

Stricken language will be deleted and underlined language will be added.
Act 606 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/6/23 S4/3/23

A Bill

SENATE BILL 33

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF COMMERCE
- DIVISION OF WORKFORCE SERVICES FOR THE FISCAL YEAR
ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF COMMERCE -
DIVISION OF WORKFORCE SERVICES
APPROPRIATION FOR THE 2023-2024 FISCAL
YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES. There is hereby established for the
Department of Commerce - Division of Workforce Services for the 2023-2024
fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual
				Salary Rate Fiscal Year
				2023-2024
(1)	U037U	ACOM DWS DIRECTOR	1	GRADE SE03
(2)	U065U	ACOM DEPUTY DIRECTOR	1	GRADE SE01
(3)	U070U	ACOM DWS DEPUTY DIRECTOR	2	GRADE SE01
(4)	U036U	AR APPEALS TRIBUNAL CHAIRMAN	1	GRADE SE01
(5)	U076U	DWS WORKFORCE INVESTMENT DIRECTOR	1	GRADE SE01
(6)	D002N	STATE DATABASE ADMINISTRATOR LEAD	2	GRADE IT11



(7)	D006N STATE SYSTEMS ARCHITECT	1	GRADE IT10
(8)	D007C INFORMATION SYSTEMS MANAGER	4	GRADE IT08
(9)	D017C INFORMATION SYSTEMS SECURITY SPECIALIST	1	GRADE IT07
(10)	D038C SENIOR SOFTWARE SUPPORT ANALYST	16	GRADE IT06
(11)	D022C SYSTEMS SPECIALIST	2	GRADE IT06
(12)	D061C INFORMATION SYSTEMS COORDINATION SPEC	2	GRADE IT05
(13)	D052C SOFTWARE SUPPORT ANALYST	7	GRADE IT05
(14)	D062C DATABASE ANALYST	1	GRADE IT04
(15)	D071C COMPUTER SUPPORT ANALYST	2	GRADE IT03
(16)	A139C CHIEF FISCAL OFFICER	1	GRADE GS15
(17)	G007N ACOM DWS GENERAL COUNSEL	1	GRADE GS14
(18)	G017N ACOM DWS ASST DIR - TANF	1	GRADE GS13
(19)	N051N ACOM DWS ASST DIR, EMPLOYMENT ASSIST	1	GRADE GS13
(20)	N050N ACOM DWS ASST DIR, FINANCIAL MANAGEMENT	1	GRADE GS13
(21)	N049N ACOM DWS ASST DIR, INFO AND TECHNOLOGY	1	GRADE GS13
(22)	N074N ACOM DWS ASST DIR, UNEMPLOYMENT INS	1	GRADE GS13
(23)	G004C MANAGING ATTORNEY	1	GRADE GS13
(24)	G010C ACOM DIVISION MANAGER	2	GRADE GS12
(25)	G016N ACOM DWS ASST DIR GRANTS RESOURCE ADM	1	GRADE GS12
(26)	A015C ACOM DWS DIR INTERNAL AUDIT & SECURITY	1	GRADE GS12
(27)	P007N ACOM DWS DIRECTOR OF COMMUNICATIONS	1	GRADE GS12
(28)	G020C ACOM DWS PROGRAM ADMINISTRATOR	3	GRADE GS12
(29)	A021C AGENCY CONTROLLER I	1	GRADE GS12
(30)	A014C FISCAL DIVISION MANAGER	1	GRADE GS12
(31)	R006C HUMAN RESOURCES ADMINISTRATOR	1	GRADE GS12
(32)	A031C ASSISTANT CONTROLLER	3	GRADE GS11
(33)	G047C ATTORNEY SPECIALIST	4	GRADE GS11
(34)	G068C ACOM DWS AREA OPERATIONS CHIEF	6	GRADE GS10
(35)	E074C ACOM PROGRAM COORDINATOR	2	GRADE GS10
(36)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
(37)	G073C ATTORNEY	11	GRADE GS10
(38)	A044C AUDIT COORDINATOR	1	GRADE GS10
(39)	G288C ACOM DWS DIVISION MANAGER	4	GRADE GS09
(40)	R015C ACOM DWS EQUAL OPPORTUNITY MANAGER	1	GRADE GS09
(41)	G243C ACOM DWS FIELD MANAGER III	2	GRADE GS09
(42)	G110C ACOM DWS PROGRAM MANAGER	13	GRADE GS09

