

**REPORT OF THE SPECIAL LANGUAGE SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL/JOINT BUDGET COMMITTEE**

October 28, 2014

Mr. Chairmen:

The Special Language Subcommittee met on October 14, 2014, October 16, 2014, and October 22, 2014 and makes the recommendations listed below to the Arkansas Legislative Council/Joint Budget Committee.

Recommendations:

1. Adopted Subcommittee Rules (Attachment 1)
2. Adopted a motion to refer all personnel related Special Language requests for review by the Personnel Subcommittee
3. Arkansas Dental Examiners Board
AR. STATE DENTAL EXAM. BD. EMPLOYMENT OF ATTORNEYS (Attachment 2) Approved As Modified
4. Arkansas State Medical Board
AR. STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS (Attachment 3) Approved As Modified
5. State Board of Optometry
AR. STATE OPTOMETRY BD. EMPLOYMENT OF ATTORNEYS (Attachment 4) Approved As Modified
6. Arkansas Game and Fish Commission
OVERTIME (Attachment 5) Approved As Modified
7. Arkansas Minority Health Commission
TRANSFERS OF APPROPRIATION (Attachment 6) Approved as Modified
8. Physical Therapy Board
PROFESSIONAL FEES (Attachment 7) Approved As Modified
9. Assessment Coordination Department
MAXIMUM ANNUAL FUNDING FOR REAPPRAISALS/REVIEWS (Attachment 8) Approved as Modified
9. Adopted a motion to direct staff to add Sunset Clause as Technical Correction to all special language requests without Sunset Clauses.

10. Language Referred to Special Language Subcommittee:

October 14, 2014

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Respectfully Submitted,

Senator Jonathan Dismang, Co-Chair

Representative Stephen Meeks, Co-Chair

ATTACHMENT 1
SPECIAL LANGUAGE SUBCOMMITTEE RULES

1. **PRESIDING OFFICER.** The Senate Chairman and House Chairman of the Special Language Subcommittee shall rotate the chairmanship from day to day, unless otherwise agreed to by them.
2. **QUORUM.** The presence of a majority of the members of the Special Language Subcommittee shall be necessary to constitute a quorum to transact business. The co-chairs of the Arkansas Legislative Council / Joint Budget Committee shall be ex-officio members of the subcommittee. However, the ex-officio members shall not be counted in determining the number of members that constitute a quorum of the subcommittee but the ex-officio members shall be counted in determining whether a quorum is present. For instance, if seven non ex-officio members are appointed to a subcommittee, four members constitute a quorum and if two of the seven members are present and two ex-officio members are present, a quorum exists for the subcommittee to conduct business. If a member of a subcommittee is unable to attend a meeting of the subcommittee, the member's alternate may attend and vote for that member during the entire meeting. The alternate must notify the staff of the name of the member for which the alternate is substituting.
3. **VOTE.** The affirmative vote of a majority of the membership of the subcommittee shall be necessary to adopt any matter.
4. **SUBCOMMITTEE RECOMMENDATIONS.** No actions of the Special Language Subcommittee shall be considered final until a written report is adopted by the Arkansas Legislative Council / Joint Budget Committee, unless a motion adopted by the Arkansas Legislative Council / Joint Budget Committee expressly specifies otherwise. The written report submitted to the Arkansas Legislative Council / Joint Budget Committee shall state the date the subcommittee met and the recommendations of the subcommittee. If the Special Language Subcommittee recommends that an amendment is "Approved", "Adopted" or receives a "Do Pass", the Special Language Subcommittee shall attach the amendment to the written report submitted to the Arkansas Legislative Council / Joint Budget Committee.
5. **MEETINGS.** The Special Language Subcommittee shall meet from time to time upon call of either one or both of the Co-Chairmen, or at such time as determined by the Committee in its previous meeting. Meetings of the Subcommittee shall be held in Committee Room B, Fifth Floor, Big Mac Building, unless otherwise determined.
6. **AGENDA.** An agenda for each meeting of the Subcommittee shall be prepared by the staff of the Bureau of Legislative Research, with the approval of the Co-Chairmen of the Subcommittee, reflecting all items of business scheduled for consideration at such meeting, and a copy of the Agenda and Amendments shall be posted on the Arkansas State Legislature website no later than 4 p.m. of the day prior to the date on which the Subcommittee is to meet. No item of business may be considered at any meeting of the Subcommittee which is not noted on the Agenda prepared in the aforementioned manner, except upon suspension of the Rules.
7. **SUSPENSION OF THE RULES -- RECONSIDERATION.** If a quorum is present, then a vote of two-thirds (2/3), of the membership of the Special Language Subcommittee shall be required to suspend the Rules or to reconsider any action previously taken by the Subcommittee.
8. **ROLL CALL VOTE.** Any three members of the Special Language Subcommittee may require an oral roll call on any issue before the committee and have the ayes and nays entered into the record.

