, or city jail or correctional or detention center who is not otherwise employed as an eligible full-time law enforcement officer;~~

~~(b) A probation or parole officer who is not otherwise employed as an eligible full-time law enforcement officer; or~~

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~~(c) A bailiff;~~

~~(ii) An auxiliary law enforcement officer;~~

~~(iii) A part-time law enforcement officer;~~

~~(iv) A law enforcement officer of the United States Government;~~

~~(v) An elected law enforcement officer who is:~~

~~(a) Not a certified law enforcement officer;~~

~~(b) Employed as a law enforcement officer no~~

~~more than twenty-four (24) hours per week; or~~

~~(c) Both;~~

~~(vi) An employee of a law enforcement agency, state agency, or state department who is not primarily involved in law enforcement;~~

~~(vii) A law enforcement officer who is currently pending decertification as a law enforcement officer; or~~

~~(viii) A law enforcement officer primarily employed as a law enforcement officer by an educational institution, including a public or~~

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private:

~~(a) Prekindergarten school;~~

~~(b) Primary school;~~

~~(c) Secondary school; or~~

~~(d) Institution of higher education;~~

~~(3) "Eligible local law enforcement agency" means the following that employ an eligible full-time law enforcement officer:~~

~~(A) An Arkansas county; or~~

~~(B) An Arkansas municipal police department;~~

~~(4) "Eligible state law enforcement agency" means the Department of Public Safety and the Department of Corrections;~~

~~(5) "Part-time law enforcement officer" means a person who:~~

~~(A) Is employed by and receives a salary authorized by a law enforcement agency;~~

~~(B) Has the statutory authority to enforce the criminal, traffic, or highway laws of this state; and~~

~~(C) Is employed as a law enforcement officer no more than twenty-four (24) hours per week;~~

~~(6) "Retirement of the eligible full-time law enforcement officer" means that an eligible full-time law enforcement officer has ceased employment as an eligible full-time law~~

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~~enforcement officer with an eligible local law enforcement agency or eligible state law enforcement agency and is scheduled or otherwise approved by the applicable retirement system or plan to draw retirement benefits as a retired eligible full-time law enforcement officer; and~~

~~(7) "Specialized police personnel" means a full-time or part-time law enforcement officer authorized by statute or employed by a law enforcement agency whose duty as prescribed by law or ordinance is enforcing some part of the criminal or highway laws of this state and whose authority is limited to the facility or area in which he or she works.~~

~~(c)(1) Subject to an appropriation provided by the General Assembly, an eligible full-time law enforcement officer who is:~~

~~(A) Employed by an eligible state law enforcement agency or an eligible local law enforcement agency on July 1, 2022, is eligible to receive a one-time salary stipend as described under subsection (g) of this section upon verification of eligibility for the salary stipend by the Division of Law Enforcement Standards and Training; or~~

~~(B) First employed by an eligible local law enforcement agency or an eligible state law enforcement agency after July 1, 2022, but on or before January 31, 2023;~~

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~~shall receive a one-time salary stipend as described under subsection (g) of this section upon certification to the division by the eligible local law enforcement agency or eligible state law enforcement agency that the eligible full-time law enforcement officer is currently employed by the eligible local law enforcement agency or eligible state law enforcement agency as a full-time law enforcement officer at the time of certification to the division.~~

~~(2) An eligible local law enforcement agency is required as a condition of receiving funding for the salary stipends provided for under this section to:~~

~~(A) Proactively request to the division for the salary stipend funds to be distributed to an eligible full-time law enforcement officer;~~

~~(B) Acknowledge that:~~

~~(i) The funding provided for under this section is a one-time disbursement and that request for and subsequent receipt of funding for the salary stipends does not in any manner entitle the eligible local law enforcement agency for additional funding for future salary stipends;
and~~

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~~(ii) If the funds are received by the eligible local law enforcement agency, the state is no longer responsible to an individual eligible full-time law enforcement officer who is employed by the eligible local law enforcement agency for payment of the salary stipend provided for under this section;~~

~~(C) Adjust the eligible local law enforcement agency's budget to permit the disbursement of the salary stipends to the eligible local law enforcement agency's full-time law enforcement officers as the local governing body requires; and~~

~~(D) Agree to being subject to audit by Arkansas Legislative Audit concerning the request for, receipt of, and disbursement of the salary stipend funding.~~

~~(d)(1) Between July 1, 2022, and August 1, 2022, an eligible local law enforcement agency or an eligible state law enforcement agency that requests funding for the salary stipends provided for under this section shall provide a certification on a form provided by the division that identifies each eligible full-time law enforcement officer employed by the eligible local law enforcement agency or eligible state law enforcement agency as a full-time law enforcement officer on July 1, 2022.~~

~~(2) The form shall be signed by the chief law enforcement~~

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~~officer of the eligible local law enforcement agency or eligible state law enforcement agency and shall include:~~

