

**REPORT OF THE SPECIAL LANGUAGE SUBCOMMITTEE
OF THE
JOINT BUDGET COMMITTEE**

Tuesday, April 6, 2021

Chairmen:

Your Special Language Subcommittee met on Thursday, April 1, 2021 and makes the following recommendations listed below to the Joint Budget Committee.

The following amendments are recommended for approval and are RELEASED from Special Language Subcommittee:

1. SB108 – Department of Health – Licensing and Regulation Boards (Attachment 1 – MAH058)
2. HB1219 – Department of Labor and Licensing – Boards and Commissions (Attachment 2 KMW061)
3. HB1220 – Department of Parks, Heritage and Tourism (Attachment 3 – WFP046)
4. HB1106 – Department of Finance and Administration (Attachment 4 – JAP042)
5. SB108 – Department of Health – Licensing and Regulation Boards (Attachment 5 – MAH053)
6. HB1081 – State Board of Election Commissioners (Attachment 6 – HGK015)

Respectfully submitted by Subcommittee Co-Chairs Senator Bart Hester and Representative Frances Cavanaugh

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

DRAFT

Subtitle of Senate Bill No. 108

AN ACT FOR THE DEPARTMENT OF HEALTH - LICENSING AND REGULATION BOARDS
APPROPRIATION FOR THE 2021-2022 FISCAL YEAR.

Amendment No. ___ to Senate Bill No. 108

Amend Senate Bill No. 108 as engrossed S3/8/21 (version: 3/8/2021 2:18:11 PM):

Page 12, line 18, delete "\$50,000" and substitute "\$100,000"

AND

Page 24, line 9, delete "fifty" and substitute "one hundred"

AND

Page 24, line 10, delete "\$50,000" and substitute "\$100,000"

AND

Page 24, insert an additional SECTION immediately following SECTION 51 to read as follows:

" SECTION 52. SPECIAL LANGUAGE. CODE AMENDMENT. Arkansas Code § 6-81-1405 is amended to read as follows:

6-81-1405. Amount of loans - Maximum.

(a) The Arkansas State Board of Nursing may make a loan to any applicant in an amount calculated to pay the applicant's tuition, maintenance, and other education expenses while he or she is enrolled in a program of nursing education as described in this subchapter.

(b) The total of the loans made to any one (1) student under this subchapter shall not exceed ~~twenty~~ forty thousand dollars ~~(\$20,000)~~ (\$40,000)."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Representative Bentley

MAH/HM - 03-10-2021 11:08:52

MAH058

Secretary

Hall of the House of Representatives

93rd General Assembly - Regular Session, 2021

Amendment Form

DRAFT

Subtitle of House Bill No. 1219

AN ACT FOR THE DEPARTMENT OF LABOR AND LICENSING - BOARDS AND COMMISSIONS
APPROPRIATION FOR THE 2021-2022 FISCAL YEAR.

Amendment No. ___ to House Bill No. 1219

Amend House Bill No. 1219 as originally introduced:

Page 13, delete line 11 in its entirety and substitute the following:

"COLLEGE/ANC 1,475,000"

AND

Page 13, line 12, delete "\$1,802,870" and substitute "\$1,827,870"

AND

Page 25, immediately following SECTION 54, insert a new SECTION to read as follows:

" SECTION 55. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 17-24-305(b), concerning licensing fees and the disposition of licensing fees by the State Board of Collection Agencies, is amended to read as follows:

(b)(1) All income from fees imposed under this section shall be distributed in the form of one (1) annual payment that is a percentage of the total funds available up to the maximum authorized under this subsection.

(2) However, if less than one hundred percent (100%) of the total allocation is available for distribution, all allocations listed in subdivisions (b)(3)(A)-~~(H)~~ (I) of this section shall be funded at a prorated percentage consistent with the available funds, not to exceed the maximum amounts listed in subdivisions (b)(3)(A)-~~(H)~~ (I) of this section.