(43)	E075C ACOM PROGRAM ADVISOR	9	GRADE GS09
(44)	R019C BUDGET MANAGER	1	GRADE GS09
(45)	G109C GRANTS MANAGER	2	GRADE GS09
(46)	A082C ACCOUNTANT II	1	GRADE GS08
(47)	G081C ACOM DWS DIVISION CHIEF	1	GRADE GS08
(48)	G128C ACOM DWS FIELD MANAGER II	17	GRADE GS08
(49)	G127C ACOM DWS PROGRAM OPERATIONS MANAGER	35	GRADE GS08
(50)	G114C ACOM DWS WORKFORCE INVEST REG ADVISOR	2	GRADE GS08
(51)	R021C BUDGET ANALYST	1	GRADE GS08
(52)	A066C INTERNAL AUDITOR	3	GRADE GS08
(53)	R014C PERSONNEL MANAGER	1	GRADE GS08
(54)	V007C PROCUREMENT COORDINATOR	1	GRADE GS08
(55)	A041C PROGRAM FISCAL MANAGER	1	GRADE GS08
(56)	A060C SENIOR AUDITOR	6	GRADE GS08
(57)	A089C ACCOUNTANT I	4	GRADE GS07
(58)	G149C ACOM DWS FIELD MANAGER I	15	GRADE GS07
(59)	G181C ACOM DWS PROGRAM MONITOR	46	GRADE GS07
(60)	G209C ACOM DWS PROGRAM SUPERVISOR	41	GRADE GS07
(61)	G196C ACOM DWS SATELLITE OFFICE SUPERVISOR	7	GRADE GS07
(62)	A085C ACOM DWS SR FIELD TAX REPRESENTATIVE	3	GRADE GS07
(63)	G138C AGENCY ADMINISTRATIVE REVIEW OFFICER	10	GRADE GS07
(64)	R024C ASSISTANT PERSONNEL MANAGER	1	GRADE GS07
(65)	A081C AUDITOR	7	GRADE GS07
(66)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	3	GRADE GS07
(67)	A075C FINANCIAL ANALYST I	2	GRADE GS07
(68)	S017C MAINTENANCE COORDINATOR	1	GRADE GS07
(69)	A065C PAYROLL SERVICES COORDINATOR	1	GRADE GS07
(70)	A073C PROGRAM/FIELD AUDITOR SUPERVISOR	2	GRADE GS07
(71)	X047C REAL ESTATE MANAGER	1	GRADE GS07
(72)	E040C STAFF DEVELOPMENT COORDINATOR	2	GRADE GS07
(73)	A092C ACOM DWS FIELD TAX REP	17	GRADE GS06
(74)	C032C ACOM DWS UI CLAIM TECHNICIAN	18	GRADE GS06
(75)	X139C ACOM DWS UI INVESTIGATOR	12	GRADE GS06
(76)	G217C ACOM DWS WORKFORCE SPECIALIST	390	GRADE GS06
(77)	C037C ADMINISTRATIVE ANALYST	27	GRADE GS06
(78)	R027C BUDGET SPECIALIST	7	GRADE GS06