~~(A) The name of the eligible full-time law enforcement officer;~~

~~(B) The date the eligible full-time law enforcement officer began his or her current employment with the eligible local law enforcement agency or eligible state law enforcement agency as a full-time law enforcement officer; and~~

~~(C) Any other information required by the division to properly verify eligibility for the salary stipend provided for by this section.~~

~~(e) As soon as practicable, an eligible local law enforcement agency or an eligible state law enforcement agency that employs an eligible full-time law enforcement officer after July 1, 2022, but on or before January 31, 2023, shall provide the form under subdivision (d)(1) of this section to the division for the eligible full-time law enforcement officer.~~

~~(f) The division shall:~~

~~(1) Deny any form received under this section from an eligible local law enforcement agency or eligible state law enforcement agency for an eligible full-time law enforcement officer first employed as a full-time law enforcement officer after January 31, 2023;~~

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~~(2) Deny any form received under this section from an eligible local law enforcement agency or eligible state law enforcement agency if the form is received after June 1, 2023;~~

~~(3) Verify that each full-time law enforcement officer certified to the division as eligible for the salary stipend satisfies the employment, training, and other requirements for eligibility;~~

~~(4) Provide a certification to the Secretary of the Department of Finance and Administration that includes the following information:~~

~~(A) The name of each eligible local law enforcement agency and eligible state law enforcement agency employing an eligible full-time law enforcement officer;~~

~~(B) The name of any eligible full-time law enforcement officer employed by an eligible local law enforcement agency or an eligible state law enforcement agency that qualifies for the salary stipend provided for by this section; and~~

~~(C) Any other information required by the secretary to properly issue payments to an eligible local law enforcement agency or an eligible state law enforcement agency under this section; and~~

~~(5) Adopt a form to be signed by an eligible full-time law enforcement officer prior to receiving the salary stipend~~

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~~acknowledging that the eligible full-time law enforcement officer:~~

~~(A) Has read the requirements to receive and retain the salary stipend;~~

~~(B) Satisfies the requirements of this section to receive the salary stipend; and~~

~~(C) Is required by law to return the salary stipend to the eligible local law enforcement agency or eligible state law enforcement agency issuing the salary stipend should he or she fail to comply with the requirements to retain the salary stipend.~~

~~(g)(1) The secretary, in his or her capacity as Chief Fiscal Officer of the State, shall:~~

~~(A) Transfer funds from the Law Enforcement Stipend Grant Sub-fund in the Miscellaneous Agencies Fund Account for use in issuing payments to an eligible local law enforcement agency or an eligible state law enforcement agency under this section;~~

~~(B) Issue a salary stipend to each eligible local law enforcement agency equal to:~~

~~(i) Five thousand dollars (\$5,000) for each eligible full-time law enforcement officer~~

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~~certified by the division and employed by that eligible local law enforcement agency as a full-time law enforcement officer; and~~

~~(ii) The employer's matching share of Social Security and Medicare taxes due on that salary stipend as required by federal law in effect on January 1, 2022;~~

~~(C) Initiate a fund transfer for a salary stipend to the appropriate state agency fund for an eligible state law enforcement agency employing a full-time law enforcement officer, as follows:~~

~~(i) The fund transfer shall be equal to:~~

~~(a) Two thousand dollars (\$2,000) for each eligible full-time law enforcement officer certified by the division and employed by that eligible state law enforcement agency unless the eligible full-time law enforcement officer has the primary job responsibility of supervising parolees and probationers, in which case the amount is five thousand dollars (\$5,000); and~~

~~(ii) The employer's matching share of Social~~

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~~Security and Medicare taxes due on that salary stipend as required by federal law in effect on January 1, 2022; and~~

~~(D) Deny payment of the salary stipend based on a certification form received from the division after June 15, 2023.~~

~~(2) An eligible full-time law enforcement officer shall not be awarded more than one (1) salary stipend under this section even if the eligible full-time law enforcement officer is employed by more than one (1) eligible local law enforcement agency or eligible state law enforcement agency during the applicable time period described under this section.~~

~~(h) Both an eligible local law enforcement agency and an eligible state law enforcement agency shall:~~

~~(1) Pay the salary stipend under this section to an eligible full-time law enforcement officer in the eligible full-time law enforcement officer's next paycheck or as soon as practicable following receipt of funds from the secretary;~~

~~(2) Withhold from the salary stipend income taxes, the employee's share of Social Security and Medicare taxes, and any other withholdings required by state or federal law or required by court order;~~

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~~(3) Verify that salary stipends are only issued to persons meeting the eligibility requirements of this section; and~~

~~(4) Shall not use the funds under this section for any other purpose.~~

~~(i)(1) Funds received under this section shall be returned to the secretary by the eligible local law enforcement agency or eligible state law enforcement agency if it is later determined that a person certified by the division as eligible for the salary stipend was actually ineligible for the salary stipend.~~

