

# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

Amendment Form

DRAFT

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Subtitle of House Bill No. 1016

AN ACT FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENT - DIVISION OF ENVIRONMENTAL  
QUALITY APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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Amendment No. \_\_\_\_ to House Bill No. 1016

Amend House Bill No. 1016 as originally introduced:

Page 24, delete lines 18 - 24 and substitute the following:

(C) Is otherwise insolvent; and  
~~(2) Institute a civil action against the regional solid waste management district and all of the entities composing the regional solid waste management district to seek the recovery of any funds expended from the Landfill Post Closure Trust Fund under subdivision (b)(1) of this section, unless satisfactory repayment arrangements are reached and agreed upon by the department with the district and the bondholders.~~

**DRAFT**

The Amendment was read \_\_\_\_\_

By: Joint Budget Committee

By: Senator B. Ballinger

WFP/WFP - 04-06-2020 10:43:31

WFP066

\_\_\_\_\_  
Chief Clerk

State of Arkansas  
92nd General Assembly  
Fiscal Session, 2020

# A Bill

HOUSE BILL 1016

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 ENERGY  
AND ENVIRONMENT - DIVISION OF ENVIRONMENTAL QUALITY  
FOR THE FISCAL YEAR ENDING JUNE 30, 2021; AND FOR  
OTHER PURPOSES.

## Subtitle

AN ACT FOR THE DEPARTMENT OF ENERGY AND  
ENVIRONMENT - DIVISION OF ENVIRONMENTAL  
QUALITY APPROPRIATION FOR THE 2020-2021  
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - SHARED SERVICES. There is hereby  
established for the Department of Energy and Environment for the 2020-2021  
fiscal year, the following maximum number of regular employees.

Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2020-2021
(1)	SC005 SECRETARY OF ENERGY & ENVIRONMENT	<u>1</u>	GRADE SE05
	MAX. NO. OF EMPLOYEES	1	

SECTION 2. APPROPRIATION - SHARED SERVICES PAYING ACCOUNT. There is  
hereby appropriated, to the Department of Energy and Environment, to be  
payable from the paying account as determined by the Chief Fiscal Officer of





1 (a) The General Assembly finds that:

2 (1) A growing number of regional solid waste management districts  
3 within the state are facing difficulty in funding the necessary costs of  
4 closure and post-closure care of landfills owned by the districts; and

5 (2) Without closure and post-closure care of landfills,  
6 irreparable harm to human health and the environment will occur.

7 (b) Notwithstanding Arkansas Code § 8-6-1001 et seq. and any Landfill  
8 Post-Closure Trust Fund cleanup restrictions enumerated in this Act, the  
9 Arkansas Department of Environmental Quality also may:

10 (1) Expend monies from the Landfill Post-Closure Trust Fund to a  
11 state-approved contractor or the regional solid waste management district to  
12 complete all actions necessary to achieve the final closure and post-closure  
13 care of a landfill owned by a regional solid waste management district if the  
14 department determines that the regional solid waste management district:

15 (A) Has filed for protection under federal bankruptcy law;

16 (B) Is unable to meet its debt obligations in the ordinary  
17 course of its operations; or

18 (C) Is otherwise insolvent; and

19 (2) Institute a civil action against the regional solid waste  
20 management district and all of the entities composing the regional solid  
21 waste management district to seek the recovery of any funds expended from the  
22 Landfill Post-Closure Trust Fund under subdivision (b)(1) of this section,  
23 unless satisfactory repayment arrangements are reached and agreed upon by the  
24 department with the district and the bondholders.

25 (c) This section is in effect only from July 1, 2019 2020 through June  
26 30, 2020 2021.

27  
28 SECTION 48. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
30 SUSPENSION OF LANDFILL DISPOSAL FEES TO SUPPORT A COMPUTER AND ELECTRONIC  
31 EQUIPMENT RECYCLING PROGRAM.

32 (a) The landfill disposal fee to support a computer and electronic  
33 equipment recycling program levied under Arkansas Code § 8-6-612(a) shall not  
34 be levied from the effective date of this act through June 30, 2020 2021.

35 (b) Any landfill disposal fees collected under Arkansas Code § 8-6-  
36 612(a) before the effective date of this act shall be:



# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

**DRAFT**

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### Subtitle of House Bill No. 1048

AN ACT TO MAKE AN APPROPRIATION FOR STATE TURNBACK FOR COUNTIES AND MUNICIPALITIES BY THE OFFICE OF THE TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2021; AND FOR OTHER PURPOSES

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### Amendment No. \_\_\_\_ to House Bill No. 1048

Amend House Bill No. 1048 as originally introduced:

Page 6, Line 24, insert a new SECTION immediately following SECTION 12 to read as follows:

" SECTION 13. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 26-64-104(a)(1), concerning reporting and disclosure requirements related to the wholesale sales tax on motor fuel and distillate special fuel, is amended to read as follows:

(a)(1) Each city and county that expends revenues distributed under this chapter shall submit a report to the Secretary of the Department of Finance and Administration no later than ~~June 30~~ March 15 of each year detailing the following for the previous calendar year:

- (A) Amount of revenues received under this chapter;
- (B) Expenditures made from the revenues received under this chapter; and
- (C) Projects funded using revenues received under this chapter."

AND

Appropriately renumber the subsequent SECTIONS of the bill.

**DRAFT**

The Amendment was read \_\_\_\_\_  
 By: Joint Budget Committee  
 By: Senator J. Sturch  
 JAR/JAR - 04-06-2020 12:17:02  
 JAR129

\_\_\_\_\_  
 Chief Clerk

5



# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

**DRAFT**

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**Subtitle of House Bill No. 1055**

AN ACT FOR THE OFFICE OF THE TREASURER OF STATE - REFUND OF LOCAL TAXES  
APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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**Amendment No. \_\_\_\_ to House Bill No. 1055**

Amend House Bill No. 1055 as originally introduced:

Page 1, line 32, delete "\$750,000,000" and substitute "\$770,000,000".

**DRAFT**

The Amendment was read \_\_\_\_\_  
By: Joint Budget Committee  
By: Senator Teague  
JAR/JAR - 04-06-2020 08:33:58  
JAR122

\_\_\_\_\_  
Chief Clerk

7





# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

DRAFT

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Subtitle of House Bill No. 1083

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION APPROPRIATION FOR THE  
2020-2021 FISCAL YEAR.