(3) Beginning July 1, 2013, and each fiscal year thereafter, the board shall remit to:

(A) The Treasurer of State for the Division of Medical Services of the Department of Human Services, an amount not to exceed one hundred fifteen thousand dollars (\$115,000) for deposit into a paying account as determined by the Chief Fiscal Officer of the State to be used in accordance with § 20-10-705;

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KMW061 - 03-17-2021 13:54:08

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(B) The University of Arkansas for Medical Sciences, an amount not to exceed six hundred thousand dollars (\$600,000) for deposit into a financial institution in accordance with the policies of the University of Arkansas for Medical Sciences to be expended for the College of Pharmacy of the University of Arkansas for Medical Sciences and the College of Nursing of the University of Arkansas for Medical Sciences in accordance with § 6-64-417;

(C) Arkansas State University-Mountain Home, an amount not to exceed two hundred fifty thousand dollars (\$250,000) for deposit into the Arkansas State University-Mountain Home Fund to be expended exclusively for the Arkansas State University-Mountain Home Practical Nursing Program;

(D) The University of Central Arkansas, an amount not to exceed one hundred thousand dollars (\$100,000) for deposit into the University of Central Arkansas Fund to be expended exclusively for the University of Central Arkansas School of Nursing;

(E) Southern Arkansas University, an amount not to exceed one hundred thousand dollars (\$100,000) for deposit into the Southern Arkansas University Fund to be expended exclusively for personal services and operating expenses of the Southern Arkansas University system;

(F) Henderson State University, an amount not to exceed one hundred thousand dollars (\$100,000) for deposit into the Henderson State University Fund;

(G) Arkansas Tech University, an amount not to exceed one hundred thousand dollars (\$100,000) for deposit into the Arkansas Tech University Fund exclusively for nursing programs;—~~and~~

(H) Northwest Arkansas Community College, an amount not to exceed fifty thousand dollars (\$50,000) for deposit into the Northwest Arkansas Community College Fund exclusively for nursing programs; and

(I) Arkansas Northeastern College, an amount not to exceed twenty-five thousand dollars (\$25,000) for deposit into the Arkansas Northeastern College Fund to be expended exclusively for nursing programs.

(4) Funds remaining after the distributions listed in subdivisions (b)(3)(A)—~~(H)~~ (I) of this section shall be deposited into a bank authorized to do business within this state and placed into the account of the board."

AND

Appropriately renumber subsequent SECTION numbers of the bill.

The Amendment was read _____
By: Joint Budget Committee
By: Senator D. Wallace
KMW/KMW - 03-17-2021 13:54:08
KMW061

Chief Clerk

Hall of the House of Representatives

93rd General Assembly - Regular Session, 2021

Amendment Form

DRAFT

Subtitle of House Bill No. 1220

AN ACT FOR THE DEPARTMENT OF PARKS, HERITAGE, AND TOURISM - DIVISION OF HERITAGE
APPROPRIATION FOR THE 2021-2022 FISCAL YEAR.

Amendment No. ___ to House Bill No. 1220

Amend House Bill No. 1220 as engrossed H3/3/21 (version: 3/3/2021 2:16:14 PM):

Insert an additional SECTION immediately following SECTION 29 to read as follows:

" SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS CULTURAL INSTITUTIONS FUND TRANSFER. From time to time, the Secretary of the Department of Parks, Heritage, and Tourism may instruct the Chief Fiscal Officer of the State to transfer on his or her books, and those of the State Treasurer and the Auditor of the State, such amounts as determined by the Secretary from the Arkansas Division of Heritage Special Fund Account to a sub-fund within the Arkansas Cultural Institutions Trust Fund to make grants for major capital improvement projects at Arkansas cultural institutions. For any unobligated balances identified by the department, the Secretary may instruct the Chief Fiscal Officer of the State to transfer on his or her books, and those of the State Treasurer and the Auditor of the State, the unobligated sub-fund balances in the Arkansas Cultural Institutions Trust Fund to the Arkansas Division of Heritage Special Fund Account.

The provisions of this section shall be in effect only from July 1, 2021 through June 30, 2022."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

DRAFT

The Amendment was read _____
By: Joint Budget Committee
By: Senator J. Dismang
WFP/WFP - 03-15-2021 16:56:09
WFP046

Chief Clerk

Hall of the House of Representatives

93rd General Assembly - Regular Session, 2021

Amendment Form

DRAFT

Subtitle of House Bill No. 1106

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER
APPROPRIATION FOR THE 2021-2022 FISCAL YEAR.

