

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
88th General Assembly  
Fiscal Session, 2012

As Engrossed: H2/22/12  
**A Bill**

HOUSE BILL 1127

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 WORKFORCE SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

**Subtitle**

AN ACT FOR THE DEPARTMENT OF WORKFORCE SERVICES APPROPRIATION FOR THE 2012-2013 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 Workforce Services for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U037U	DWS DIRECTOR	1	\$142,872
(2)	U070U	DWS DEPUTY DIRECTOR	1	\$118,662
(3)	U076U	DWS WORKFORCE INVESTMENT DIRECTOR	1	\$111,032
(4)	U036U	AR APPEALS TRIBUNAL CHAIRMAN	1	\$107,614
(5)	G015N	DWS ASSISTANT DIRECTOR	1	GRADE N908
(6)	N051N	DWS ASST DIR, EMPLOYMENT ASSIST	1	GRADE N908



(7)	N050N	DWS ASST DIR, FINANCIAL MANAGEMENT	1	GRADE N908
(8)	N049N	DWS ASST DIR, INFO AND TECHNOLOGY	1	GRADE N908
(9)	N074N	DWS ASST DIR, UNEMPLOYMENT INS	1	GRADE N908
(10)	G007N	DWS GENERAL COUNSEL	1	GRADE N908
(11)	G017N	DWS ASST DIR - TANF	1	GRADE N904
(12)	G016N	DWS ASST DIR GRANTS RESOURCE ADMIN	1	GRADE N904
(13)	D007C	INFORMATION SYSTEMS MANAGER	2	GRADE C128
(14)	A015C	DWS DIR INTERNAL AUDIT & SECURITY	1	GRADE C127
(15)	G020C	DWS PROGRAM ADMINISTRATOR	3	GRADE C127
(16)	A021C	AGENCY CONTROLLER I	1	GRADE C126
(17)	G047C	ATTORNEY SPECIALIST	2	GRADE C126
(18)	D017C	INFORMATION SYSTEMS SECURITY SPECIA	1	GRADE C126
(19)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
(20)	A031C	ASSISTANT CONTROLLER	3	GRADE C124
(21)	G073C	ATTORNEY	7	GRADE C124
(22)	G068C	DWS AREA OPERATIONS CHIEF	8	GRADE C124
(23)	D022C	SYSTEMS SPECIALIST	2	GRADE C124
(24)	R013C	AGENCY HUMAN RESOURCES MANAGER	1	GRADE C123
(25)	G081C	DWS DIVISION CHIEF	6	GRADE C123
(26)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	16	GRADE C123
(27)	G110C	DWS PROGRAM MANAGER	6	GRADE C121
(28)	G114C	DWS WORKFORCE INVEST REG ADVISOR	2	GRADE C121
(29)	D052C	SOFTWARE SUPPORT ANALYST	6	GRADE C121
(30)	G138C	AGENCY ADMINISTRATIVE REVIEW OFFICE	12	GRADE C120
(31)	R019C	BUDGET MANAGER	1	GRADE C120
(32)	R015C	DWS EQUAL OPPORTUNITY MANAGER	1	GRADE C120
(33)	G128C	DWS FIELD MANAGER II	16	GRADE C120
(34)	G127C	DWS PROGRAM OPERATIONS MANAGER	29	GRADE C120
(35)	E023C	TRAINING PROJECT MANAGER	2	GRADE C120
(36)	D062C	DATABASE ANALYST	1	GRADE C119
(37)	G149C	DWS FIELD MANAGER I	18	GRADE C119
(38)	D061C	INFORMATION SYSTEMS COORDINATION SP	2	GRADE C119
(39)	A066C	INTERNAL AUDITOR	4	GRADE C119
(40)	A065C	PAYROLL SERVICES COORDINATOR	1	GRADE C119
(41)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(42)	X062C	QUALITY ASSURANCE COORDINATOR	1	GRADE C119