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Amendment No. \_\_\_\_ to House Bill No. 1083

Amend House Bill No. 1083 as originally introduced:

Page 22, immediately following SECTION 36 insert a new SECTION to read as follows:

" SECTION 37. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 26, Chapter 51, Subchapter 3, is amended to add an additional section to read as follows:

26-51-316. Disaster relief payments and rebates.

(a) There is allowed an exemption from the income tax imposed under this chapter for:

(1) Payments made to a taxpayer by the United States Department of Agriculture under the Market Facilitation Program authorized by 15 U.S.C § 714, as it existed on January 1, 2020; and

(2) Recovery rebates provided by the United States Department of the Treasury under Section 6428 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136.

(b) Expenses for losses related to the receipt of a payment from the Market Facilitation Program to a taxpayer are not deductible or otherwise permitted to offset any other income from the tax year in which the loss or expenses are incurred."

AND

Appropriately renumber all subsequent sections.

**DRAFT**

The Amendment was read \_\_\_\_\_

By: Joint Budget Committee

By: Representative Jett

JAP/JAP - 04-03-2020 14:14:29

JAP120

\_\_\_\_\_  
Chief Clerk

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# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

DRAFT

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Subtitle of House Bill No. 1085

AN ACT FOR THE SECRETARY OF STATE APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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### Amendment No. \_\_\_\_ to House Bill No. 1085

Amend House Bill No. 1085 as originally introduced:

Page 8, Line 6, insert new SECTIONS immediately following SECTION 15 to read as follows:

" SECTION 16. Arkansas Code § 7-5-402 is amended to read as follows:  
7-5-402. Voter qualification.

~~The following persons~~ A person, if possessing the qualifications of electors an elector, may request an absentee ballot and cast an absentee ballot in any election~~;~~.

~~(1) Any person who will be unavoidably absent from his or her voting place on the day of the election; and~~

~~(2) Any person who will be unable to attend the polls on election day because of illness or physical disability.~~

SECTION 17. Arkansas Code § 7-5-405(a)(2)(B), concerning the application form for absentee ballots, is amended to read as follows:

(B) A statement in which the voter must indicate that he or she is requesting an absentee ballot ~~because he or she will be:~~

~~(i) Unavoidably absent from the polling site on election day;~~

~~(ii) Unable to attend the polls on election day because of illness or physical disability; or~~

~~(iii) Unable to attend the polls on election day because of residence in a long-term care or residential facility licensed by the state;~~

SECTION 18. DO NOT CODIFY - TEMPORARY LANGUAGE AND SUSPENSION OF CURRENT LAW. (a) Sections 16 and 17 of this act are cumulative of existing laws and suspend, but do not repeal, any law in conflict with Sections 16 and 17 of this act.

(b) Sections 16 and 17 of this act are temporary and expire on December 31, 2020.

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Page 1 of 3

(c) On and after December 31, 2020, the provisions of law suspended by Sections 16 and 17 of this act are in full force and effect.

(d) The expiration of Sections 16 and 17 of this act does not affect rights acquired under this act or affect suits then pending."

AND

Appropriately renumber the subsequent SECTIONS of the bill

AND

Page 8, Line 25, delete SECTION 18 in its entirety and substitute with the following:

" SECTION 21. 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, 2020 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 16 through 18 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, 2020 could work irreparable harm upon the proper administration and provision of essential governmental programs, with the exception that Sections 16 through 18 in this Act shall be in full force and effect from and after the date of its passage and approval because an outbreak of coronavirus disease 2019 (COVID-19) has created a global pandemic that has impacted the citizens of Arkansas, and resulted in the limiting of large group gatherings to protect the public health; that the current process for conducting elections is to establish polling locations where large groups of citizens gather to cast their ballots; that the absentee ballot process is a part of the current election process, and an expansion of the citizens eligible to vote by absentee ballot would reduce the number of people who were physically present at the polling location while preserving the right to vote; and that this act is immediately necessary because the limiting of large group gatherings and the potential exposure to coronavirus disease 2019 (COVID-19) and is essential to protect the health and safety of the citizens of Arkansas. 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, 2020;



with the exception that Section 16 and Section 17 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: Representatives Clowney, M. Hodges, D. Whitaker, Ennett

By: Senators Elliott, G. Leding

JAR/JAR - 04-07-2020 15:28:25

JAR128

\_\_\_\_\_  
Chief Clerk



**ARKANSAS SENATE**  
 92nd General Assembly - Fiscal Session, 2020  
**Amendment Form**

**DRAFT**

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Subtitle of Senate Bill No. 42

AN ACT FOR THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES APPROPRIATION FOR THE  
 2020-2021 FISCAL YEAR.

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Amendment No. \_\_\_\_ to Senate Bill No. 42

Amend Senate Bill No. 42 as originally introduced:

Page 19, insert the additional SECTIONS immediately following SECTION 23 to read as follows:

" SECTION 24. APPROPRIATION - RURAL BROADBAND GRANTS. There is hereby appropriated, to the University of Arkansas for Medical Sciences, to be payable from the Rural Broadband I.D. Expenses Trust Fund, for rural broadband grants by the University of Arkansas for Medical Sciences Institute for Digital Health and Innovation for the fiscal year ending June 30, 2021, the following:

ITEM NO.	FISCAL YEAR 2020-2021
(01) RURAL BROADBAND GRANTS	<u>\$2,000,000</u>

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

(a) The General Assembly finds that:

(1) Generally, local entities do not budget for or have funds available for broadband due-diligence business studies in connection with making application for federal grants or loans for broadband development programs;

(2) In order to spur further development of broadband in rural Arkansas, it is necessary for local entities to conduct due-diligence business studies before application for federal grants or loans for broadband development programs;

(3) Expenses associated with broadband due-diligence business

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Page 1 of 8

studies can be burdensome to rural Arkansas communities, and it is in the best interest of all Arkansans to make this investment;

(4) Under current Arkansas law, only certain eligible telecommunications carriers have benefitted from the Arkansas High Cost Fund, which underwrites broadband deployment; and

(5) It is necessary to provide funds to local entities to further wide-spread broadband deployment, particularly in unserved and underserved rural Arkansas, and to determine the feasibility of broadband deployment for local entities that currently do not have federally-defined broadband services and where these broadband due-diligence business studies have not been conducted before.

