VETOES
AS UTILIZED BY
ARKANSAS' GOVERNORS

FOR

BIENNIAL PERIODS
1973 – 2019

Prepared by:
Department of Finance and Administration
Office of Budget

In the past this publication contained only line item vetoes for item or items of any bill making an appropriation of money.

Beginning with the 86th General Assembly, this publication will reflect all vetoes by the Governor.

THE ARKANSAS CONSTITUTION

Article 6 Executive Department

§15. Approval of bills – vetoes.

"Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house, shall agree to pass the bill, it shall be sent, with the objections, to the other house; by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by "yeas and nays;" and the names of the members voting for or against the bill, shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return; in which case it shall become a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within twenty days after such adjournment."

§17. Vetoes of items of appropriation bills.

"The Governor shall have power to disapprove any item or items of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto."

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Governor Asa Hutchinson

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1973
69th General Assembly
Governor Dale Bumpers

Act 227 - Department of Education; Vocational Technical Schools Construction

Items Vetoed:

Section 3 (entire). Appropriations, totaling $300,000 per area, payable from Capital Improvement Reserve Fund Account for equipping and constructing Vo-Tech Schools in the following areas: Pulaski County, Newport, Springdale, DeQueen, Mena, Dewitt, Melbourne, McGehee, Crossett, and Batesville.

Veto Message:

"...would appropriate three million dollars over and above the basic appropriation contained in Section 1. The funds provided in Section 1 are sufficient for the purpose of constructing and equipping the newly authorized schools."

Act 577 - Department of Parks & Tourism; Tourist Information Center

Items Vetoed:

Section 1 (partial). Two positions: Tourist Information Supervisor and Travel Consultant II.

Veto Message:

"The Department of Parks and Tourism has advised me that three employees are sufficient to operate a Tourist Information Center. The bill allows for five employees, two more than necessary. The two unneeded positions should be disapproved in the interest of economy."

Act 747 - Department of Correction; Construction/Equipment

Items Vetoed:

Section 2 (partial). Language, found in a construction appropriation, as follows: "and for constructing and equipping a Central Administration Office Building and Staff Housing at Pine Bluff for the Department of Correction".

Veto Message:

"I have previously signed into law a bill to permit the relocation of the Department of Correction at Pine Bluff. It is my intention, fully discussed with members of the General Assembly, to allow the Central Offices of the Department of Correction to be located at Pine Bluff on a trial basis in rented space. If the arrangement works well, it will be possible for the relocation to become permanent. Until experience has been gained, however, it would be premature to appropriate $490,000 for the construction of a Central Administration Office Building and Staff Housing at Pine Bluff."

Act 888 - Department of Commerce; Livestock/Poultry Programs

Items Vetoed:

Section 11 (entire). Appropriation for an Agriculture Spray Program totaling $28,897 for FY74 and $28,897 for FY75, payable from the Commerce Agriculture Fund.

Veto Message:

"I am advised by the administrative officials responsible for operating the Livestock and Poultry Spray Program that a new program for reimbursing private owners for the cost of spraying their own animals is a superior way of dealing with the problem of infestation. This new program is embodied in Act 500 approved on March 30, 1973.

The funds provided in the disapproved portion of House Bill 892 are woefully inadequate to make a serious impact on the tick problems of Arkansas. In addition, there is a shortage of equipment and personnel. On the whole, to appropriate more funds for this program would not be worth the money."

1975
70th General Assembly
Governor David Pryor

Act 561 - Department of Health; Toxicological Lab; Poison Control Drug Information Center

Items Vetoed:

Section 1 (entire) and Section 2 (partial). Two positions: Chemist Supervisor and Chemist II from Section 1. Operating appropriation for the Poison Control Drug Information Center totaling $31,537 in FY76 and $33,270 in FY77, payable from the Department of Health Fund.

Veto Message:

"The additional positions and funds appropriated by this Bill are not necessary for the continued operation of the program as the positions are currently authorized. The contracts with the University of Arkansas Medical Center Pharmacy School and Library are required."