(79)	A074C FISCAL SUPPORT SUPERVISOR	7	GRADE GS06
(80)	G180C GRANTS ANALYST	1	GRADE GS06
(81)	R025C HUMAN RESOURCES ANALYST	2	GRADE GS06
(82)	G179C LEGAL SERVICES SPECIALIST	2	GRADE GS06
(83)	S033C MAINTENANCE SUPERVISOR	3	GRADE GS06
(84)	A084C PROGRAM/FIELD AUDIT SPECIALIST	7	GRADE GS06
(85)	B076C RESEARCH PROJECT ANALYST	12	GRADE GS06
(86)	E046C TRAINING INSTRUCTOR	18	GRADE GS06
(87)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	4	GRADE GS05
(88)	V014C BUYER	3	GRADE GS05
(89)	G220C DWS UNIT SUPERVISOR	5	GRADE GS05
(90)	A091C FISCAL SUPPORT ANALYST	19	GRADE GS05
(91)	S032C PRINT SHOP SUPERVISOR	1	GRADE GS05
(92)	V015C PURCHASING SPECIALIST	1	GRADE GS05
(93)	S031C SKILLED TRADESMAN	1	GRADE GS05
(94)	C056C ADMINISTRATIVE SPECIALIST III	16	GRADE GS04
(95)	A098C FISCAL SUPPORT SPECIALIST	18	GRADE GS04
(96)	R036C HUMAN RESOURCES SPECIALIST	6	GRADE GS04
(97)	C046C LEGAL SUPPORT SPECIALIST	19	GRADE GS04
(98)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
(99)	V022C PURCHASING TECHNICIAN	1	GRADE GS04
(100)	V023C STOREROOM SUPERVISOR	1	GRADE GS04
(101)	X183C ACOM DWS CLAIMS ADJUDICATOR	8	GRADE GS03
(102)	C073C ADMINISTRATIVE SPECIALIST II	11	GRADE GS03
(103)	S081C APPRENTICE TRADESMAN	1	GRADE GS03
(104)	S054C PRINTER	1	GRADE GS03
(105)	C087C ADMINISTRATIVE SPECIALIST I	<u>9</u>	GRADE GS02
	MAX. NO. OF EMPLOYEES	987	

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Trust Fund, for personal services and operating expenses of the Department of Commerce - Division of Workforce Services - Operations for the fiscal year ending June 30, 2024, the following:

ITEM

FISCAL YEAR

NO.	2023-2024
(01) REGULAR SALARIES	\$40,346,124
(02) EXTRA HELP	3,850,222
(03) PERSONAL SERVICES MATCHING	16,133,773
(04) OVERTIME	1,060,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	19,335,741
(B) CONF. & TRAVEL	705,440
(C) PROF. FEES	3,000,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$84,431,300</u>

SECTION 3. APPROPRIATION - UNEMPLOYMENT BENEFITS AND EXPENSES - CASH. There is hereby appropriated, to the Department of Commerce, to be payable from cash funds as defined by Arkansas Code 19-4-801, for unemployment benefit payments and other expenses including disaster relief payments, training allowances, payments to participant contractors and Unemployment Insurance Trust Fund loan repayments by the Department of Commerce - Division of Workforce Services - Unemployment Benefits and Expenses - Cash for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) DISASTER RELIEF PAYMENTS	\$4,000,000
(02) FEDERALLY PAID BENEFITS PAYMENTS	1,000,000,000
(03) U I BENEFITS - REIMBURSABLE EMPLOYERS	20,000,000
(04) U I BENEFITS - TAXABLE EMPLOYERS	1,000,000,000
(05) TRAINING ALLOWANCES	4,000,000
(06) PAYMENTS TO PART CONTRACTORS	150,000
(07) UI ADVANCE REPAYMENT	<u>1</u>
TOTAL AMOUNT APPROPRIATED	<u>\$2,028,150,001</u>

SECTION 4. APPROPRIATION - ANNUAL ASSESSMENTS. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Special Fund, for payment of the annual assessment to maintain voting member rights in the National Association of Workforce

Agencies by the Department of Commerce - Division of Workforce Services - Annual Assessments for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) ANNUAL ASSESSMENT	<u>\$26,000</u>

SECTION 5. APPROPRIATION - EXCESS UNEMPLOYMENT BENEFITS AND EXPENSES.

There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Special Fund, for construction, personal services and matching, maintenance and general operating expenses for the Administration Building and all other agency owned buildings, building and land acquisition, rent of buildings, and payment of unemployment benefits and expenses incurred by the Department of Commerce - Division of Workforce Services in the administration of the Division of Workforce Services Law, the Temporary Assistance for Needy Families Program, the Arkansas Workforce Innovation and Opportunity Act and the Arkansas Works Act of 2016, or their successor programs and any other programs transferred under the direction and supervision of the Division of Workforce Services, when such expenses exceed funds available from other sources by the Department of Commerce - Division of Workforce Services - Excess Unemployment Benefits and Expenses for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) CONSTRUCTION	\$0
(02) RENT OF BUILDINGS	0
(03) PAYMENT/EXPENSES	<u>10,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$10,000,000</u>

SECTION 6. APPROPRIATION - WORKFORCE INNOVATION AND OPPORTUNITY ACT.

