

Hall of the House of Representatives

92nd General Assembly - Fiscal Session, 2020

Amendment Form

JBC 4-9-2020 (11), (15), (22)JBC 4-
10-2020 (13)

Subtitle of House Bill No. 1082

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

Amendment No. 1 to House Bill 1082

Amend House Bill No. 1082 as originally introduced:

Page 4, line 11, delete "\$1,500,000,000" and insert "\$2,000,000,000"

AND

Page 4, line 14, delete "\$1,600,000,000" and insert "\$2,100,000,000"

AND

Page 6, line 26, delete "\$39,920,595" and insert "\$41,191,628"

AND

Page 6, line 28, delete "\$44,920,595" and insert "\$46,191,628"

AND

Page 14, line 12, delete "\$250,000,000" and insert "\$350,000,000"

AND

Page 14, insert the following SECTIONS immediately following SECTION 35 to read as follows:

" SECTION 36. APPROPRIATION – C.A.R.E.S.. 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 additional appropriation for expenses associated with providing emergency assistance and health care response for those affected



by the 2020 coronavirus pandemic, for the fiscal year ending June 30, 2021, the following:

ITEM NO.	FISCAL YEAR 2020-2021
(01) C.A.R.E.S. Appropriation	<u>\$1,250,000,000</u>

SECTION 37. APPROPRIATION – PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM. There is hereby appropriated, to the Department of Finance and Administration – Disbursing Officer, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Finance and Administration, for unemployment benefit payments and expenses associated with the Pandemic Unemployment Compensation Program, for the fiscal year ending June 30, 2021, the following:

ITEM NO.	FISCAL YEAR 2020-2021
(01) Pandemic Unemployment Compensation Program	<u>\$3,800,000,000</u>

SECTION 38. APPROPRIATION – C.A.R.E.S.. 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 additional appropriation for expenses associated with providing emergency assistance and health care response for those affected by the 2020 coronavirus pandemic, for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) C.A.R.E.S. Appropriation	<u>\$1,250,000,000</u>

SECTION 39. APPROPRIATION – PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM. There is hereby appropriated, to the Department of Finance and Administration – Disbursing Officer, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Finance and Administration, for unemployment benefit payments and expenses associated with the Pandemic Unemployment Compensation Program, for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) Pandemic Unemployment Compensation Program	<u>\$3,800,000,000</u>

SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROCEDURES - APPROPRIATION – C.A.R.E.S.. (i) In the event that sufficient appropriation is not provided by the General Assembly, any state agency, constitutional office, or institution may request a transfer of

appropriation, as provided in the C.A.R.E.S. Appropriation Section 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.

(ii) 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 (iii) 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.

(iii) Any request approved as authorized in subsection (ii) herein, including requests that establish a new commitment item or new appropriation shall require prior approval by the Arkansas Legislative Council or if meeting in Regular or Fiscal Session the Joint Budget Committee.

(iv) 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.

The provisions of this section shall be in effect from the date of passage through June 30, 2021."

SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER - PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM. Should it be determined by the Governor that this program should be administered by a department other than the Department of Finance and Administration, the Chief Fiscal Officer of the State shall transfer any remaining Appropriation and fund balances to that Department.

The provisions of this section shall be in effect from the date of passage through June 30, 2021."

SECTION 42. 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:

(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 43. DO NOT CODIFY. - TEMPORARY LANGUAGE AND SUSPENSION OF CURRENT LAW. (a) Section 42 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 42 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 42 of this act shall expire on December 31, 2020.

(c) On the expiration of Section 42, the provisions of law suspended by Section 42 of this act are in full force and effect.

(d) The expiration of Section 42 of this act does not affect rights acquired under this act or affect suits then pending."

AND

Page 23, line 20, delete "5,355,833" and insert "5,355,833 6,075,374"

AND

Page 23, line 24, delete "7,761,035" and insert "7,761,035 8,312,527"

AND

Page 24, line 12, delete "\$39,920,595" and insert "\$39,920,595 \$41,191,628"

AND

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

" SECTION 84. 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 38-43 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 Sections 38-43 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 Sections 38-43 in this Act shall be in full force and effect from and after the date of its passage and approval."

AND

Appropriately number all SECTIONS of the bill.

The Amendment was read _____
By: Joint Budget Committee
JAP/JAP - 04-10-2020 16:28:00
JAP122 _____ Chief Clerk