(43)	A060C	SENIOR AUDITOR	2	GRADE C119
(44)	R024C	ASSISTANT PERSONNEL MANAGER	1	GRADE C118
(45)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(46)	A075C	FINANCIAL ANALYST I	2	GRADE C118
(47)	A074C	FISCAL SUPPORT SUPERVISOR	6	GRADE C118
(48)	A073C	PROGRAM/FIELD AUDITOR SUPERVISOR	2	GRADE C118
(49)	A081C	AUDITOR	7	GRADE C117
(50)	R027C	BUDGET SPECIALIST	9	GRADE C117
(51)	G181C	DWS PROGRAM MONITOR	51	GRADE C117
(52)	R025C	HUMAN RESOURCES ANALYST	2	GRADE C117
(53)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
(54)	G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
(55)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
(56)	B076C	RESEARCH PROJECT ANALYST	16	GRADE C117
(57)	E040C	STAFF DEVELOPMENT COORDINATOR	1	GRADE C117
(58)	A089C	ACCOUNTANT I	3	GRADE C116
(59)	V014C	BUYER	3	GRADE C116
(60)	G196C	DWS SATELLITE OFFICE SUPERVISOR	9	GRADE C116
(61)	A085C	DWS SR FIELD TAX REPRESENTATIVE	3	GRADE C116
(62)	A084C	PROGRAM/FIELD AUDIT SPECIALIST	7	GRADE C116
(63)	P027C	PUBLIC INFORMATION SPECIALIST	1	GRADE C116
(64)	E046C	TRAINING INSTRUCTOR	21	GRADE C116
(65)	C037C	ADMINISTRATIVE ANALYST	24	GRADE C115
(66)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
(67)	A092C	DWS FIELD TAX REP	19	GRADE C115
(68)	G209C	DWS PROGRAM SUPERVISOR	43	GRADE C115
(69)	C032C	DWS UI CLAIM TECHNICIAN	20	GRADE C115
(70)	X139C	DWS UI INVESTIGATOR	12	GRADE C115
(71)	A091C	FISCAL SUPPORT ANALYST	20	GRADE C115
(72)	S033C	MAINTENANCE SUPERVISOR	2	GRADE C115
(73)	S032C	PRINT SHOP SUPERVISOR	1	GRADE C115
(74)	V015C	PURCHASING SPECIALIST	1	GRADE C115
(75)	S031C	SKILLED TRADESMAN	1	GRADE C115
(76)	G217C	DWS WORKFORCE SPECIALIST	399	GRADE C114
(77)	C050C	ADMINISTRATIVE SUPPORT SUPERVISOR	4	GRADE C113
(78)	G220C	DWS UNIT SUPERVISOR	5	GRADE C113

(79)	R036C	HUMAN RESOURCES SPECIALIST	6	GRADE C113
(80)	C046C	LEGAL SUPPORT SPECIALIST	10	GRADE C113
(81)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
(82)	C056C	ADMINISTRATIVE SPECIALIST III	16	GRADE C112
(83)	A098C	FISCAL SUPPORT SPECIALIST	24	GRADE C112
(84)	V022C	PURCHASING TECHNICIAN	1	GRADE C112
(85)	S054C	PRINTER	1	GRADE C111
(86)	V023C	STOREROOM SUPERVISOR	1	GRADE C111
(87)	X183C	DWS CLAIMS ADJUDICATOR	8	GRADE C110
(88)	C073C	ADMINISTRATIVE SPECIALIST II	11	GRADE C109
(89)	C087C	ADMINISTRATIVE SPECIALIST I	26	GRADE C106
(90)	S081C	APPRENTICE TRADESMAN	1	GRADE C105
(91)	S087C	INSTITUTIONAL SERVICES ASSISTANT	<u>1</u>	GRADE C103
		MAX. NO. OF EMPLOYEES	979	

SECTION 2. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Trust Fund, for personal services and operating expenses of the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$37,706,317
(02) EXTRA HELP	4,093,000
(03) PERSONAL SERVICES MATCHING	12,778,334
(04) OVERTIME	60,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	23,721,905
(B) CONF. & TRAVEL	705,585
(C) PROF. FEES	1,784,653
(D) CAP. OUTLAY	2,419,001
(E) DATA PROC.	0
(06) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>3,434,089</u>
TOTAL AMOUNT APPROPRIATED	<u>\$86,702,884</u>