There is hereby appropriated, to the Department of Commerce, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for grant payments of the Workforce Innovation and Opportunity Act by the Department of Commerce - Division of Workforce Services - Workforce Innovation and Opportunity Act for the fiscal year ending June 30, 2024, the

following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) WORKFORCE INNOVATION AND OPPORTUNITY	
ACT PAYMENTS	<u>\$40,000,000</u>

SECTION 7. APPROPRIATION - U I TRUST FUND INTEREST/UNEMPLOYMENT INSURANCE. There is hereby appropriated, to the Department of Commerce, to be payable from the Employment Security Advance Interest Trust Fund, for paying interest incurred by the state on advances from the Federal Unemployment Trust Fund, making refunds of advance interest taxes or interest and penalty payments which were erroneously paid, and returning moneys to the Unemployment Compensation Fund Clearing Account which were incorrectly identified and erroneously transferred, if needed by the Department of Commerce - Division of Workforce Services - UI Trust Fund Interest/Unemployment Insurance for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) U I TRUST FUND INTEREST	\$3,000,000
(02) LOAN INTEREST	<u>1</u>
TOTAL AMOUNT APPROPRIATED	<u>\$3,000,001</u>

SECTION 8. APPROPRIATION - REED ACT FUNDS. There is hereby appropriated, to the Department of Commerce, to be payable from cash funds as defined by Arkansas Code 19-4-801, for construction, improvement of buildings, rent and lease costs, acquisition of data processing equipment, acquisition of land, payment of salaries and related benefits, maintenance and general operation and for the payment of unemployment insurance benefits or as prescribed by the Social Security Act by of the Department of Commerce - Division of Workforce Services - Reed Act Funds for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>

(01) REED ACT FUNDS \$1

SECTION 9. APPROPRIATION - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PAYING AND NEW HIRE REGISTRY. There is hereby appropriated, to the Department of Commerce, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services, maintenance and general operations, and grant payments by the Department of Commerce - Division of Workforce Services - Temporary Assistance for Needy Families Block Grant Paying and New Hire Registry for the fiscal year ending June 30, 2024, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2023-2024</u>
(01) AR TRANSITIONAL EMPLOYMENT PROGRAM & NEW HIRE REGISTRY-PERSONAL SERVICES, MAINTENANCE & GENERAL OPERATIONS, & GRANT PROGRAM	<u><u>\$43,814,962</u></u>

SECTION 10. APPROPRIATION - INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM. There is hereby appropriated, to the Department of Commerce, to be payable from the Individual Development Account Trust Fund, for operating expenses of the Department of Commerce - Division of Workforce Services - Individual Development Account Program for the fiscal year ending June 30, 2024, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2023-2024</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$0
(B) CONF. & TRAVEL	0
(C) PROF. FEES	141,738
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$141,738</u></u>

SECTION 11. APPROPRIATION - DIVISION OF WORKFORCE SERVICES - TRAINING

TRUST FUND. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Training Trust Fund, for personal services, operating expenses, and grants for the Worker Training Program of the Department of Commerce - Division of Workforce Services - Training Trust Fund for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) PERSONAL SERVICES, OPERATING EXPENSES AND GRANTS	<u>\$3,256,577</u>

SECTION 12. APPROPRIATION - DIVISION OF WORKFORCE SERVICES - UNEMPLOYMENT INSURANCE ADMINISTRATION FUND. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Unemployment Insurance Administration Fund, for personal services and operating expenses of the Department of Commerce - Division of Workforce Services - Unemployment Insurance Administration Fund for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) ADMINISTRATION EXPENSES	<u>\$6,000,000</u>