Act 682 - Department of Social & Rehabilitative Services; Rehabilitation Division

Items Vetoed:

Section 17 (entire). Language allowing the Rehabilitation Services Commissioner to draw a housing allowance totaling $100 per month in FY76 and totaling $200 per month in FY77.

Veto Message:

"The salaries of the five Social and Rehabilitative Services Commissioners were established in the compensation plan after long study of management positions by the executive and legislative branches. I believe that the purposes of the compensation plan would be defeated by supplementing the salary of one Commissioner with a housing allowance."

AFTER RECONSIDERATION, THE SENATE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 15, 1976 EXTENDED SESSION. THE HOUSE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 22, 1976 EXTENDED SESSION.

Act 685 - Department of Parks & Tourism Operations

Items Vetoed:

Section 5 (entire). Appropriation for the maintenance and improvement of Governor Conway's grave in Lafayette County at a total cost of $2,000 in FY76 and $2,000 in FY77 from the Department of Parks and Tourism Fund Account.

Veto Message:

"This section would lead to requests from many groups throughout the state for funds to maintain and improve cemeteries in which famous persons have been buried. It is my feeling that further study should be made concerning the maintenance and improvement of all cemeteries throughout Arkansas.

Act 914 - Game & Fish Commission Operations

Items Vetoed:

Section 6 (entire). Appropriation for construction of a spillway at Lake Conway totaling $80,000 payable from the Game Protection Fund.

Veto Message:

"There is some question as to whether this section is constitutional. The amount of money appropriated for the particular project is insufficient and the Game and Fish Commission does not have sufficient other revenues to supplement it."

Act 915 - Department of Public Safety; Police Division Operations

Items Vetoed:

Section 1 (partial); Sections 15, 16, 17, 18, and 20 (entire). A total of 340 State Police Trooper positions. Appropriation totaling $60,000 for remodeling and equipping the Area Three Emergency Operating Center facilities at Huntsville, payable from the General Improvement fund; Language authorizing a fund transfer to finance appropriation for the Huntsville facility; Four Telecommunication Operator positions; Appropriation totaling $43,945 in FY76 and $46,056 in FY77 for operating the District Headquarters at Huntsville, payable from the Department of Public Safety Police Fund; Language authorizing the lease of transmission facilities at the District Ten Headquarters in Warren.

Veto Message:

"I am disapproving the line...State Police Trooper 340. This line duplicates the positions authorized by amendments ... (elsewhere).

I am disapproving lines.... being Sections 15, 16, 17, and 18. It is my opinion that a thorough evaluation needs to be made as to the feasibility of this project. The Headquarters requested for the Huntsville area would be a duplication of existing Harrison District Headquarters.

I am disapproving lines... being Section 20, which authorizes the State Police to lease transmission facilities in any part of the state at the rate of $50 per month. Section 23 appropriates $8,000 in maintenance and general operation to cover problems anticipated by Section 20."

Act 916 - Department of Commerce; Construction/Equipment

Items Vetoed:

Section 4 (partial). Language found in appropriation section for County Livestock Shows.

Veto Message:

"I am disapproving the words "existing indebetedness (sic) and"... The appropriation provided by this bill is designed to assist in new projects. The disapproved language would allow the funds to be used to pay indebtedness on existing projects. I feel that the appropriation made by this Act should be used for new construction only."

AFTER RECONSIDERATION, THE SENATE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 15, 1976 EXTENDED SESSION. THE HOUSE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 22, 1976 EXTENDED SESSION.

Act 917 - Department of Parks & Tourism; History Commission

Items Vetoed:

Section 10 (entire). Language directing the Department of Parks and Tourism to draw a warrant for the upkeep of the Des Arc Archeological Center.

Veto Message:

"This section would interfere with the proper administration of the Department of Parks and Tourism as well as the Des Arc Archeological Center by requiring a lump sum payment of $15,000 to the Des Arc Archeological Center on July 1, 1975 and 1976 instead of allowing for payment of obligations as they are incurred.

The impact of this section would be to place $15,000 in general revenues in a bank account with no controls on expenditure.

