

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

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Thursday, April 28, 2016

Chairmen:

Your Special Language Subcommittee met on Wednesday, April 27, 2016 and makes the following recommendations listed below to the Joint Budget Committee.

**1. The following member amendments are recommended for approval:**

- a. HB1017 - Department of Workforce Services (Attachment 1 - KMW140)
- b. HB1083 – Highway and Transportation Department (Attachment 2 – TWV189)
- c. HB1049 – Department of Arkansas Heritage (Attachment 3 - MAH210)

Respectfully Submitted,

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Senator John Woods, Chair

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Representative Stephen Meeks, Chair

# Hall of the House of Representatives

90th General Assembly - Fiscal Session, 2016

Amendment Form

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Subtitle of House Bill No. 1017

AN ACT FOR THE DEPARTMENT OF WORKFORCE SERVICES APPROPRIATION FOR THE 2016-2017  
FISCAL YEAR.

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Amendment No. \_\_\_ to House Bill No. 1017

Amend House Bill No. 1017 as originally introduced:

Page 15, immediately following SECTION 24, insert a new SECTION to read as follows:

" SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. RESTRICTIONS ON FINANCIAL ASSISTANCE UNDER THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(a)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.

(2) The purposes of subsection (a) of this section are typically accomplished by:

(A) Identifying the purpose in the appropriation act;  
(B) Delineating such maximums in the appropriation act for a state agency; and

(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the revenue stabilization law.

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.

(b)(1) On or before October 1, 2016, the Department of Workforce Services shall request a waiver from the federal government to:

(A) Restrict the financial assistance granted to a recipient of the Temporary Assistance for Needy Families Program or its successor program to purchase goods and services that are considered essential and necessary for the welfare of the family, including without limitation:

- (i) Food;
- (ii) Clothing;
- (iii) Housing;
- (iv) Utilities;
- (v) Child care; and

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Page 1 of 2

(vi) Incidentals, including without limitation transportation and medicine or medical supplies or equipment not covered by either the Arkansas Medicaid Program or the health benefit plan of the individual; and

(b) Restrict the cash withdrawal from an electronic benefit transfer card account that receives financial assistance under the Temporary Assistance for Needy Families Program or its successor program by electronic benefit transfer system.

(2) If the federal government denies the waiver application, this section shall not be implemented.

(3) If the department does not request a wavier under subdivision (b)(1) of this section, the department shall not allocate, budget, expend, or utilize appropriations under this act for the participation of persons in the Temporary Assistance for Needy Families Program."

AND

Appropriately renumber subsequent SECTION numbers of the bill.

The Amendment was read  
By: Joint Budget Committee  
By: Representative Dotson  
KMW/KMW - 04-27-2016 12:34:05  
KMW140

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

**Hall of the House of Representatives**

90th General Assembly - Fiscal Session, 2016

**Amendment Form**

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Subtitle of House Bill No. 1083

AN ACT FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT  
APPROPRIATION FOR THE 2016-2017 FISCAL YEAR.

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

Amend House Bill No. 1083 as originally introduced:

Delete SECTION 13, Reporting Requirements special language

And

Renumber the section numbers.

**DRAFT**

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

By: Representative Davis

TWV/TWV - 04-11-2016 11:17:59

TWV189

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Chief Clerk

# Hall of the House of Representatives

90th General Assembly - Fiscal Session, 2016

Amendment Form

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Subtitle of House Bill No. 1049

AN ACT FOR THE DEPARTMENT OF ARKANSAS HERITAGE APPROPRIATION FOR THE 2016-2017  
FISCAL YEAR.

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Amendment No. \_\_\_ to House Bill No. 1049

Amend House Bill No. 1049 as engrossed, H4/21/16 (version: 04/22/2016 08:12:32 AM)

Insert additional SECTIONS immediately following SECTION 27 to read as follows:

" SECTION 28. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ABOLITION OF CAPITOL ZONING DISTRICT COMMISSION.

(a)(1) Except as provided in subdivision (a)(2) of this section, the Capitol Zoning District Commission, established by § 22-3-303, is abolished, and its powers, duties, functions, records, property, unexpended balances of appropriations, allocations, and other funds are transferred to the Department of Arkansas Heritage by a type 3 transfer under § 25-2-106.

(2) The appropriated positions and classifications of the Capitol Zoning District Commission shall not be transferred to the Department of Arkansas Heritage under subdivision (a)(1) of this section.

(b) For the purposes of this act, the Department of Arkansas Heritage shall be considered a principal department established by Acts 1971, No. 38.