(b) It is the intent of the General Assembly to provide funds to local entities to defray expenses for broadband due-diligence business studies in connection with preparation for federal grant and loan applications for broadband development programs administered by the Federal Communications Commission, the United States Department of Agriculture, or other federal agency to spur federally-defined broadband development in rural Arkansas.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 26. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 19, Chapter 5, Subchapter 11, is amended to add an additional section to read as follows:

19-5-1154. Rural Broadband I.D. Expenses Trust Fund – Creation – Purpose – Definitions.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State, a trust fund to be known as the "Rural Broadband I.D. Expenses Trust Fund".

(b) The Rural Broadband I.D. Expenses Trust Fund shall be used for one-time grants for the defrayment of expenses for broadband due-diligence business studies incurred by prospective federal broadband program applicants, in anticipation of and before application for funding from:

(1) The Federal Communications Commission's Rural Digital Opportunity Fund program;

(2) The United States Department of Agriculture's Rural eConnectivity Pilot Program, otherwise known as the "ReConnect Program";

(3) The United States Department of Agriculture's "Farm Bill";



or

(4) Other federal grants or loans for broadband development programs.

(c) The Rural Broadband I.D. Expenses Trust Fund shall consist of funds authorized or provided by law.

(d) Broadband due-diligence business studies shall be conducted and concluded within one hundred eighty (180) days of the receipt of the Rural Broadband I.D. Expenses Trust Fund Grant.

(e) Upon receipt of a Rural Broadband I.D. Expenses Trust Fund Grant, the local entity shall file a surety bond for the benefit of the State of Arkansas with the Treasurer of State in the amount of the Rural Broadband I.D. Expenses Trust Fund grant for assurance that the Rural Broadband I.D. Expenses Trust Fund grant is utilized for broadband due-diligence business studies.

(f) As used in this act:

(1)(A) "Broadband due-diligence business studies" means analytical research designed to acquire the data necessary to support applications for federal grants or loans for broadband development programs.

(B) "Broadband due-diligence business studies" includes without limitation:

(i) Full feasibility determinations, including economic business plans;

(ii) Twenty-year financial break-even analysis;

(iii) Competitive broadband analysis;

(iv) Demographic analysis, with comparison to other projects;

(v) The ordering of construction plans to maximize return; and

(vi) Analysis of federal funding opportunities; and

(2) "local entity" means a county, including without limitation an unincorporated community within a county, a city of the first class, a city of the second class, and an incorporated town.

SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANAGEMENT OF RURAL BROADBAND I.D. EXPENSES TRUST FUND GRANT APPLICATION PROCESS.



(a) The Institute for Digital Health and Innovation of the University of Arkansas for Medical Sciences shall manage the Rural Broadband I.D. Expenses Trust Fund grant application process for local entities.

(b) The Institute for Digital Health and Innovation shall:

(1) Determine Rural Broadband I.D. Expenses Trust Fund grantees;

(2) Promulgate rules necessary to implement this act;

(3)(A) Determine the amount of the Rural Broadband I.D. Expenses Trust Fund grant funds disbursed to an applicant.

(B) An applicant may be a prospective and qualified applicant for a federal grant or loan for a broadband development program under the federal regulations promulgated by the Federal Communications Commission, the United States Department of Agriculture, or other federal agency;

(4) Make the determination if the grants shall be awarded; and

(5) Inform the Treasurer of State when a determination is made for the awarding of Rural Broadband I.D. Expenses Trust Fund grants.

(c) The Rural Broadband I.D. Expenses Trust Fund grants awarded under this act shall:

(1) Not exceed seventy-five thousand dollars (\$75,000) per grant;

(2) Be limited to thirty (30) total one-time grant awards; and

(3) Be made to a federally deposit-insured financial institution designated by the local entity that is a Rural Broadband I.D. Expenses Trust Fund grantee.

(d)(1) A local entity that is a Rural Broadband I.D. Expenses Trust Fund grantee shall:

(A) Manage the funds it receives for conducting the broadband due-diligence business studies; and

(B) File with the Institute for Digital Health and Innovation of the University of Arkansas for Medical Sciences an audited accounting of disbursed funds for conducting the broadband due-diligence business studies, including information concerning the organizations conducting the broadband due-diligence business studies, the amount paid to those organizations, and the due date of the broadband due-diligence business studies.

(2) The accounting described in subdivision (d)(1)(B) of this

section shall be filed no later than:

(A)(i) Four (4) months from the date of receipt of the funds.

(ii) A local entity that files an accounting filed under subdivision (d)(2)(A)(i) of this section shall file an additional accounting at the conclusion of the broadband due-diligence business study; or

(B) Nine (9) months after receipt of the funds.

(3) Any funds not spent on the broadband due-diligence business study shall be paid back to the Treasurer of State within nine (9) months after receipt of the disbursement.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
LEGISLATIVE OVERSIGHT.

(a) The General Assembly shall maintain oversight of the Rural Broadband I.D. Expenses Trust Fund grant program under this act by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by law before Rural Broadband I.D. Expenses Trust Fund grants are awarded.

(b) The Director of the Institute for Digital Health and Innovation of the University of Arkansas for Medical Sciences and the Treasurer of State, or their designees, shall:

(1) Report to the General Assembly before Rural Broadband I.D. Expenses Trust Fund grants are awarded;

(2)(A) File an semiannual report detailing:

(i) The balance of the Rural Broadband I.D. Expenses Trust Fund as of the reporting date;

(ii) A list of the administrative overhead costs paid for from the Rural Broadband I.D. Expenses Trust Fund; and

(iii) A detailed description of the grant applications received and the amount of the Rural Broadband I.D. Expenses Trust Fund grant funds that were disbursed.

(B) The semiannual reports required under subdivision

(b)(2)(A) of this section shall be submitted by January 1 and July 1 of each year to the:

(i) Governor;

(ii) Legislative Council or, if the General Assembly is in session, the Joint Budget Committee; and

(iii) Joint Committee on Advanced Communications and Information Technology.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INVESTMENT OF FUNDS.

(a)(1) The Treasurer of State shall invest the moneys available in the Rural Broadband I.D. Expenses Trust Fund.

(2) The investment of funds under this section is exempt from § 19-3-518(a)(2)(B)(i)(b) and (c).

(b) Moneys in the Rural Broadband I.D. Expenses Trust Fund may be invested in any instrument that is:

(1) Listed in § 19-3-518(b)(1)(B); and

(2) Approved by the guidelines established by the State Treasury investment policy approved by the State Board of Finance.