SECTION 13. APPROPRIATION - LOANS TO LOCAL WORKFORCE DEVELOPMENT BOARDS. There is hereby appropriated, to the Department of Commerce, to be payable from cash funds as defined by Arkansas Code 19-4-801, for loans to local Workforce Development Boards (WDB) for local WDB wire transfers by the Department of Commerce - Division of Workforce Services for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) LOANS	<u>\$1,500,000</u>

SECTION 14. APPROPRIATION - TRADE ADJUSTMENT ASSISTANCE PROGRAM. There is hereby appropriated, to the Department of Commerce, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal

Officer of the State, for Payments of the Trade Adjustment Assistance Program by the Department of Commerce - Division of Workforce Services - Trade Adjustment Assistance Program for the fiscal year ending June 30, 2024, the following:

ITEM NO.		FISCAL YEAR 2023-2024
(01)	RTA/ATAA PAYMENTS	\$100,000
(02)	TAA SUPPORTIVE SERVICES	100,000
(03)	TAA VENDOR PAYMENTS	<u>7,850,000</u>
	TOTAL AMOUNT APPROPRIATED	<u><u>\$8,050,000</u></u>

SECTION 15. APPROPRIATION - ADULT EDUCATION ADMINISTRATION - OPERATIONS. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Fund, for personal services and operating expenses of the Department of Commerce - Division of Workforce Services - Adult Education Administration - Operations for the fiscal year ending June 30, 2024, the following:

ITEM NO.		FISCAL YEAR 2023-2024
(01)	REGULAR SALARIES	811,143
(02)	EXTRA HELP	7,000
(03)	PERSONAL SERVICES MATCHING	278,010
(04)	MAINT. & GEN. OPERATION	
	(A) OPER. EXPENSE	190,000
	(B) CONF. & TRAVEL	10,500
	(C) PROF. FEES	0
	(D) CAP. OUTLAY	0
	(E) DATA PROC.	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,296,653</u></u>

SECTION 16. APPROPRIATION - ADULT BASIC EDUCATION. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Workforce Services Fund, for personal services and operating expenses of the Department of Commerce - Division of Workforce Services - Adult Basic

Education for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) REGULAR SALARIES	\$417,636
(02) PERSONAL SERVICES MATCHING	146,337
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	24,507
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$588,480</u></u>

SECTION 17. APPROPRIATION - FEDERAL ADULT BASIC EDUCATION. There is hereby appropriated, to the Department of Commerce, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, operating expenses and grants by the Department of Commerce - Division of Workforce Services - Federal Adult Basic Education for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) REGULAR SALARIES	\$460,123
(02) PERSONAL SERVICES MATCHING	157,836
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	132,467
(B) CONF. & TRAVEL	50,200
(C) PROF. FEES	9,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) ADULT BASIC EDUCATION GRANTS	<u>10,369,442</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$11,179,068</u></u>

SECTION 18. APPROPRIATION - GOVERNOR'S COMMISSION ON ADULT LITERACY. There is hereby appropriated, to the Department of Commerce, to be payable

from the Division of Career and Technical Education Public School Fund Account, for personal services, operating expenses and grants by the Department of Commerce - Division of Workforce Services - Governor's Commission on Adult Literacy for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) REGULAR SALARIES	\$28,445
(02) PERSONAL SERVICES MATCHING	9,335
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	52,242
(B) CONF. & TRAVEL	6,005
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS TO LITERACY COUNCILS	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,096,027</u></u>

SECTION 19. APPROPRIATION - ADULT BASIC AND GENERAL EDUCATION. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Career and Technical Education Public School Fund Account, for Adult Basic and General Adult Education grants and aid by the Department of Commerce - Division of Workforce Services - Adult Basic and General Education for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2023-2024</u>
(01) ADULT BASIC & GENERAL ADULT EDUCATION	<u><u>\$22,770,569</u></u>

SECTION 20. APPROPRIATION - GED TESTING. There is hereby appropriated, to the Department of Commerce, to be payable from the Division of Career and Technical Education Public School Fund Account, for the cost of individuals taking the General Education Development (GED) test and official practice test of the Department of Commerce - Division of Workforce Services - GED Testing for the fiscal year ending June 30, 2024, the following:

ITEM	FISCAL YEAR
NO.	2023-2024
(01) GED TEST COSTS	<u>\$350,000</u>

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

CARRY FORWARD - NEW HIRE REGISTRY. Any balance in the funds made available by this Act for the New Hire Registry which remain on June 30, ~~2023~~ 2024, may be carried forward into the next fiscal year, to be used for the same purpose.