~~(2) A person who receives the salary stipend provided for by this section who is subsequently decertified as a law enforcement officer shall immediately return the salary stipend to the eligible local law enforcement agency or eligible state law enforcement agency issuing the salary stipend if the decertification becomes effective within one hundred eighty (180) days of the date the person received the salary stipend.~~

~~(3) An eligible full-time law enforcement officer who receives the salary stipend provided for by this section and who resigns his or her employment or ceases to be employed with an eligible local law enforcement agency or an eligible state law enforcement agency within one hundred eighty (180) days of receiving the salary stipend shall immediately return the salary stipend to the eligible local law enforcement agency or eligible~~

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~~state law enforcement agency issuing the salary stipend unless the resignation or cessation of employment occurred:~~

~~(A) To immediately accept employment as an eligible full-time law enforcement officer with another eligible local law enforcement agency or an eligible state law enforcement agency;~~

~~(B) As a result of the death of the eligible full-time law enforcement officer;~~

~~(C) As a result of the retirement of the eligible full-time law enforcement officer;~~

~~(D) Due to a medical necessity of the eligible full-time law enforcement officer or a member of the eligible full-time law enforcement officer's family; or~~

~~(E) For reasons beyond the eligible full-time law enforcement officer's control.~~

~~(4) An eligible local law enforcement agency or an eligible state law enforcement agency that receives a return of a salary stipend under subdivision (i)(2) or subdivision (i)(3) of this section shall return the returned salary stipend to the secretary immediately following receipt of the returned salary stipend.~~

~~(5)(A) If the division or the secretary determines that an eligible local law enforcement agency of a county, city, or town has failed to properly pay the salary stipend to an eligible full-~~

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~~time law enforcement officer as required by this section or has failed to return a salary stipend returned by an eligible full-time law enforcement officer who was decertified, resigned, or otherwise ceased employment, the division or the secretary shall notify the Treasurer of State.~~

~~(B) Upon notification under subdivision (i)(5)(A) of this section, the Treasurer of State shall then withhold from the county or municipal aid of the county, city, or town an amount equal to the funds that were improperly paid to the eligible full-time law enforcement officer or not properly returned and shall remit those amounts to the secretary for deposit into the General Revenue Allotment Reserve Fund.~~

~~(6)(A)(i) An eligible local law enforcement agency that knowingly fails to abide by the requirements of this subsection is subject to an administrative penalty equaling ten percent (10%) of the funds received and wrongfully or improperly returned, plus interest at the rate of ten percent (10%) per annum and any other assessed fees, as determined by the~~

~~secretary.~~

~~(ii) Administrative penalties, interest, and fees under subdivision (i)(6)(A)(i) of this section shall be deposited into the General Revenue Allotment Reserve Fund.~~

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~~(B)(i) An appeal from an adverse decision by the secretary concerning the failure to abide by the requirements of this subsection may be made to the Legislative Council, or if the General Assembly is in session, the Joint Budget Committee, which shall proceed with hearing the appeal subject to the rules of the Legislative Council, or if applicable, the Joint Budget Committee.~~

~~(ii) The Legislative Council or, if applicable, Joint Budget Committee, may issue an advisory opinion as to the validity of the appeal and shall forward the advisory opinion to the Director of the Department of Finance and Administration.~~

~~(j)(1) By June 30, 2023, an eligible local law enforcement agency or an eligible state law enforcement agency receiving funds under this section shall submit a report to the division certifying that each eligible full-time law enforcement officer who was verified by the division received the salary stipend and the amount paid to each eligible full-time law enforcement officer.~~

~~(2) The division shall prepare and submit a report containing the data described under subdivision (j)(1) of this section to the cochairs of the Legislative Council no later than October 1,~~

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~~2023.~~

~~(k) The division shall promulgate rules establishing a review process to determine:~~

~~(1) Whether a person was properly denied payment of the salary stipend for failure to satisfy the requirements necessary to qualify as an eligible full-time law enforcement officer; and~~

~~(2) Whether a person was properly required to return the salary stipend.~~

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~~FUNDING TRANSFER. (i) Immediately upon the effective date of this Section or as soon as is practicable, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of fifty million dollars (\$50,000,000) from the General Revenue Allotment Reserve Fund to the Law Enforcement Stipend Grant Sub-Fund in the Miscellaneous Agencies Fund Account to provide funding exclusively for the Law Enforcement Stipend Grants Appropriation in Section 1 in this Act to be distributed as set out in Law Enforcement Stipend Grants Special Language in Section 2 of this Act.~~

~~(ii) Any funds not expended in the Law Enforcement Stipend Grant Sub-Fund in the Miscellaneous Agencies Fund Account as established in subsection (i) herein after June 30, 2023 shall be transferred to the General Revenue Allotment Reserve Fund.~~

~~(iii) The provisions of this section shall be in effect upon passage and approval through June 30, 2023.~~