(c) Assuming reauthorization of the Rural Broadband I.D. Expenses Trust Fund by the General Assembly, moneys remaining in the Rural Broadband I.D. Expenses Trust Fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADDITIONAL REPORTING REQUIREMENT BY LOCAL ENTITY AS RURAL BROADBAND I.D. EXPENSES TRUST FUND GRANTEE.

A local entity that is a Rural Broadband I.D. Expenses Trust Fund grantee under this act shall:



(1) Report to the Institute for Digital Health and Innovation of the University of Arkansas for Medical Sciences semiannually about the status of the local entity's broadband due-diligence business study; and

(2) Cite reports and analyses finalized as a consequence of the Rural Broadband I.D. Expenses Trust Fund grant award.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADDITIONAL FUNDING AVAILABLE.

(a) If an application by a local entity for a federal grant or loan for a broadband development program is made and successfully awarded by the United States Government, then the local entity as grantee shall report and disclose the award received from the federal government within thirty (30) days of the award notification to the:

(1) Institute for Digital Health and Innovation of the University of Arkansas for Medical Sciences;

(2) Governor;

(3) Legislative Council or, if the General Assembly is in session, the Joint Budget Committee; and

(4) Joint Committee on Advanced Communications and Information Technology.

(b)(1) If an award is made by the United States Government, additional funds shall be disbursed to the local entity as a grantee or awardee, as designated by the grantee, to initiate the broadband project.

(2) The additional awards shall be in the amount of two hundred thousand dollars (\$200,000).

(3) It is anticipated that these funds shall defray expenses related to conclusion of the federal grant or loan, including without limitation the expenses of obtaining a letter of credit, a bankruptcy opinion, or eligible telecommunications carrier application expenses, as required by the federal grant or loan awarded.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING RELATED TO COMMENCEMENT OF BROADBAND DEVELOPMENT PROGRAM FUNDED BY FEDERAL GRANT OR LOAN. A local entity that has been awarded a federal grant or loan for a broadband development program shall report the status of the broadband development program to the Institute for Digital Health and Innovation of the University of Arkansas for Medical Sciences within nine (9) months of the award of the federal grant or loan.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021.

SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUBMISSION OF MAPPING INFORMATION TO ARKANSAS GEOGRAPHIC INFORMATION SYSTEMS OFFICE REQUIRED.

(a) A local entity shall coordinate with the Arkansas Geographic Information Systems Office to provide mapping information to the Arkansas Spatial Data Infrastructure (ASDI) for preparation of legal descriptions and digital mapping for the relevant incorporated or unincorporated areas.

(b) A local entity that has been awarded a state or federal grant or loan shall provide information concerning broadband mapping to the Arkansas Geographic Information Systems Office in compliance with the Arkansas Geographic Information Systems Office Policy Statement PS-01, Arkansas Spatial Data Infrastructure (ASDI) Data Loading and Retirement Procedures.

The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021."

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: Joint Budget Committee

By: Senators Irvin, Flippo, B. Davis, J. English, B. Sample, B. Johnson, Maloch, Bledsoe, L. Chesterfield

By: Representatives S. Meeks, J. Mayberry, Cloud, Bentley, Christiansen, Evans

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\_\_\_\_\_  
Secretary



**ARKANSAS SENATE**  
 92nd General Assembly - Fiscal Session, 2020  
**Amendment Form**

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**Subtitle of Senate Bill No. 42**

AN ACT FOR THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES APPROPRIATION FOR THE  
 2020-2021 FISCAL YEAR.

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**Amendment No. \_\_\_\_ to Senate Bill No. 42**

Amend Senate Bill No. 42 as originally introduced:

Page 19, insert the additional SECTION immediately following SECTION 23 to read as follows:

" SECTION 24. APPROPRIATION - CASH FUNDS - PANS/PANDAS. There is hereby appropriated, to the University of Arkansas for Medical Sciences, to be payable from cash funds as defined by Arkansas Code 19-4-801, for personal services and operating expenses of the University of Arkansas for Medical Sciences - PANS/PANDAS Clinic and Programs for the fiscal year ending June 30, 2021, the following:

ITEM NO.	FISCAL YEAR 2020-2021
(01) PERSONAL SERVICES & OPERATING EXPENSES OF PANS/PANDAS CLINIC & PROGRAMS	<u>\$175,000"</u>

AND

Appropriately renumber the SECTION numbers of the bill.

**DRAFT**

The Amendment was read the first time, rules suspended and read the second time and  
 By: Joint Budget Committee  
 By: Senator K. Hammer  
 HAR/HAR - 04-06-2020 14:37:39  
 HAR085

\_\_\_\_\_  
 Secretary

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**ARKANSAS SENATE**  
 92nd General Assembly - Fiscal Session, 2020  
**Amendment Form**

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Subtitle of Senate Bill No. 47

AN ACT FOR THE ADMINISTRATIVE OFFICE OF THE COURTS APPROPRIATION FOR THE 2020-2021  
 FISCAL YEAR.

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Amendment No. \_\_\_\_ to Senate Bill No. 47

Amend Senate Bill No. 47 as originally introduced:

Page 19, Line 30, insert new SECTIONS immediately following SECTION 38 to read as follows:

" SECTION 39. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-27-327(a)(4), concerning adjudication hearings held under the Arkansas Juvenile Code of 1989, is amended to add an additional subdivision to read as follows:

(C)(i) The court may continue an adjudication hearing beyond the sixty-day limitation provided in subdivision (a)(4)(B) of this section in extraordinary circumstances.

(ii) As used in this subdivision (a)(4)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency.

SECTION 40. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-27-338(c)(3)(C), concerning permanency planning hearings held under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(C)(i) Placement of the juvenile in the home of the

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parent, guardian, or custodian shall occur within a time frame consistent with the juvenile's developmental needs but no later than three (3) months from the date of the permanency planning hearing.

(ii) The court may authorize a plan to place custody of a juvenile with a parent, guardian, or custodian of the juvenile despite finding that placement of the juvenile in the home of the parent, guardian, or custodian of the juvenile may not occur within the three-month period required under subdivision (c)(3)(C)(i) of this section if the plan is in the best interest of the child during extraordinary circumstances.