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 Department of Finance and Administration Office of Budget;

(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

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

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

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

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP. There is hereby authorized, for the Division of Workforce Services for the ~~2022-2023~~ 2023-2024 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: four hundred thirty three (433) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. Any of these positions utilized in a manner which are funded by federal sources are specifically exempt from limitation of hours, either by Act or Regulation.

In order to comply with the timeliness requirements set forth by the Social Security Act, the Chairman of the Board of Review is authorized to utilize part-time or temporary employees from the pool of positions provided to the Division of Workforce Services in any occurrence where the number of appeals to the Board of Review or Appeal Tribunal increases above a level that can be resolved by the permanent staff in a timely manner. The Division of Workforce Services will determine the appropriate funding source within the Department for said positions.

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

SECTION 23. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 11, Chapter 10, Subchapter 1, is amended to add an additional section and to codify special language in appropriation acts to read as follows:

11-10-112. Use of certain federal funds.

(a) Conditioned upon the availability of federal funding provided under Section 209 of the Temporary Extended Unemployment Compensation Act of 2002; Title II of the Job Creation and Worker Assistance Act of 2002, Pub. L. No. 107-147; Title IX of the Social Security Act, 42 U.S.C. § 1103; the Federal Unemployment Tax Act, 26 U.S.C. § 3301; or the Unemployment Insurance Program Letter 39-97 (62 Fed. Reg. 63960 (December 3, 1997), UIPL 39-97, Change 1 (January 16, 2002), and UIPL 20-02 (April 4, 2002)); or their successors, the Director of the Arkansas Division of Workforce Services may

accept "Reed Act" distributions for the following purposes, including without limitation:

- (1) Construction and improvement of buildings;
- (2) Rental or lease costs;
- (3) The acquisition of land;
- (4) Payment of salaries and related benefits of central and local office staff of the Division of Workforce Services;
- (5) Maintenance and operation of central and local offices of the Division of Workforce Services;
- (6) Payment of unemployment insurance benefits; or
- (7) Other allowable uses as provided by federal law.

(b) Funding obligated under this section shall not exceed the amount by which the aggregate of the amounts transferred to the account of this state under federal law exceeds the aggregate of the amounts used by this state and charged against the amounts transferred to the account of this state.

SECTION 24. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 11-10-310, concerning the duties of the Director of the Division of Workforce Services and personnel, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

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

- (1) The new or additional full-time positions are necessary to:
 - (A) Carry out the objectives of the Division of Workforce Services' programs; or
 - (B) Meet federal requirements of new or expanded programs when such needs are financed by federal funds;
- (2) The director receives the approval of the Office of Personnel Management;
- (3) Prior to establishing the new or additional full-time positions, the director shall seek approval by the Legislative Council, or if the General Assembly is in session, the Joint Budget Committee;
- (4) The director authorizes the employment of no more than two hundred (200) persons in new or additional full-time positions in addition to those positions authorized in the salary schedule; and

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

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

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

SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

TRANSFER OF APPROPRIATION. Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State and after having sought the prior approval by the Arkansas Legislative Council or Joint Budget Committee, the Director of the Division of Workforce Services is hereby authorized to make transfers from any appropriation made by this Act to any other appropriation made by this Act with the exception of the "Reed Act Funds" appropriations set forth in the Reed Act Funds appropriation section of this Act, and of the appropriation made for Regular Salaries or Maintenance and General Operation. Such transfers may be made whenever it

appears, by projecting the expenditures of any of the appropriations in this Act, that there will be a deficiency of appropriation in one item and that there will be a corresponding excess of appropriation in another item or items which may be transferred. The transfer of appropriation shall be effected only on approval of the Chief Fiscal Officer of the State. Provided, however, that no transfer of appropriations may be authorized to increase the total amount appropriated for Regular Salaries, or Maintenance and General Operations, except as may be authorized elsewhere by law.