SECTION 29. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-302(b)(2), concerning the Capitol Zoning District, is amended to read as follows:

(2) In addition, the Capitol Zoning District may in the future be further extended by a two-thirds vote of the ~~Capitol Zoning District Commission~~ Department of Arkansas Heritage to include the area in the following described boundaries: Beginning at the centerline of Chester Street where it intersects with the centerline of 20th Street proceeding north along the centerline of Chester Street to I-630; thence east along the southern boundary of I-630 to the intersection of the centerline of Commerce Street; thence south along the centerline of Commerce Street to a point where it intersects the centerline of 24th Street; thence east along the centerline of 24th Street to I-30; thence south along the western boundary of I-30 to the intersection of the centerline of Roosevelt Road; and thence west along the centerline of Roosevelt Road to the point of intersection with the imaginary line that bisects the block between Scott and Main Streets.

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Page 1 of 7

SECTION 30. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-303 is repealed.

~~22-3-303. Capitol Zoning District Commission.~~

~~(a) There is created and established at the seat of government a commission to be known as the Capitol Zoning District Commission.~~

~~(b) The commission shall have nine (9) members, as follows:~~

~~(1) The Governor, or his or her designee, who shall be chair;~~

~~(2) The Secretary of State, or his or her designee;~~

~~(3) Four (4) resident electors of this state, to be designated by the Governor and who shall serve three-year terms, one (1) of whom shall be a black;~~

~~(4) The Director of the City Planning staff of the City of Little Rock, or his or her designee;~~

~~(5) One (1) resident elector of this state who shall be a resident of and an owner of property within the Governor's Mansion area of the Capitol Zoning District, to be designated by the Governor, and who shall serve a three-year term; and~~

~~(6) One (1) resident elector of this state who shall be an owner of property or the designee of an owner of property within the State Capitol area of the Capitol Zoning District, to be designated by the Governor, and who shall serve a three-year term.~~

~~(c) The Director of the Capitol Zoning District Commission shall serve as the disbursing officer for the commission.~~

~~(d) Members of the commission shall receive no pay for their services, but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.~~

~~(e)(1) The commission is authorized to employ a director and such other staff as the commission deems appropriate and within legislative appropriation.~~

~~(2) The commission shall have the authority to enter into contracts of any lawful nature, and to do any and all acts necessary to effect the purposes of this subchapter.~~

SECTION 31. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-304 is amended to read as follows:

22-3-304. Zoning authority of Capitol Zoning District Commission Department of Arkansas Heritage.

The Capitol Zoning District Commission Department of Arkansas Heritage is authorized broad scope in its zoning authority to include, but not be limited to, the following:

(1) Restrictions on the height, number of stories, and size of buildings;

(2) Percentage of lots that may be occupied;

(3) Use of structures and land;

(4) Population density;

(5) Amount of open space;

(6) Parking areas; and

(7) Restriction of noisy and polluting processes or those endangering the health and safety of the citizens of the zoning district.

SECTION 32. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-

305 is amended to read as follows:

22-3-305. Master plan.

(a) ~~The Capitol Zoning District Commission~~ Department of Arkansas Heritage, using professional and technical assistance as it deems necessary, shall make, adopt, maintain, and revise, from time to time, an official master comprehensive plan for the Capitol Zoning District for the purpose of bringing about coordinated physical development in accordance with the present and future needs of the district.

(b) The master plan will be developed so as to preserve the dignity of the Capitol Building and Governor's Mansion, ensure efficient expenditure of public funds, and promote the safety, convenience, and general well-being of the district's inhabitants and property owners.

(c) The master plan should include, among other things, regulations relative to the location and character of roads and other transportation routes, utility services, parks, buildings, and other construction within the district.

(d) ~~The commission~~ department may adopt the plan in whole or in part and may subsequently amend the adopted plan in whole or in part.

(e) After the adoption of the master comprehensive plan, the ~~commission~~ department shall file a copy with the office of the Secretary of State for the inspection of the public.

SECTION 33. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-306 is amended to read as follows:

22-3-306. Authority of ~~Capitol Zoning District Commission~~ Department of Arkansas Heritage over property within Capitol Zoning District - Permits.

(a) ~~After the adoption of the comprehensive master zoning plan, the~~ The Capitol Zoning District Commission ~~Department of Arkansas Heritage~~ shall have exclusive authority over the zoning and regulation of the utilization of all property within the Capitol Zoning District, and no planning or zoning authority or jurisdiction of any subdivision of the state shall have any zoning or control authority except as agreed upon by the ~~commission~~ department.

(b)(1) ~~After the adoption by the commission of the comprehensive master zoning plan, the~~ The commission ~~department~~ shall have the authority to approve or disapprove the location and design of any improvements to be placed upon any land within the district, and no improvements shall be placed upon any land within the district unless the design and proposed location shall be approved by the ~~commission~~ department.