(iii) As used in this subdivision (c)(3)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency;

SECTION 41. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-27-341(d), concerning termination of parental rights and definitions under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(d)(1) The court shall conduct and complete a termination of parental rights hearing within ninety (90) days from the date the petition for termination of parental rights is filed unless continued for good cause as articulated in the written order of the court.

(2)(A) The court may continue a termination of parental rights hearing for up to one hundred eighty (180) days from the date the petition for termination of parental rights is filed in extraordinary circumstances.

(B) As used in this subdivision (d)(2), "extraordinary circumstances" includes without limitation the following circumstances:

(i) The Supreme Court orders the suspension of in-person court proceedings; and

(ii) One (1) of the following has occurred:

(a) The President of the United States has



declared a national emergency; or

(b) The Governor has declared a state of emergency or a statewide public health emergency.

SECTION 42. SPECIAL LANGUAGE. DO NOT CODIFY. Retroactivity.

Sections 39 through 41 of this act apply retroactively to cases that are pending as of the effective date of Sections 39 through 41 of this act."

AND

Appropriately renumber the subsequent SECTIONS of the bill

AND

Page 20, Line 13, delete SECTION 41 in its entirety and substitute with the following:

" SECTION 45. 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, 2020 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 39 through 42 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, 2020 could work irreparable harm upon the proper administration and provision of essential governmental programs, with the exception that Sections 39 through 42 in this Act shall be in full force and effect from and after the date of its passage and approval because it is found and determined by the General Assembly that the Governor has declared a public health emergency due to the spread of an outbreak of coronavirus disease 2019 (COVID-19); that public guidance from federal and state health officials strongly discourages gatherings of more than ten (10) individuals at this time to protect the health, safety, and welfare of Arkansas citizens; and that this act is immediately necessary to allow juvenile proceedings to occur in a time and manner that aligns with public health guidance and ensures the health, safety, and welfare of all parties. 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, 2020; with the exception that Sections 39 through Section 42 in this Act shall be in full force and effect from and after the date of its passage and approval."

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

By: Senator Irvin

JAR/JAR - 04-06-2020 16:25:25

JAR130

\_\_\_\_\_  
Secretary

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**ARKANSAS SENATE**  
92nd General Assembly - Fiscal Session, 2020  
**Amendment Form**

**DRAFT**

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**Subtitle of Senate Bill No. 78**

AN ACT FOR THE DEPARTMENT OF HEALTH - LICENSING AND REGULATION BOARDS  
APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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**Amendment No. \_\_\_\_ to Senate Bill No. 78**

Amend Senate Bill No. 78 as originally introduced:

Page 13, line 26, delete "\$130,000" and substitute "\$173,000".

**DRAFT**

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_  
By: Senator K. Hammer  
MAH/MAH - 04-06-2020 08:47:20  
MAH079

\_\_\_\_\_  
Secretary

29



# ARKANSAS CENTER FOR NURSING, INC.

1123 S. University Avenue, Suite 800 • Little Rock, Arkansas 72204  
Email: [arcenterfornursing@gmail.com](mailto:arcenterfornursing@gmail.com) Web: [www.facebook.com/arcenterfornursing](http://www.facebook.com/arcenterfornursing)

APRIL 3, 2020

## Senator Kim Hammer

1201 Military Road  
PMB#285  
Benton, AR 72015  
(501)840-3841  
[Kim.Hammer@senate.ar.gov](mailto:Kim.Hammer@senate.ar.gov)

Dear Senator Hammer,

The Arkansas Center for Nursing, Inc (ACN) was incorporated and recognized as a non-profit organization in May of 2016. The mission of the ACN is to "promote a culture of health for the citizens of Arkansas by advancing nursing education, practice, leadership, and workforce development." Our goal is to ensure that the nursing workforce is sufficient in number, education, and skill to meet the healthcare needs of the state.

In July of 2017, the ACN was awarded an appropriation grant from the Arkansas State Board of Nursing (ASBN) in the amount of \$130,000 annually. This grant is funded through the revenue already collected by the ASBN from nurse licensure fees. The ASBN tasked the ACN with analyzing workforce trends and disseminating this information to stakeholders. The expertise and insight of the members of the ACN, in collaboration with the National Forum of Nursing Workforce Centers, enhances the analysis and interpretation of the data collected by the ASBN and allows for the distribution and deployment of nurses around the state to meet the needs of the citizens of Arkansas.

As more data has become available and the need for further analysis has grown, such as the need for tracking the nursing capacity to withstand the current pandemic, it has become apparent that the ACN must increase our resources for both data collection as well as analysis and reporting. The ACN has requested that the ASBN increase the grant funds to roughly equal \$5.00 from every nurse license fee. In 2018 the number of initial and renewal licenses were 34,777. If \$5.00 from the current revenue (without increasing any cost to the nurse) were appropriated for the grant, the total would be \$173,885. Therefore, we have asked to have the annual amount of the current grant increased to \$173,000. Again, this would come at no additional cost to the nurse. Nurse licensure fees were not initially increased to fund the grant and we are not asking that they be increased now.

It is our firm belief that as the dynamics and landscape of healthcare change, nurses will play a vital role in keeping the citizens of Arkansas healthy. The ACN is committed to ensuring that the nursing workforce will have the capacity to meet the healthcare needs of the state. We sincerely appreciate your support of the continued funding of the ACN.

Warm regards,

Clinta Che' Reed, PhD, RN, CNL  
PRESIDENT, BOARD OF DIRECTORS

Ashley Davis, PhD, RN  
EXECUTIVE DIRECTOR

**ARKANSAS SENATE**  
 92nd General Assembly - Fiscal Session, 2020  
**Amendment Form**

DRAFT

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Subtitle of Senate Bill No. 84

AN ACT FOR THE DEPARTMENT OF COMMERCE APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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Amendment No. \_\_\_\_ to Senate Bill No. 84

Amend Senate Bill No. 84 as originally introduced:

Page 18, delete section 36 in its entirety and substitute the following:

" SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN OFFICE OPERATIONS. The Department of Commerce - Arkansas Economic Development Commission is hereby authorized to enter into contractual arrangements with private and/or public companies, corporations, individuals or organizations for the purpose of operating foreign offices. The Department shall not allocate, budget or expend any funds including, but not limited to, any contractual services with any private and/or public companies, corporations, individuals or organizations, for the operation of an office, liaison or representative for the Arkansas Economic Development Commission in China. Arkansas Code 15-4-210 shall not be deemed restrictive in its language so as to preclude the use of standard Professional Services Contracts for the operation of the foreign offices and/or payment of such contracts from the special line items as established by legislative appropriation for the operation of said foreign offices."

