

**Hall of the House of Representatives**  
93rd General Assembly - Fiscal Session, 2022  
**Amendment Form**

JBC 03/01/2022 (21)(2p)(26)

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**Subtitle of House Bill No. 1070**

AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER  
APPROPRIATION FOR THE 2022-2023 FISCAL YEAR.

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**Amendment No. 1 to House Bill 1070**

Amend House Bill No. 1070 as originally introduced:

Page 15, line 12, delete "\$1,600,000,000" and insert "\$4,600,000,000"

AND

Page 15, line 16, delete "\$3,200,000,000" and insert "\$6,200,000,000"

AND

Page 15, immediately following SECTION 37, insert new SECTIONS to read as follows:

" SECTION 38. APPROPRIATION – INFRASTRUCTURE INVESTMENT & JOBS 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 Infrastructure Investment & Jobs Act of 2021 for the fiscal year ending June 30, 2022, the following:

| ITEM<br>NO.  | FISCAL YEAR<br><u>2021-2022</u> |
|--|---------------------------------|
| (01) FEDERAL FUNDS AWARDED TO<br>AGENCIES, DEPARTMENTS, INSTITUTIONS,<br>CITIES AND COUNTIES | <u>\$110,000,000</u>            |

SECTION 39. APPROPRIATION - INFRASTRUCTURE INVESTMENT & JOBS 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 Infrastructure Investment & Jobs Act of 2021 for the fiscal year ending June 30, 2023, the following:

| ITEM NO.   | FISCAL YEAR 2022-2023 |
|--|-----------------------|
| (01) FEDERAL FUNDS AWARDED TO AGENCIES, DEPARTMENTS, INSTITUTIONS, CITIES AND COUNTIES | <u>\$550,000,000</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 – INFRASTRUCTURE INVESTMENT & JOBS ACT OF 2021.

(i) All appropriation and expenditures for funding received for the Infrastructure Investment & Jobs Act of 2021 shall be expended using the Infrastructure Investment & Jobs 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 Infrastructure Investment & Jobs 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 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 Infrastructure Investment & Jobs 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 Infrastructure Investment & Jobs Act 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) The Chief Fiscal Officer of the State shall submit a monthly report to the Legislative Council 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 Infrastructure Investment & Jobs 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.

(viii) 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 for approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void."

AND

Page 25, line 30, delete "(1) the Auditor of State to fund the Trial Court Administrative Assistants Fund" and substitute with "(1) the ~~Auditor of State~~ Administrative Office of the Courts to fund the ~~Trial Court Administrative Assistants Fund~~ State Central Services Fund for Trial Court Administrators,"

AND

Page 25, line 34, delete "(3) the Court Reporter Fund" and substitute with "(3) ~~the Court Reporter Fund~~ Administrative Office of the Courts to fund State Central Services Fund for Court Reporters"

AND

Page 27, line 16, delete "(13) Court Reporter Fund" and substitute with "(13) ~~Court Reporter Fund~~ State Central Services Fund for Administrative Office of the Courts - Court Reporters"

AND

Page 27, line 20, delete "(16) Trial Court Administrator Fund" and substitute with "(16) ~~Trial Court Administrator Fund~~ State Central Services Fund for Administrative Office of the Courts - Trial Court Administrators"

AND

Page 39, immediately following SECTION 79, delete SECTION 80 in its entirety and insert the following new SECTIONS:

" Section 83. EFFECTIVE DATE. Sections 1-37, 39 and 41-82 are effective on and after July 1, 2022.

SECTION 84. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the efficient construction, repair, reconstruction, and improvement of the infrastructure in the state is crucial to the public peace, health, and safety; that Arkansas is in need of additional funding to dedicate to the construction, repair, reconstruction, and improvement of the infrastructure in the state to protect and serve the residents of the state; that the United States Congress passed the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, in 2021, which will provide funding to state agencies, constitutional offices, and institutions for a variety of purposes, including without limitation repairing and reconstructing roads and bridges in the state and supporting other critical infrastructure projects; that ensuring the appropriate use of these federal funds will positively impact the quality of the critical infrastructure of this state; and that Sections 38 and 40 of this act are immediately necessary because ensuring the appropriate use of the funds received under the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, will preserve public peace, health, and safety in the state by allocating the funds to the most appropriate and effective use. Therefore, an emergency is declared to exist, and Sections 38 and 40 of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

AND

Appropriately renumber all SECTION numbers of the bill.

The Amendment was read \_\_\_\_\_  
By: Joint Budget Committee  
By: Representative Wardlaw  
By: Senator Hickey  
JAP/JAP - 03-01-2022 12:38:22  
JAP061

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