SECTION 3. APPROPRIATION - UNEMPLOYMENT BENEFITS AND EXPENSES - CASH. There is hereby appropriated, to the Department of Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Workforce Services, 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 Workforce Services - Unemployment Benefits and Expenses - Cash for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) DISASTER RELIEF PAYMENTS	\$5,000,000
(02) FEDERAL EMPLOYEES BENEFIT PAYMENTS	225,000,000
(03) U I BENEFITS - REIMBURSABLE EMPLOYERS	25,000,000
(04) U I BENEFITS - TAXABLE EMPLOYERS	600,000,000
(05) TRAINING ALLOWANCES	12,500,000
(06) PAYMENTS TO PART CONTRACTORS	13,750,000
(07) UI ADVANCE REPAYMENT	<u>100,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$981,250,000</u>

SECTION 4. APPROPRIATION - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. There is hereby appropriated, to the Department of Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Workforce Services, for costs and expenses of the American Recovery and Reinvestment Act of 2009 including, increased benefit payments and extension of benefit payments by the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>\$300,000,000</u>

SECTION 5. APPROPRIATION - ANNUAL ASSESSMENTS. There is hereby appropriated, to the Department of Workforce Services, to be payable from the

Department 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 Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) ANNUAL ASSESSMENT	<u>\$26,000</u>

SECTION 6. APPROPRIATION - EXCESS UNEMPLOYMENT BENEFITS AND EXPENSES, CONSTRUCTION AND RENT OF BUILDINGS. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Special Fund, for construction, 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 in the administration of the Employment Security Law when such expenses exceed funds available from other sources by the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) CONSTRUCTION	\$377,500
(02) RENT OF BUILDINGS	48,354
(03) PAYMENT/EXPENSES	<u>10,878,535</u>
TOTAL AMOUNT APPROPRIATED	<u>\$11,304,389</u>

SECTION 7. APPROPRIATION - WORKFORCE INVESTMENT ACT. There is hereby appropriated, to the Department of Workforce Services, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for grant payments of the Workforce Investment Act by the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) WORKFORCE INVESTMENT ACT PAYMENTS	\$60,000,000

(02) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>2,500,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$62,500,000</u>

SECTION 8. APPROPRIATION - U I TRUST FUND INTEREST/UNEMPLOYMENT INSURANCE. There is hereby appropriated, to the Department of Workforce Services, 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 Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2012-2013</u>
(01) U I TRUST FUND INTEREST	\$3,000,000
(02) LOAN INTEREST	<u>25,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$28,000,000</u>

SECTION 9. APPROPRIATION - REED ACT FUNDS. There is hereby appropriated, to the Department of Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Workforce Services, 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 the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2012-2013</u>
(01) REED ACT FUNDS	<u>\$38,500,000</u>

SECTION 10. APPROPRIATION - UI MODERNIZATION - AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA). There is hereby appropriated, to the Department of

Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Workforce Services, for payment of unemployment insurance benefits, salaries and related benefits, and maintenance and general operations as prescribed by the Social Security Act of 1935, as amended and the ARRA-Stimulus Act of 2009, the same being P.L. 111-5 by the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>\$9,595,093</u>

SECTION 11. APPROPRIATION - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BLOCK GRANT PAYING AND NEW HIRE REGISTRY. There is hereby appropriated, to the Department of Workforce Services, 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 of the Department of Workforce Services - Temporary Assistance for Needy Families (TANF) Block Grant Paying and the New Hire Registry for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) ARKANSAS TRANSITIONAL EMPLOYMENT PROGRAM & NEW HIRE REGISTRY - PERSONAL SERVICES, MAINT. & GEN. OPERATIONS, & GRANT PAYMENTS	<u>\$64,501,053</u>