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

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

SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INTER-AGENCY TRANSFER OF STATE GENERAL REVENUE FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAMS. Upon the request of the Director of the Department of Human Services (DHS) and the Director of the Division of Workforce Services (DWS), the Chief Fiscal Officer of the State may approve up to three million six hundred forty thousand six hundred fifty dollars (\$3,640,650) each fiscal year in State General Revenue appropriated to DWS for the TANF program to be transferred to the DHS - Division of County

Operations in support of Arkansas' TANF Programs or any related separate state programs.

The Director of the Division of Workforce Services shall provide a report of all transfers made to the DHS - Division of County Operations to the Performance Evaluation and Expenditure Review Committee of the Arkansas Legislative Council and Joint Budget Committee. The report must include the justification for and the amount of the completed transfers.

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

SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF TANF BLOCK GRANT FUNDS. Each fiscal year, the Division of Workforce Services shall transfer the sum of seven million five hundred thousand dollars (\$7,500,000) from the state's federal Temporary Assistance for Needy Families block grant to the Department of Education Division of Elementary and Secondary Education Public School Fund Account to be used solely for the Arkansas Better Chance Program.

If the state match for the Temporary Assistance for Needy Families grant or the state's Temporary Assistance for Needy Families grant is reduced, the amount to be transferred may be adjusted in proportion to the percentage change in the state match or the state's Temporary Assistance for Needy Families grant. The amount to be transferred may also be reduced proportionately if new cost requirements are imposed upon the state as a result of new or revised Temporary Assistance for Needy Families regulations at the federal level.

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

SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRAINING TRUST FUND TRANSFER. Immediately upon the effective date of this Act, 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 up to two million five hundred thousand dollars (\$2,500,000) from the Division of Workforce Services Training Trust Fund to the Skills Development Fund.

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

SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESTRICTIONS ON FINANCIAL ASSISTANCE UNDER THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(a)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.

(2) The purposes of subsection (a) of this section are typically accomplished by:

(A) Identifying the purpose in the appropriation act;
(B) Delineating such maximums in the appropriation act for a state agency; and

(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the revenue stabilization law.

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.

(b)(1) Upon the request of the Governor or the General Assembly, the Division of Workforce Services shall request a waiver from the federal government to:

(A) Restrict the financial assistance granted to a recipient of the Temporary Assistance for Needy Families Program or its successor program to purchase goods and services that are considered essential and necessary for the welfare of the family, including without limitation:

(i) Food;
(ii) Clothing;
(iii) Housing;
(iv) Utilities;
(v) Child care; and
(vi) Incidentals, including without limitation transportation and medicine or medical supplies or equipment not covered by either the Arkansas Medicaid Program or the health benefit plan of the

individual; and

(b) Restrict the cash withdrawal from an electronic benefit transfer card account that receives financial assistance under the Temporary Assistance for Needy Families Program or its successor program by electronic benefit transfer system.

(2) If the federal government denies the waiver application, this section shall not be implemented.

(3) If the division does not request a wavier under subdivision (b)(1) of this section, the division shall not allocate, budget, expend, or utilize appropriations under this act for the participation of persons in the Temporary Assistance for Needy Families Program.

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

SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEDERAL MATCHING. The funds appropriated in Sections for Adult Basic and General Adult Education of this Act may also be used to match any available federal funds from any agency in order to provide the maximum amount of money possible for the purposes enumerated in such Section.

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

SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADULT EDUCATION DISTRIBUTION. All funds that become available for Adult Education shall be distributed to those administrative units determined to be operating efficient adult education programs, under criteria established by the Division of Workforce Services. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of federal performance indicators. The Division of Workforce Services shall promulgate rules and regulations for the distribution of funds in accordance with criteria to be determined by the Board. In the distribution of funds to local units the Board shall consider performance in meeting state and federal performance indicators. Unallocated funds will be redistributed based upon need as determined by the Division of Workforce

Services.

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

SECTION 32. 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 Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization 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.

SECTION 33. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by 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.

SECTION 34. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2023 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2023 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2023.

APPROVED: 4/11/23