Amendment No. ___ to House Bill No. 1106

Amend House Bill No. 1106 as engrossed H3/15/21 (version: 03/15/2021 3:16:53 PM):

Page 14, insert the following SECTIONS immediately following SECTION 36 to read as follows:

" SECTION 37. APPROPRIATION - AMERICAN RESCUE PLAN ACT OF 2021. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from various funds, for providing various state agencies, constitutional offices, and institutions with appropriation for any expenses associated with the American Rescue Plan Act of 2021 for the fiscal year ending June 30, 2021, the following:

ITEM NO.	FISCAL YEAR 2020-2021
(01) FEDERAL FUNDS AWARDED DIRECTLY TO AGENCIES, DEPARTMENTS, INSTITUTIONS, CITIES AND COUNTIES	\$1,600,000,000
(02) FEDERAL FUNDS AWARDED TO AGENCIES, DEPARTMENTS, INSTITUTIONS, CITIES AND COUNTIES	<u>1,600,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$3,200,000,000</u>

SECTION 38. APPROPRIATION - AMERICAN RESCUE PLAN ACT OF 2021. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from various funds, for providing various state agencies, constitutional offices, and institutions with appropriation for any expenses associated with the American Rescue Plan Act of 2021 for the fiscal year ending June 30, 2022, the following:

ITEM	FISCAL YEAR
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DRAFT JAP042 - 04-01-2021 08:48:35

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NO.	2021-2022
(01) FEDERAL FUNDS AWARDED DIRECTLY TO AGENCIES, DEPARTMENTS, INSTITUTIONS, CITIES AND COUNTIES	\$1,600,000,000
(02) FEDERAL FUNDS AWARDED TO AGENCIES, DEPARTMENTS, INSTITUTIONS, CITIES AND COUNTIES	<u>1,600,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$3,200,000,000</u>

SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROCEDURES - APPROPRIATION - AMERICAN RESCUE PLAN ACT OF 2021. (i) All appropriation and expenditures for funding received for the American Rescue Plan Act of 2021 shall be expended using the American Rescue Plan Act of 2021 Appropriation Sections as authorized in this Act.

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

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

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

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

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

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

2) In the event that expenditures or obligations do not fully expend approved appropriation authority as authorized in this section, the excess

appropriation may not be utilized for any additional expenditures other than the amount and purpose as submitted to and approved by the General Assembly.

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

(viii) The Chief Fiscal Officer of the State shall submit a monthly report to the Legislative Council during the extended recess, beginning on May 1, 2021, of the 2021 Regular Session or during the interim, or the Joint Budget Committee during a regular session, fiscal session, or extraordinary session of the General Assembly or to a designated subcommittee listing all American Rescue Plan Act of 2021 beginning balance of funds received, each appropriation approved as authorized in subsection (v) herein with the date the appropriation is established, state entity, purpose, amount, funding distributed, and remaining balance.

(ix) Determining the maximum amount of appropriation each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s). Further, the General Assembly has determined that a state agency, constitutional office, or institution may operate more efficiently if some flexibility is provided to the state agency, constitutional office, or institution authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement or approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void."

AND

Appropriately renumber subsequent SECTION numbers of the bill

AND

Page 37, delete SECTION 78 in its entirety and substitute the following:

" SECTION 81. 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, 2021 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 37 and 39 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the Legislative Session, the delay in the effective date of this Act beyond July 1, 2021, with the exception that Sections 37 and 39 in this Act shall be in full force and effect from and after the date of

its passage and approval, 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, 2021; with the exception that Sections 37 and 39 in this Act shall be in full force and effect from and after the date of its passage and approval."

The Amendment was read _____
By: Joint Budget Committee
By: Senator Hickey
JAP/JAP - 04-01-2021 08:48:35
JAP042

Chief Clerk

ARKANSAS SENATE
93rd General Assembly - Regular Session, 2021
Amendment Form

DRAFT

Subtitle of Senate Bill No. 108

AN ACT FOR THE DEPARTMENT OF HEALTH - LICENSING AND REGULATION BOARDS
APPROPRIATION FOR THE 2021-2022 FISCAL YEAR.

Amendment No. ___ to Senate Bill No. 108

Amend Senate Bill No. 108 as engrossed S3/8/21 (version: 3/8/2021 2:18:11 PM):

Page 22, insert an additional SECTION immediately following SECTION 47 to read as follows:

" SECTION 48. APPROPRIATION - FULL INDEPENDENT PRACTICE CREDENTIALING COMMITTEE. There is hereby appropriated, to the Department of Health, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses and the payment of mileage and per diem of the Department of Health - Full Independent Practice Credentialing Committee, for the fiscal year ending June 30, 2022, the sum of.....\$350,000."