**DRAFT**

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

By: Senator T. Garner

By: Representative Sullivan

MAH/MAH - 04-06-2020 09:59:08

MAH078

\_\_\_\_\_  
 Secretary

31



State of Arkansas

92nd General Assembly

Fiscal Session, 2020

# A Bill

SENATE BILL 84

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  
FOR THE FISCAL YEAR ENDING JUNE 30, 2021; AND FOR  
OTHER PURPOSES.

## Subtitle

AN ACT FOR THE DEPARTMENT OF COMMERCE  
APPROPRIATION FOR THE 2020-2021 FISCAL  
YEAR.

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

SECTION 1. REGULAR SALARIES - SHARED SERVICES. There is hereby  
established for the Department of Commerce for the 2020-2021 fiscal year, the  
following maximum number of regular employees.

Item	Class	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2020-2021
(1)	SC002 SECRETARY OF COMMERCE	<u>1</u>	GRADE SE05
	MAX. NO. OF EMPLOYEES	1	

SECTION 2. APPROPRIATION - SHARED SERVICES PAYING ACCOUNT. 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 and operating expenses of the Department of Commerce -



1 ~~2019~~ 2020 through June 30, ~~2020~~ 2021.

2  
3 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY  
5 TRAINING PROGRAM EXPENSES. The Arkansas Economic Development Commission  
6 (AEDC) may utilize Industry Training Program (ITP) appropriation and funds  
7 for personal services, operating expenses, grants and aid, capital  
8 acquisition, and other appropriate purposes to provide industry-specific  
9 training opportunities. AEDC shall submit a quarterly report of industry  
10 training activities to the Governor and the Legislative Council or Joint  
11 Budget Committee.

12 The provisions of this section shall be effect only from July 1, ~~2019~~  
13 2020 through July 1, ~~2020~~ 2021.

14  
15 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN  
17 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby  
18 authorized to enter into contractual arrangements with private and/or public  
19 companies, corporations, individuals or organizations for the purpose of  
20 operating foreign offices. Arkansas Code 15-4-210 shall not be deemed  
21 restrictive in its language so as to preclude the use of standard  
22 Professional Services Contracts for the operation of the foreign offices  
23 and/or payment of such contracts from the special line items as established  
24 by legislative appropriation for the operation of said foreign offices.

25 The provisions of this section shall be in effect only from July 1, ~~2019~~  
26 2020 through June 30, ~~2020~~ 2021.

27  
28 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL  
30 DEVELOPMENT. From the funds appropriated for Community Development Grants  
31 within the Community Development Program in this Act for Community Assistance  
32 (CDBG)- Federal, the Arkansas Economic Development Commission (AEDC) shall  
33 allocate at least \$500,000 per fiscal year to the Rural Development Set-Aside  
34 from the annual Community Development Block Grant, as defined in AEDC's  
35 Consolidated Plan filed with the federal Department of Housing and Urban  
36 Development. Funds allocated to the Rural Development Set-Aside are to be





**ARKANSAS SENATE**  
 92nd General Assembly - Fiscal Session, 2020  
**Amendment Form**

**DRAFT**


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Subtitle of Senate Bill No. 84

AN ACT FOR THE DEPARTMENT OF COMMERCE APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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**Amendment No. \_\_\_\_ to Senate Bill No. 84**

Amend Senate Bill No. 84 as originally introduced:

Page 28, insert an additional SECTION immediately following SECTION 53 to read as follows:

" SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESTRICTIONS FOR ENTITIES OWNED OR CONTROLLED BY THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY. The Department of Commerce shall not budget, allocate or expend any funds from the Economic Development Incentive Quick Action Closing Fund or the Economic Development Superprojects Project Fund for any entity owned by, controlled by, or subject to the jurisdiction of the government of the People's Republic of China, or the Chinese Communist Party or a subsidiary company or daughter company that is owned by, controlled by, or subject to the jurisdiction of the government of the People's Republic of China, or the Chinese Communist Party. The provisions of this section shall be in effect only from July 1, 2020 through June 30, 2021."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

**DRAFT**

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

By: Senator M. Johnson

MAH/MAH - 04-06-2020 17:21:12

MAH083

\_\_\_\_\_  
 Secretary

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# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

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Subtitle of House Bill No. 1085

AN ACT FOR THE SECRETARY OF STATE APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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### Amendment No. \_\_\_\_ to House Bill No. 1085

Amend House Bill No. 1085 as originally introduced:

Page 8, Line 6, insert new SECTIONS immediately following SECTION 15 to read as follows:

" SECTION 16. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 7-5-402 is amended to read as follows:

7-5-402. ~~Voter qualification~~ Absentee ballot.

~~The following persons, if~~ A person possessing the qualifications of ~~electors, an elector~~ may request an absentee ballot and cast an absentee ballot in any election~~;~~.

~~(1) Any person who will be unavoidably absent from his or her voting place on the day of the election; and~~

~~(2) Any person who will be unable to attend the polls on election day because of illness or physical disability.~~

SECTION 17. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 7-5-405(a)(2)(B), concerning the application form for absentee ballots, is amended to read as follows:

(B) ~~A statement in which the voter must indicate that he or she by the voter indicating that, by the submission of the form or forms described in this subsection, the voter is requesting an absentee ballot and shall not cast a ballot in any other manner because he or she will be~~

~~(i) Unavoidably absent from the polling site on election day;~~

~~(ii) Unable to attend the polls on election day because of illness or physical disability; or~~

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~~(iii) Unable to attend the polls on election day because of residence in a long-term care or residential facility licensed by the state;~~

SECTION 18. DO NOT CODIFY - TEMPORARY LANGUAGE AND SUSPENSION OF CURRENT LAW. (a) Sections 16 and 17 of this act are cumulative of existing laws and suspends, but do not repeal, any law in conflict with Sections 16 and 17 of this act.

(b)(1) Except as provided in subdivision (b)(2) of this section, Sections 16 and 17 of this act are temporary and expire on the date that the Governor determines that the emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19) has ended.

(2) If the Governor has not determined by December 31, 2020, that the emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19) has ended, Sections 16 and 17 of this act shall expire on December 31, 2020.