ATTACHMENT 2

Arkansas State Dental Examiners Board

ARKANSAS STATE DENTAL EXAMINERS BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefore, if:

(1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and

(2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency, and

(3) The Attorney General ~~determines~~ receives confirmation in writing from the Agency that the agency will re-advertises annually for legal counsel if outside legal counsel is hired and that any amount to be paid for outside legal counsel ~~has been~~ will be reviewed and approved by the Arkansas Legislative Council or Joint Budget Committee.

Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes.

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency 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 Arkansas State Dental Examiners Board may operate more efficiently if some flexibility is provided to the Arkansas State Dental Examiners Board 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 of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

ATTACHMENT 3

Arkansas State Medical Board

ARKANSAS STATE MEDICAL BOARD EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefore, if:

- (1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and
- (2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency, and
- (3) The Attorney General ~~determines~~ receives confirmation in writing that the agency will re-advertise annually for legal counsel if outside legal counsel is hired and that any amount to be paid for outside legal counsel ~~has received~~ will receive prior review by the Arkansas Legislative Council or Joint Budget Committee.

Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes.

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency 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 Arkansas State Medical Board may operate more efficiently if some flexibility is provided to the Arkansas State Medical Board 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 of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

ATTACHMENT 4

State Board of Optometry

ARKANSAS STATE BOARD OF OPTOMETRY EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the requested legal services, or, if the Attorney General's Office shall determine that sufficient personnel are not available to provide the requested legal services, the Attorney General shall certify the same to the agency and may authorize the agency to employ legal counsel and to expend monies appropriated for Maintenance and General Operations therefore, if:

- (1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and
- (2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency, and
- (3) The Attorney General ~~determines~~ receives confirmation in writing that the agency will re-advertises annually for legal counsel if outside legal counsel is hired and that any amount to be paid for outside legal counsel ~~has received~~ will receive prior review by the Arkansas Legislative Council or Joint Budget Committee.

Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with respect to legal counsel employed on a retainer basis. A copy of such certification shall be entered in the official minutes of the agency, and shall be retained in the fiscal records of the agency for audit purposes.

~~Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency 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 Arkansas State Board of Optometry may operate more efficiently if some flexibility is provided to the Arkansas State Board of Optometry 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 of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.~~

ATTACHMENT 5

Arkansas Game and Fish Commission

OVERTIME. The Arkansas Game and Fish Commission is hereby authorized to make overtime payments from such funds and appropriations provided for overtime payments to those wildlife officers or other employees that are currently assigned or may be assigned by the Director of the Arkansas Game and Fish Commission or by an appointed designate to Special Law Enforcement Task Forces, Special Operations, and other special programs reimbursable to the Arkansas Game and Fish Commission by federal or local authorities as approved by the Director of the Arkansas Game and Fish Commission. All such overtime payments shall be processed through the State Accounting System and shall be in addition to the Regular Salaries and benefits accruing to the employee(s). Payment of overtime is the preferred method of implementing the provisions of this section.

The provisions of this section shall be in effect only from July 1, ~~2014~~2015 through June 30, ~~2015~~2016.

ATTACHMENT 6

Arkansas Minority Health Commission

TRANSFERS OF APPROPRIATION. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he or she shall set out on the forms the particular classifications for which he or she is requesting an increase or decrease, the amounts thereof, and his or her reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he or she deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his or her opinion it is in the best interest of the state.

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2014~~ 2015 through June 30, ~~2015~~ 2016.

ATTACHMENT 7

State Board of Physical Therapy

PROFESSIONAL FEES. Twenty-five thousand dollars (\$25,000) of the available appropriation in the Professional Fees Line Item of this Act shall be made available to the board for the purpose of contracting an independent or private investigator to perform any investigative task as needed or may be required by law. Physical Therapy board members may not act as investigators nor do investigative work required by the board.

The provisions of this section shall be in effect only from July 1, 2015 through June 30, 2016.

ATTACHMENT 8

Assessment Coordination Department

MAXIMUM ANNUAL FUNDING FOR REAPPRAISALS/REVIEWS. Whether a county's reappraisal of real property is simply a review of existing data, or a more extensive reappraisal where every improvement is measured, funding to any county, provided through the Assessment Coordination Department, will be for the actual appraisal cost, up to a maximum of seven dollars per parcel, per year, or the lowest competitive bid amount in accordance with Arkansas Code Annotated §14-22-111, whichever is less. Counties must use other taxing unit sources of revenue to provide for the cost of real property reappraisals if the cost to complete the reappraisal exceeds seven dollars per parcel.