

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

November 12, 2024

Co-Chairs:

The Special Language Subcommittee met on November 6, 2024, and makes the recommendations listed below to the Arkansas Legislative Council/Joint Budget Committee.

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D. Special Language for Review

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Respectfully submitted by Subcommittee Co-Chairs Senator Jimmy Hickey and Representative Jon Milligan

2025 - 2027 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0400 Agriculture, Department of

ACT #: new

SECTION#: new

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds up to \$500,000 which remain in the Department of Agriculture Fund Account at the end of a fiscal year shall remain in the Department of Agriculture Fund Account and be made available to fund appropriation(s) authorized by law to be made for maintenance and operating costs associated with wildfire suppression, as well as the purchase of fire suppression equipment for the Forestry Division and made payable from the Department of Agriculture Fund Account for the following fiscal year.

Any carry forward of unexpended balance of funding up to \$500,000 as authorized herein, may be carried forward under the following conditions:

(1) Prior to June 30, 2026, the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council or Joint Budget Committee all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the

2025 - 2027 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0400 Agriculture, Department of

ACT #: new

SECTION#: new

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER. (A)(1) If the Arkansas Department of Agriculture determines additional funding is required to support the purchase of firefighting equipment and forest fire suppression activities, to include the maintenance and operations costs associated with fire suppression, the Department of Agriculture with prior approval of the Chief Fiscal Officer of the State, may transfer the sum of one million one hundred eighty thousand one hundred dollars (\$1,180,100) of the amount authorized for transfer by Act 154 of 2012, to the State Forestry Fund.

(2) The transfer authority provided to the department in subdivision (A)(1) of this section may be used in furtherance of the State Forestry Trust Program.

(3) The provisions of this section shall be in effect only from July 1, 2025 through June 30, 2026.

2025 - 2027 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

Saved to H: Drive

0400 Department of Agriculture

ACT #: new

SECTION#: new

REALLOCATION OF RESOURCES. The Department of Agriculture provides a wide range of services to all Arkansans. The specific service needs, along with staffing required to meet them, can vary significantly due to factors such as natural disasters, changing federal mandates, and job market variations like wildland firefighters, dispatchers, foresters, engineers, and microbiologists' shortages. These factors make it challenging for the Department to accurately predict the exact needs for positions across its different appropriations throughout any fiscal year. To respond swiftly to changing needs and to utilize resources effectively, the Department of Agriculture is authorized to reallocate resources as necessary. Upon determining that a reallocation is essential for the efficient and effective operation of the department, the Secretary of the Department of Agriculture, with the approval of the Chief Fiscal Officer of the State and Legislative Council or the Joint Budget Committee, if meeting in Legislative Session, may request to transfer positions between existing business areas of the department. Transfer authority shall be limited to no more than 5% of the total authorized department positions in any fiscal year.

2025 - 2027 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0400 Department of Agriculture

ACT #: new

SECTION#: new

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

The provisions of this section shall be in effect only from July 1, 2025, through June 30, 2026.

2025 - 2027 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0700 DOE - Higher Education Division

ACT #: 169

SECTION #: 34

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~DHE PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall transfer sufficient funding for the fiscal year from the Higher Education Grants Fund Account to the Division of Higher Education Fund Account in order to finance the personal services costs of a DHE Program Coordinator.~~

AGENCY REQUEST

~~The provisions of this section shall be in effect only from July 1, 2024 through June 30, 2025 2026.~~