(c) On the expiration of Sections 16 and 17, the provisions of law suspended by Sections 16 and 17 of this act are in full force and effect.

(d) The expiration of Sections 16 and 17 of this act do not affect rights acquired under this act or affect suits then pending."

AND

Appropriately renumber the subsequent SECTIONS of the bill

AND

Page 8, Line 25, delete SECTION 18 in its entirety and substitute with the following:

" SECTION 21. 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, 2020 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 16 through 18 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, 2020 could work irreparable harm upon the proper administration and provision of essential governmental programs, with the exception that Sections 16 through 18 in this Act shall be in full force and effect from and after the date of its passage and approval because an outbreak of coronavirus disease 2019 (COVID-19) has created a global pandemic that has impacted the citizens of Arkansas, and resulted in the limiting of large group gatherings to protect the public health; that the current process for conducting elections is to establish polling locations where large groups of citizens gather to cast their ballots; that the absentee ballot process is a part of the current election process, and an expansion of the citizens eligible to vote by absentee ballot would reduce the number of people who were physically present at the polling location while preserving the right to vote; and that this act is immediately necessary because the limiting of large group gatherings and the potential exposure to coronavirus disease 2019 (COVID-19) and is essential to protect the health and safety of the citizens of Arkansas. 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, 2020; with the exception that Sections 16 through 18 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: Representative Dotson

By: Senator B. Ballinger

JAR/JAR - 04-07-2020 14:50:48

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\_\_\_\_\_  
Chief Clerk



# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

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### Subtitle of House Bill No. 1082

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER  
APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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### Amendment No. \_\_\_\_ to House Bill No. 1082

Amend House Bill No. 1082 as originally introduced:

Page 35, immediately following SECTION 73 insert the following SECTIONS to read as follows:

" SECTION 74. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 25-19-106, concerning open public meetings under the Freedom of Information Act of 1967, is amended to add an additional subsection to read as follows:

(e)(1) If the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 et. seq., a public entity may assemble, gather, meet, and conduct an open public meeting through electronic means, including without limitation by:

(A) Telephone;

(B) Video conference; or

(C) Video broadcast.

(2) If an open public meeting is held under subdivision (e)(1) of this section:

(A) The public may attend the open public meeting using electronic means; and

(B) Notice of the method the public may attend the open public meeting shall be published with the notice of the open public meeting.

(3) Physical presence of the public or of an individual member of the public entity at the open public meeting is not required under this subsection.

(4) The open public meeting shall be recorded in the format in which it is conducted, including without limitation:

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(A) A sound-only recording;  
(B) A video recording with sound and picture; or  
(C) A digital or analog broadcast capable of being  
recorded.

(5) A public entity shall maintain the records of an open public meeting held under this subsection for a minimum of one (1) year from the date of the open public meeting.

SECTION 75. DO NOT CODIFY. - TEMPORARY LANGUAGE AND SUSPENSION OF CURRENT LAW. (a) Section 74 of this act is cumulative of existing laws and suspends, but does not repeal, any law in conflict with Section 74 of this act.

(b)(1) Except as provided in subdivision (b)(2) of this section, Section 74 of this act is temporary and expires on the date that the Governor determines that the emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19) has ended.

(2) If the Governor has not determined by December 31, 2020, that the emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19) has ended, Section 74 of this act shall expire on December 31, 2020.

(c) On the expiration of Section 74, the provisions of law suspended by Section 74 of this act are in full force and effect.

(d) The expiration of Section 74 of this act does not affect rights acquired under this act or affect suits then pending."

AND

Appropriately renumber all subsequent SECTIONS of the bill

AND

Page 36, delete SECTION 76 in its entirety and substitute the following:

" SECTION 78. 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, 2020 is essential to the operation of

the agency for which the appropriations in this Act are provided; with the exception that Section 74 and Section 75 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, 2020, with the exception that Section 74 and Section 75 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, 2020; with the exception that Section 74 and Section 75 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: Representatives L. Fite, Lundstrum

By: Senator L. Eads

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\_\_\_\_\_  
Chief Clerk



# Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

## Amendment Form

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Subtitle of House Bill No. 1082

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER  
APPROPRIATION FOR THE 2020-2021 FISCAL YEAR.

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### Amendment No. \_\_\_\_ to House Bill No. 1082

Amend House Bill No. 1082 as originally introduced:

Page 35, immediately following SECTION 73 insert a new SECTION to read as follows:

" SECTION 74. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. SHARED SERVICES DURING A DISASTER EMERGENCY DECLARED IN RESPONSE TO THE COVID-19 OUTBREAK.

(a)(1) The General Assembly finds:

(A) On March 11, 2020, Governor Asa Hutchinson declared an emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19); and

(B) The public health emergency and its resulting economic impacts have created unforeseen challenges for state government that impact the health and safety of the citizens of this state.

(2) In light of the unique and unprecedented circumstances created by the COVID-19 public health emergency, the General Assembly finds that transfer authority under this section may be necessary from time to time to improve the delivery of services or avoid the duplication of services.

(3) The General Assembly authorizes cabinet-level departments to make transfers as provided under this section.

(b)(1)(A) During the period of time in which the Governor has declared an emergency due to the outbreak of COVID-19, the Chief Fiscal Officer of the State may create paying accounts on his or her books and on the books of the

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Page 1 of 6



Treasurer of State and the Auditor of State for the payment of personal services and operating expenses by a cabinet level department.

(B) The Chief Fiscal Officer of the State shall direct the transfer of funds and appropriations to the Shared Services Paying Account appropriation section of the appropriate act and the transfer of positions to the Regular Salaries – Shared Services appropriation section of the appropriate act on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The transfer authority provided in subdivision (b)(1) of this section for efficiencies and to eliminate duplication of services are limited only to those services that are provided for multiple divisions of a department, including without limitation to administration, human resources, procurement, communications, fleet operations, and information services.

(3) The transfer authority provided to the department in subdivision (b)(1) of this section may be used to make transfers only within the department's appropriation act or between other appropriation acts authorized for the department.

(c)(1) Each department utilizing the Shared Services Paying Account section or Regular Salaries – Shared Services section of the appropriate act shall submit a report to be included in the Budget Manuals for hearings, conducted by the General Assembly, listing all shared services transfers of positions, funds, and appropriation under this section, which shall be submitted as instructed by the Department of Finance and Administration - Office of Budget for uniformity.