SECTION 12. APPROPRIATION - INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Individual Development Account Trust Fund, for operating expenses of the Department of Workforce Services - Individual Development Account Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
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NO.	2012-2013
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$0
(B) CONF. & TRAVEL	0
(C) PROF. FEES	1,700,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,700,000</u></u>

SECTION 13. APPROPRIATION - DEPARTMENT OF WORKFORCE SERVICES - TRAINING TRUST FUND. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Training Trust Fund, for personal services, operating expenses, and grants for the Worker Training Program of the Department of Workforce Services - Training Trust Fund for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) PERSONAL SERVICES, OPERATING EXPENSES AND GRANTS	<u><u>\$5,000,000</u></u>

SECTION 14. APPROPRIATION - DEPARTMENT OF WORKFORCE SERVICES - UNEMPLOYMENT INSURANCE FUND. There is hereby appropriated, to the Department of Workforce Services, to be payable from the Department of Workforce Services Unemployment Insurance Administration Fund, for operating expenses of the Unemployment Insurance Program of the Department of Workforce Services - Unemployment Insurance Fund for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) OPERATING EXPENSES	<u><u>\$5,000,000</u></u>

SECTION 15. APPROPRIATION - LOANS TO LOCAL WORKFORCE INVESTMENT BOARDS. There is hereby appropriated, to the Department of Workforce Services, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the

Department of Workforce Services, for loans to local Workforce Investment Boards (WIB) for local WIB wire transfers by the Department of Workforce Services for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) LOANS	<u>\$1,500,000</u>

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESTRICTIONS ON FUNDS APPROPRIATED TO THE COMMUNITY INVESTMENT INITIATIVE. Funds appropriated for Community Investment Funds from the Temporary Assistance for Needy Families (TANF) Block Grant for the fiscal years 2011-2012 and 2012-2013 (combined) shall be subject to these restrictions in their use for the specified statutory purposes to the extent the funds are available:

- (1) improving outcomes for youth (at least \$1,000,000),
- (2) parenting and family functioning (at least \$500,000),
- (3) marriage and relationship skills (at least \$500,000),
- (4) fatherhood programs (at least \$500,000),
- (5) family and employment services for ex-offenders (at least \$500,000), and
- (6) services to child-only TEA cases (at least \$500,000).

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUSPENSION OR REDUCTION OF FUNDS APPROPRIATED TO THE COMMUNITY INVESTMENT INITIATIVE. Spending for the Community Investment Initiative can be suspended or reduced if the Director of the Department of Workforce Services and the Transitional Employment Board certify that

- a) Funding from the Temporary Assistance for Needy Families block grant is needed to support a critical economic development initiative,
- b) Other funds from the Temporary Assistance for Needy Families block grant are not available beyond those needed for the operation of the TEA, Work Pays and High Wage Education and Training Programs and for an adequate reserve for possible increases in cash assistance during the current fiscal

year, and

c) Spending for the economic development initiative is allowable within the federal rules governing the Temporary Assistance for Needy Families Block Grant.

Certification of these conditions shall be made to the Governor and the Chief Fiscal Officer of the State and notification shall be made to the Legislative Council and the Senate and House Public Health and Welfare Committees.

If spending on the Community Investment Initiative is reduced, these reductions shall be assessed proportionately to the funds designated by the TEA Board for each of the six statutory purposes of the Community Investment Initiative.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 18. 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, ~~2010~~ 2013, 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, ~~2010~~ 2013 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.

SECTION 19. 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 Department of Workforce Services for the ~~2010-2011~~ 2012-2013 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 (400) 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.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. "REED ACT FUNDS". Funds received by the State may be used as specified in 903 of the Social Security Act, for the purpose of construction and improvement of buildings, rent/lease costs, acquisition of land, the payment of salaries and related benefits of central and local office staff, maintenance and operation of central and local offices, payment of unemployment insurance benefits, or as otherwise prescribed in Section 903 of the Social Security Act, as amended.

