

Hall of the House of Representatives
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of House Bill No. 1832

TO ALLOW THE EMPLOYMENT OF SPECIAL COUNSEL BY A STATE OFFICIAL OR ENTITY IN CERTAIN CIRCUMSTANCES; AND TO REQUIRE SPECIAL COUNSEL TO OBTAIN APPROVAL BY THE ATTORNEY GENERAL BEFORE ENTERING INTO A SETTLEMENT AGREEMENT.

Amendment No. 1 to House Bill No. 1832

Amend House Bill No. 1832 as originally introduced:

Page 1, delete line 34, and substitute the following:

"commission, or agency of the state ~~needs~~ requires the services of an attorney other than a staff attorney employed by the state official, department, institution, board, commission, or agency, the"

AND

Page 1, line 36, delete "section and § 21-9-" and substitute "section, § 21-9-"

AND

Page 2, line 1, delete "203," and substitute "203, and § 24-2-618,"

AND

Page 2, line 2, delete "by" and substitute "by either a staff attorney employed by the state official, department, institution, board, commission, or agency or"

AND

Page 2, line 17, delete "assistance" and substitute "assistance or representation"

AND

Page 2, line 20, delete "and"

AND



Page 2, delete line 27, and substitute the following:

"General Assembly is in session, the Joint Budget Committee.

(b) However, the annual re-advertisement for special counsel is not required, and special counsel may be retained to provide services for an indeterminate period of time that may be longer than one (1) year, if such a period of time is necessary to represent the interests of the state official, department, institution, board, commission, or agency in a ongoing cause of action in a court of appropriate jurisdiction."

AND

Page 2, line 28, delete "(b)" and substitute "(c)"

AND

Page 2, line 33, delete "(c)" and substitute "(d)"

AND

Page 2, delete line 36, and substitute the following:

"audit purposes; and

(iv)(a) Approves the proposed contract between special counsel and the state official, department institution, board, commission, or agency.

(b) However, if the Attorney General does not approve or disapprove the proposed contract submitted by a state official, department, institution, board, commission, or agency under this subdivision (b)(2)(B)(iv) within five (5) business days of receiving the proposed contract, the contract is considered to be approved."

AND

Page 3, delete lines 1 through 3, and substitute the following:

"(C)(i) The compensation for the special counsel shall be fixed by the court where the litigation is pending, with determined during the process of procuring the contract with special counsel, subject to the written approval of the Governor and the Attorney General.

(ii) However, if the Governor or the Attorney General, or both, do not approve or disapprove the proposed compensation for the special counsel under this subdivision (b)(2)(C), the proposed compensation for the special counsel is considered to be approved if neither the Governor nor the Attorney General disapproved the proposed compensation."

AND

Page 3, delete lines 11 through 14, and substitute the following:

"(F)(i) Before the execution of a settlement agreement negotiated by special counsel employed under this section or § 21-9-203(b), the settlement agreement shall be:

(a) Approved by the Governor; and

(b) Submitted to the Litigation Reports

Oversight Subcommittee of the Legislative Council for review.

(ii) Before the execution of a settlement agreement negotiated by special counsel employed by the Bureau of Legislative Research or Arkansas Legislative Audit, the settlement agreement shall be submitted to the Litigation Reports Oversight Subcommittee of the Legislative Council for review."

The Amendment was read _____

By: Representative House

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Chief Clerk