AND

Page 25, insert an additional SECTION immediately following SECTION 53 to read as follows:

" SECTION 54. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 17, Chapter 87, Subchapter 3, is amended to add additional sections to read as follows:

17-87-315. Fees and disposition of fees related to Full Independent Practice Credentialing Committee.

(a) The Full Independent Practice Credentialing Committee shall establish fees relating to application, certification, endorsement, certification for prescriptive authority, certification renewal, and other reasonable services as determined by the committee.

(b) The committee may promulgate rules as necessary to administer the fees, rates, or charges for application, certification, endorsement, certification for prescriptive authority, certification renewal, and other reasonable services.

(c)(1) Revenue collected under § 17-87-314 shall be deposited into the State Treasury as cash funds to be known as the Full Independent Practice Credentialing Committee Fund to be used as set out in § 17-87-314.

(2) The cash fund established in this section shall be maintained and administered by the committee and shall be used for the payment of personal services, operating expenses and for the payment of mileage and per diem of committee members for attendance at meetings, briefings and hearings.

SECTION 55. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 25-16-903, concerning stipend authorization of sixty dollars (\$60) for state boards, is amended to add an additional subdivision to read as follows:

(70) The Full Independent Practice Credentialing Committee.

AND

Appropriately renumber the SECTION numbers of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator K. Hammer
MAH/HM - 03-29-2021 12:37:57
MAH053

Secretary

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

DRAFT

Subtitle of House Bill No. 1081

AN ACT FOR THE STATE BOARD OF ELECTION COMMISSIONERS APPROPRIATION FOR THE 2021-
2022 FISCAL YEAR.

Amendment No. ___ to House Bill No. 1081

Amend House Bill No. 1081 as originally introduced:

Page 2, immediately following section 4 insert new sections to read as follows:

"SECTION 5. APPROPRIATION – COUNTY ELECTION EXPENSES. There is hereby appropriated, to the State Board of Election Commissioners, to be payable from the Miscellaneous Agencies Fund Account, for covering the cost of county election expenses of the State Board of Election Commissioners for the fiscal year ending June 30, 2022, the sum of.....\$7,000,000.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS FOR COUNTY ELECTION EXPENSES. (a) In the event that the State Board of Election Commissioners determines that a county refuses to pay expenses for an election, the Director of the State Board of Elections Commission, after first receiving an affirmative vote of a majority of the State Board of Elections Commission Commissioners, may contact the Chief Fiscal Officer of the State for his or her approval to have General Revenue Turnback Funds that were designated to be distributed to that County be instead transferred as available to the Miscellaneous Agencies Fund to be used exclusively for the COUNTY ELECTION EXPENSES appropriation authorized in this Act, in the amount determined necessary to fund the election and or to provide reimbursements of expenses incurred by the Commission in the amount necessary to fund the

election.

(b) Upon approval of this request 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 necessary to transfer the approved election expense or election expense reimbursement amount as authorized in subsection (a) herein from the County Aid Fund to the Miscellaneous Agencies Fund Account to provide funds for the County Election Expenses appropriation provided for in this act. The transfers may be made on a monthly basis as County Aid Funds for that County are available and at no time shall a transfer exceed the cost of the election.

(c) The State Board of Election Commissioners shall maintain receipts and documentation of expenditures to guarantee that funds transferred from General Revenue Turnback do not exceed actual election expenditures, which may be audit by Arkansas Legislative Audit. The State Board of Election Commissions shall provide the Chief Fiscal Officer with a monthly summary of incurred and anticipated costs to assist the Chief Fiscal Officer with the amount to be transferred.

(d)(1) The State Board of Election Commissioners shall report to the Arkansas Legislative Council or Joint Budget Committee if meeting in a legislative session, once it is determined that transfers from the counties turnback general revenue has been approved at their next scheduled Arkansas Legislative Council or Joint Budget Committee meeting and shall report monthly until all transfers have terminated.

(2) The report shall include but not be limited to the amount transferred to date, the estimated total transfer amount, the county and county contact information not paying for the election and any other information as requested.

(e) The provisions of this section shall be in effect only from July 1, 2021 through June 30, 2022."

And

Appropriately renumber subsequent sections of the bill.

The Amendment was read _____
By: Joint Budget Committee
By: Senator M. Johnson
HGK/HGK - 03-08-2021 13:50:45
HGK015

Chief Clerk