(2) A report submitted under subdivision (c)(1) of this section shall include the following:

(A) The position number, authorized position title, class code, grade, business area, and name of the division, section, or unit for the position being transferred to the Regular Salaries – Shared Services section of the appropriate act; and

(B) The fund center, appropriation, appropriation amount, commitment item or items, business area, and name of the division, section, or unit for the fund or appropriation being transferred to the Shared Services Paying Account.

(d)(1) It is the intent of the Ninety-Second General Assembly that the authority under this section to transfer positions is intended for use for the

time period prior to Fiscal Year 2022 to allow cabinet-level departments to establish a centralized Regular Salaries - Shared Services section during the COVID-19 public health emergency, with the recommendation that the position transfer authority granted under this section be discontinued after that time.

(2) The Bureau of Legislative Research shall bring the recommendation in subdivision (d)(1) of this section to the attention of the chairs conducting the 2021 Regular Session pre-session budget hearings, the chairs of the Special Language Subcommittee, and the members of the Special Language Subcommittee during pre-session budget hearings.

(e)(1) Notwithstanding any other provisions of law, a transfer request under subsection (b) of this section shall require prior approval of one (1) of the following subcommittees, including the Speaker of the House of Representatives and the President Pro Tempore of the Senate:

(A) The Performance Evaluation and Expenditure Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Performance Evaluation and Expenditure Review/Review Subcommittee of the Joint Budget Committee; or

(B) The Personnel Subcommittee of the Legislative Council or, if the General Assembly is in session, the Personnel Subcommittee of the Joint Budget Committee.

(2)(A) The Secretary of the Department of Finance and Administration shall notify the co-chairs of the Performance Evaluation and Expenditure Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Performance Evaluation and Expenditure Review/Review Subcommittee of the Joint Budget Committee, the co-chairs of the Personnel Subcommittee of the Legislative Council or, if the General Assembly is in session, the Personnel Subcommittee of the Joint Budget Committee, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and all other members of the General Assembly of a transfer request under subsection (b) of this section.

(B) The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall determine if the transfer request falls within the jurisdiction of the Performance Evaluation and Expenditure Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Performance Evaluation and Expenditure Review/Review Subcommittee of the Joint Budget Committee or the Personnel Subcommittee of



the Legislative Council or, if the General Assembly is in session, the Personnel Subcommittee of the Joint Budget Committee.

(3)(A) The co-chairs of the appropriate subcommittee of the Legislative Council or Joint Budget Committee shall communicate the transfer request to the members of the appropriate subcommittee and shall schedule a meeting within one (1) week after receiving the request.

(B)(i) The co-chairs of the appropriate subcommittee of the Legislative Council or Joint Budget Committee shall provide the meeting notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

(ii) The votes of the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall be recorded with the votes of the appropriate subcommittee of the Legislative Council or Joint Budget Committee.

(4) As used in this section, "meeting" includes a:

(A) Conference call at which a roll call vote shall be taken and the votes recorded;

(B)(i) Notification by email and voting by electronic means.

(ii) The vote on approving a transfer request under subsection (b) of this section shall be submitted electronically within one (1) week after receiving the notification from the co-chairs of the appropriate subcommittee of the Legislative Council or Joint Budget Committee; or

(C) A scheduled meeting at the seat of government.

(5)(A) A quorum for the purpose of approving a transfer request under subsection (b) of this section shall be:

(i) A majority of the members of the appropriate subcommittee of the Legislative Council or Joint Budget Committee;

(ii) The Speaker of the House of Representatives;  
and

(iii) The President Pro Tempore of the Senate.

(B) An affirmative vote of a majority of the members present, including the Speaker of the House of Representatives and the President Pro Tempore of the Senate, shall be necessary for approving a transfer request under subsection (b) of this section.

(C) Action by the appropriate subcommittee of the Legislative Council or Joint Budget Committee is final and shall not require Legislative Council or Joint Budget Committee approval.

(D)(i) The action taken under this subsection (e) shall be reported to the members of the General Assembly.

(ii) The report shall include without limitation a description of the position transfer, appropriation transfer, or funding transfer that was approved.

(f) Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a cabinet-level department each fiscal year is the prerogative of the General Assembly and is usually accomplished by delineating the maximums in the appropriation act or acts and establishing authorized positions 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 cabinet-level departments created under Acts 2019, No. 910, may operate more efficiently during the COVID-19 public health emergency if some flexibility is provided as authorized under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval under this section. The requirement of prior approval under this section is not a severable part of this section. If the requirement of prior approval under this section is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(g)(1) Except as provided in subdivision (g)(2) of this section, the provisions of this section shall be in effect from the date of passage through June 30, 2021.

(2) If the Governor determines that the emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19) has ended prior to June 30, 2021, this section is null and void on the date of the Governor's determination that the emergency has ended.

(3)(A) During the period of time in which the Governor has declared an emergency due to the outbreak of COVID-19, this section suspends, but does not repeal, the following sections of the following bills that address shared services:

Department of Energy and Environment, HB1016 of 2020, Section 52;



Department of Parks, Heritage, and Tourism, HB1018 of 2020, Section 31;  
Department of Finance and Administration, HB1083 of 2020, Section 30;  
Department of Labor and Licensing, HB1086 of 2020, Section 11;  
Department of Health, HB1088 of 2020, Section 22;  
Department of Public Safety, HB1093 of 2020, Section 45;  
Department of Corrections, HB1094 of 2020, Section 47;  
Department of Agriculture, SB80 of 2020, Section 40;  
Department of Education, SB56 of 2020, Section 28;  
Department of the Inspector General, SB58 of 2020, Section 17;  
Department of Commerce, SB84 of 2020, Section 53; and  
Department of Transformation and Shared Services, SB86 of 2020, Section 13.

(B) If the Governor determines that the emergency under Arkansas Code §§ 12-75-101 et seq, and § 20-7-110 in response to an outbreak of coronavirus disease 2019 (COVID-19) has ended prior to June 30, 2021, the sections of bills identified in subdivision (g)(3)(A) of this section shall be in full force and effect.

(4) The expiration of this section does not affect rights acquired under this act or affect suits then pending."

The Amendment was read \_\_\_\_\_  
By: Joint Budget Committee  
By: Senator Hickey  
JAP/JAP - 04-08-2020 09:58:43  
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\_\_\_\_\_  
Chief Clerk