(2) Such improvements shall include, but not be limited to, buildings, including additions and alterations, parking lots and facilities, and all other construction whatsoever, except that the word "improvements" shall not include existing streets, alleys, or utilities and shall not include maintenance, service, or improvement thereof.

(c) ~~After the adoption by the commission of the comprehensive master zoning plan, no~~ No improvement of any nature nor any change of land use shall commence within the district without a permit issued by the ~~commission~~ department.

(d) Within the district, a legally existing use, building, or structure that exists at the time of the adoption of the plans and regulations authorized by this subchapter, but not in conformity with such plans and regulations, may be continued but shall not be extended or

structurally altered without the approval of the ~~commission~~ department.

SECTION 34. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-307 is amended to read as follows:

22-3-307. Adoption of rules and regulations by ~~Capitol Zoning District Commission~~ Department of Arkansas Heritage.

(a) ~~The Capitol Zoning District Commission~~ Department of Arkansas Heritage shall have the power and authority to prescribe ~~such~~ rules and regulations concerning procedure before it and concerning the exercise of its functions and duties as it ~~shall deem~~ deems proper.

(b) Prior to the adoption of any zoning regulations or amendments thereto, the ~~commission~~ department shall hold a public hearing ~~thereon~~ pursuant to under the ~~regulations of the~~ Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 35. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-308 is amended to read as follows:

22-3-308. Coordination by ~~Capitol Zoning District Commission~~ Department of Arkansas Heritage with other agencies.

(a) ~~The Capitol Zoning District Commission~~ Department of Arkansas Heritage is authorized and encouraged to coordinate the comprehensive master zoning plan, to the greatest extent it deems practical, with city, county, and other area planning agencies.

(b)(1) Subject to the requirements of due process and consistent with any applicable federal restrictions and regulations as in effect on January 1, 2013, the ~~commission~~ department may enter into agreements with the City of Little Rock providing for mutual cooperation and joint regulation within the Capitol Zoning District with respect to:

(A) Planning and zoning;  
(B) Permission to build upon or otherwise use land;  
(C) Enforcement through stop work orders, citations, fines, and inspection to ensure compliance of building, safety, zoning, and health codes; and

(D) Other matters within the jurisdiction of the ~~commission~~ department.

(2)(A) Except to the extent enforcement by the City of Little Rock is authorized in this section, an agreement under subdivision (b)(1) of this section between the City of Little Rock and the ~~commission~~ department does not cede the ~~commission's~~ department's final authority and responsibility over the matters entrusted to it by law.

(B) All enforcement actions undertaken by the City of Little Rock under this section shall require authorization by the ~~commission~~ department prior to the commencement of the enforcement action.

(3)(A) A violation of the ~~commission's~~ department's regulations is enforceable in Little Rock District Court in the same manner as the enforcement of a violation of a municipal ordinance.

(B) Subdivision (b)(3)(A) of this section applies only to violations that occur on or after August 16, 2013, and does not apply to work in place prior to August 16, 2013.

SECTION 36. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-309 is amended to read as follows:



22-3-309. ~~Capitol Zoning District Commission's~~ Department of Arkansas Heritage's power to institute and defend legal actions.

(a) ~~The Capitol Zoning District Commission~~ Department of Arkansas Heritage shall constitute a body corporate for purposes of instituting and defending litigation to enforce its rules, regulations, decisions, and orders; and it may, in its name, institute or defend actions in its own behalf, or in behalf of the owner or owners of any property within the district, to enjoin any breach or violation thereof.

(b) No bond shall be required of the ~~commission department~~ in any action for the issuance of any temporary or permanent order, or on an appeal.

(c) The Attorney General shall be the legal adviser to the ~~commission department~~ in the same capacity as he or she is to other boards and commissions.

SECTION 37. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-310 is amended to read as follows:

22-3-310. ~~Appeal of Capitol Zoning District Commission action.~~

(a) The staff of the Department of Arkansas Heritage shall implement the rules, decisions, and orders of the department pertaining to the Capitol Zoning District.

~~(a)(b)(1)~~ Any A person aggrieved by any a rule, regulation, decision, or order of the Capitol Zoning District Commission department or the department staff's interpretation of a rule, regulation, decision, or order of the department pertaining to the Capitol Zoning District may appeal the action to the Circuit Court of Pulaski County Director of the Department of Arkansas Heritage.

(2) The decision of the director may be appealed to the Circuit Court of Pulaski County.

~~(b)(c)~~ The filing of an appeal shall in no respect suspend the operation of any rule, regulation, decision, or order, nor shall the director or the circuit court order any suspension without a full hearing.

~~(e)(d)~~ This section does not preclude enforcement of the commission's department's regulations by the City of Little Rock in Little Rock District Court under an agreement with the commission department under § 22-3-308.

