

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0645 Health, Arkansas Department of

ACT#: 91

SECTION#: 4

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER RESTRICTIONS. The appropriations provided in this act shall not be transferred under the provisions of Arkansas Code 19-4-522, but only as provided by this act.

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

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EXECUTIVE RECOMMENDATION

TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Transformation & Shared Services - Division of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems Department of Transformation & Shared Services - Division of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his opinion it is in the best interest of the state.

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and

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that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

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

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

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

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

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

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EXECUTIVE RECOMMENDATION

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

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

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

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TOBACCO FUND TRANSFER. The Arkansas Department of Health is authorized to transfer five hundred thousand dollars (\$500,000) for the fiscal year ending June 30, ~~2023~~ 2024 from the Prevention and Cessation Program Account to the Breast Cancer Control Fund in order to provide for the State's matching share for Medicaid services provided for breast and cervical cancer screening and treatment. The amount transferred annually shall be the only obligation of the Arkansas Department of Health for state match for these services.

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

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

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

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

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20-21-502. Administration.

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

(b) Grants shall be issued by the department:

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

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

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

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

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(2) To the Division of Emergency Management in quarterly installments for the sole purpose of defraying costs associated with preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster emergency exercises involving nuclear-powered electricity generating facilities in this state.

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PARKING FEES. On July 1 of each year the Arkansas Department of Health shall pay \$50,000 from the Operations appropriation provided herein from non-general revenue to War Memorial.

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

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INDIRECT COST ALLOCATION FUND TRANSFERS. Subject to such procedures as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Arkansas Department of Health is hereby authorized to transfer funds to the Public Health Fund from other program funds of the agency in order to reimburse for expenditures incurred for those programs.

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

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EXECUTIVE RECOMMENDATION

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

20-28-107. Development restrictions.

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

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EXECUTIVE RECOMMENDATION

CARRY FORWARD OF FUNDS.

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(a) Except as authorized in subsection (c) of this section, the Department of Health is authorized to carry forward any unspent funds remaining in the Public Health Fund on June 30, ~~2022~~ 2023 allocated for the support of the Trauma System to be used for the same purposes in the next fiscal year.

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

(1) Prior to June 30, ~~2023~~ 2024, the agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Office of Budget of the Department of Finance and Administration;

(2) The Office of Budget of the Department of Finance and Administration shall report to the Legislative Council all amounts carried forward by the September meeting of the Legislative Council or the Joint Budget Committee meeting which report shall include the name of the agency, board, commission, or institution and the amount of funding carried forward, the program name or line item, the funding source and a copy of the written request set forth in subdivision (b)(1) of this section;

(3) Each agency, board, commission, or institution shall provide a written report to the Legislative Council or Joint Budget Committee containing all information set forth in subdivision (b)(2) of this section, along with a written statement as to the current status of the project, contract, purpose, etc., for which the carry forward was originally requested no later than thirty (30) days prior to the time the agency, board, commission, or institution presents its budget request to the

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Legislative Council or Joint Budget Committee, or both; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in subdivision (b)(3) of this section in the budget manuals or a statement of non-compliance by the agency, board, commission, or institution, or both.

(c) The Department of Health is authorized to transfer up to three million seven hundred thousand dollars (\$3,700,000) in carry forward funds to be used in the next fiscal year at the discretion of the Director of the Department of Health to:

(1) Enhance and integrate an emergency management system to include trauma, stroke, and myocardial infarction; and

(2) Provide long acting reversible contraceptives through services provided by the Department of Health local health units.

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

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EXECUTIVE RECOMMENDATION

BREAST CARE PROGRAM. The Arkansas Department of Health shall annually budget, allocate, and expend for the Breast Care Program as appropriated in the Operations Section in this Act, the sum of at least four million seven hundred fifty-five thousand dollars (\$4,755,000) for Breast Cancer screening, diagnosis, treatment and outreach expenses of the Breast Care Program.

The Arkansas Department of Health shall file an annual progress report by each January 1 preceding a session of the General Assembly to the Co-Chairs of the House and Senate Public Health Committee. This report shall include amounts budgeted, allocated and expended for the Breast Care Program for testing, diagnosis, treatment and outreach expenses.

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

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