The amount obligated pursuant to this Act shall not exceed the amount by which (a) the aggregate of the amounts transferred to the account of this State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts used by this State and charged against the amounts

transferred to the account of this State.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

ADDITIONAL POSITIONS. The Director of the Department of Workforce Services, after receiving the approval of the Office of Personnel Management, and after seeking the prior review by the Arkansas Legislative Council, shall have the authority to establish such new or additional full time positions as may become necessary to carry out the objectives of the program and/or to meet Federal requirements of new and/or expanded programs where such needs are financed by federal funds; provided that not more than two hundred persons may be employed in addition to those authorized in the salary schedule and that the rate of pay shall not exceed those set out in the salary schedule for comparable positions as authorized under the provisions of Section 1 of this Act.

If the agency requests continuation of a "Growth Pool" position(s) as established herein, the position(s) must be requested as a new position(s) in the agency's budget request.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 22. 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 Department 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 Section 9 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 Department of Workforce Services may operate more efficiently if some flexibility is provided to the Department 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, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 23. 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 and the Director of the Department 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 Department of Human Services (DHS) - Division of County Operations in support of Arkansas' Temporary Assistance for Needy Families (TANF) Programs or any related separate state programs.

The Director of the Department 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, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 24. 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 Department 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, Public School Fund 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, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

*SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 APPROPRIATION RESTRICTIONS. ~~Of the~~ The total funds appropriated in Section 10 of this Act, ~~nine million five hundred ninety five thousand ninety three dollars (\$9,595,093)~~ shall be utilized by the Department of Workforce Services for the payment of unemployment insurance benefits, salaries and related benefits and maintenance and general operation in support of administration of Unemployment Insurance (UI) Modernization provisions adopted pursuant to the ARRA - Stimulus Act of 2009. Those funds specifically identified by this section for the payment of*

*unemployment insurance benefits, salaries and related benefits and maintenance and general operation shall be considered as obligations of the Department of Workforce Services for the purpose of implementing and administering the UI Modernization provisions.*

*The provisions of this section shall be in effect only from July 1, ~~2011~~ 2012 through June 30, ~~2012~~ 2013.*

SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TANF STUDY. The Department of Workforce Services shall immediately proceed with issuing a Request for Proposals (RFP), or other appropriate methodology, requesting qualified vendors to submit proposals for the completion of a study to determine the best and most appropriate way to address the financial needs of grandparents raising grandchildren through the Temporary Assistance for Needy Families (TANF) Block Grant Program. Immediately upon receiving responses from qualified vendors, the Department shall immediately take steps to enter into a contract arrangement with the vendor that submits the lowest and/or most responsible response to the RFP and begin the study. The contract shall be awarded no later than June 30, 2011.

Questions to be addressed in the study shall include, but not be limited to:

- 1) What program model is best for Arkansas?
- 2) Which children will be eligible?
- 3) Should payments be limited to relatives with legal guardianship, unrelated foster parents, or unrelated individuals with close ties to the child or family?
- 4) What impact will these payments have on other public benefits currently received on behalf of these children?
- 5) What agency will determine eligibility?
- 6) What about child support obligations?
- 7) Who will regulate residence compliance?
- 8) Will the program require criminal background checks? If yes, who will pay for it?
- 9) What is the actual financial impact for the TANF program?
- 10) What other funding sources exists for the proposed program?

The Department shall consider the findings of this study in conjunction

with the Department's TANF Program Independent Evaluation Study and the evaluation of the Arkansas Career Pathways Initiative. In addition, the Department shall duly consider the findings from the grandparents raising grandchildren study as they prepare their annual TANF budget.

If the Department of Workforce Services fails to comply with all of the provisions of this Section by December 31, 2011, the Department shall immediately begin providing cash assistance payments to grandparents who are the legal guardians of their grandchildren, and whose incomes are below 100% of the Federal Poverty Level (FPL). These payments shall be paid at the rate of \$100 per month per grandparent household.

SECTION 27. 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 28. 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 29. 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, 2012 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, 2012 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, 2012.

*/s/Joint Budget Committee*