SECTION 38. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-311 is amended to read as follows:

22-3-311. Report by ~~Capitol Zoning District Commission~~ Department of Arkansas Heritage to Legislative Council.

The Capitol Zoning District Commission Department of Arkansas Heritage shall submit a written summary of its actions and progress to the Legislative Council as requested by that council.

SECTION 39. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-312 is amended to read as follows:

22-3-312. Sale of property within Capitol Zoning District - Notice.

(a) A person who sells real property within the Capitol Zoning District shall notify the purchaser that the real property is within the district and shall provide the purchaser with a summary of the ~~Capital Zoning District Commission's~~ Department of Arkansas Heritage's restrictions on property in the district and the duties and responsibilities of owners of property in the district.

(b) The summary required by this section shall be prepared by the ~~commission~~ department.

SECTION 40. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-307 is repealed.

~~22-3-313. Capitol Zoning District Commission - Powers.~~

~~(a) Effective July 1, 1997, the Director of the Department of Finance and Administration, as Chief Fiscal Officer of the State, shall transfer all authority and responsibility of the Arkansas Building Authority and the Director of the Arkansas Building Authority with respect to the Capitol Zoning District Commission to the Capitol Zoning District Commission and to the Director of the Capitol Zoning District Commission.~~

~~(b) The commission and its staff shall be a separate and distinct agency of government.~~

SECTION 41. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 20-48-606(b), concerning regulations for density control of community homes for developmentally disabled persons, is amended to read as follows:

(b) The division shall furnish a copy of proposed regulations promulgated hereunder to the Arkansas Municipal League, Association of Arkansas Counties, and the Capitol Zoning District Commission Department of Arkansas Heritage at least thirty (30) days prior to the public hearing to be held thereon.

SECTION 42. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-2-120(b), concerning exemption from statutes concerning the Capitol Zoning District, is amended to read as follows:

(b) The Director of the Department of Finance and Administration with the advice of the Building Authority Council shall endeavor to cooperate with the Capitol Zoning District Commission Department of Arkansas Heritage so as to establish coordinated physical development in the State Capitol area and to promote the uniform and appropriate regulation and development of the State Capitol area.

SECTION 43. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-215(c)(2), concerning the Vietnam Veterans' Monument, is amended to read as follows:

(2) The committee shall meet at such times as it shall determine to be necessary to select a design and site for the Vietnam Veterans' Monument to be erected and maintained on the State Capitol grounds, ~~which design and site shall be subject to the approval of the Capitol Zoning District Commission created by § 22-3-303 or its successor.~~

SECTION 44. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-216(c)(2), concerning the Law Enforcement Officers' Memorial, is amended to read as follows:

(2) The committee shall meet at such times as it shall determine to be necessary to select a design and site for the memorial to be erected and maintained on the State Capitol grounds. ~~The design and site shall be subject to the approval of the Capitol Zoning District Commission created by § 22-3-303 or its successor.~~

SECTION 45. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-219(c)(3), concerning the monument to honor veterans of twentieth-century wars, is repealed.

~~(3) The design and site selection shall be subject to the approval of the Capitol Zoning District Commission created under § 22-3-301 et seq.~~

SECTION 46. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-504(b), concerning requests to the Capitol Arts and Grounds Commission for capital improvement projects, is amended to read as follows:

(b) The Capitol Arts and Grounds Commission may require that the requests include:

(1) Architectural and landscaping plans, if appropriate, for the project;

(2) Sufficient information to demonstrate compliance with applicable standards for development; and

(3) Sufficient information to demonstrate consistency of the project with zoning regulations of the ~~Capitol Zoning District Commission~~ Department of Arkansas Heritage.

SECTION 47. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 22-3-1506 is amended to read as follows:

22-3-1506. Exceptions.

The provisions of § 22-3-301 et seq., pertaining to the Capitol Zoning District ~~Commission~~, § 22-3-401 et seq., pertaining to the Capitol Parking Control Committee, § 22-3-501 et seq., pertaining to the Capitol Arts and Grounds Commission, and § 22-3-202, pertaining to the Secretary of State, or any other provision of law inconsistent with the intent of this subchapter shall not be applicable to the ~~Arkansas Building Authority~~ Building Authority Division of the Department of Finance and Administration in connection with the parking facilities contemplated by this subchapter, and no filings, consents, or approvals shall be required from any agency of the state prior to the construction, renovation, or repair of parking facilities or concerning the operations thereof.

SECTION 48. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 25-16-903(12), concerning authorization for a board stipend, is repealed.

~~(12) Capitol Zoning District Commission;~~"

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

The Amendment was read \_\_\_\_\_  
By: Joint Budget Committee  
By: Senator J. Hutchinson  
MAH/MAH - 04-27-2016 15:17:30  
MAH210

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