The current year expenditures for the Des Arc Archeological Center amount to $6,193.66 for nine months. This would project to $8,258.21 for the entire year. The expenditures for fiscal year 1973-74 were $12,723.40 in total."

AFTER RECONSIDERATION, THE HOUSE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 13, 1976 EXTENDED SESSION. THE SENATE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 15, 1976 EXTENDED SESSION.

Act 918 - Department of Health Operations

Items Vetoed:

Section 7 (entire). Appropriation for the Turtle Certification Program totaling $25,848 in FY76 and $27,525 in FY77 payable from the Department of Health Fund.

Veto Message:

"The benefits of this program do not justify the costs to the taxpayers as represented by the appropriations in this bill."

Act 919 - Department of Social & Rehabilitation Services; MRDDS Operations

Items Vetoed:

Section 12 (entire). Language allowing the payment of Housing Allowance for the MRDDS Commissioner, totaling $100 per month for FY76 and $200 per month for FY77.

Veto Message:

"The salaries of the five Social and Rehabilitative Services Commissioners were established in the compensation plan after long study of management positions by the executive and legislative branches. I believe that the purposes of the compensation plan would be defeated by supplementing the salary of one Commissioner with a housing allowance."

AFTER RECONSIDERATION, THE HOUSE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 13, 1976 EXTENDED SESSION. THE SENATE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 15, 1976 EXTENDED SESSION.

Act 920 - Arkansas State University Reappropriations

Items Vetoed:

Section 2 (partial). Language found in appropriation section for constructing and equipping a physical education building at ASU.

Veto Message:

"...it is a technical error that should be removed."

AFTER RECONSIDERATION, THE HOUSE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 13, 1976 EXTENDED SESSION. THE SENATE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 15, 1976 EXTENDED SESSION.

Act 988 - Department of Planning; Arts and Humanities

Items Vetoed:

Section 5 (entire). Appropriation for matching grants totaling $100,000 for FY76 and $100,000 for FY77, payable from the Department of Natural and Cultural Heritage Fund Account.

Veto Message:
"...because that section is a duplication of that which is provided in Section 2, item 6 (page 2, line 6)."

Act 1003 - State Building Services Operations/Construction

Items Vetoed:

Section 5 (partial). Language designating an area for purchase.

Veto Message:

"...I am disapproving the following language which appears in Section 5, in lines 29 through 31: those bounded by 4th Street on the South, Cross Street on the east, 6th Street on the South, and Victory Street on the West."

AFTER RECONSIDERATION, THE HOUSE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 13, 1976 EXTENDED SESSION. THE SENATE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 13, 1976 EXTENDED SESSION.

Act 1004 - Department of Education; Grants/Aid/Special Programs

Items Vetoed:

Section 1 (partial); Sections 4, 5, 8 and 10 (entire). Appropriation for Grants to Districts for Attorney Fees totaling $100,000 for FY76 and $100,000 for FY77, payable from the Public School fund; Language allowing teachers to teach outside field of preparation; Language governing the schedules of vocational technical teachers; Disbursement language; Language governing the disbursement of grants to districts for attorney fees.

Veto Message:

"1) I have disapproved Item 19 of Section 1...and Section 10 in its entirety. It is my opinion that it is not in the best interest of the State of Arkansas to allow the state government to assume legal obligations incurred by individual school boards in the execution of their functions. Local districts can presently utilize other sources of state funding for operations of the districts in the payment of legal expenses.

2) I have disapproved Section 4 and Section 5 in their entireties. These sections statutorily establish policies and regulations which I believe should properly remain within the discretion of the State Board of Education. Flexibility with regard to such policies and regulations must be continued, and to enact these provisions would definitely have an adverse effect on future accreditation of local school systems.

3) I have disapproved Section 8 in its entirety. While I am approving the appropriations contained within Items 3 and 7 of Section 1, I am vetoing Section 8 because of the restrictive nature of its language. In the event that revenues do not meet projected levels, the language of Section 8 could present major problems in the funding and distribution of Minimum Foundation Aid."

AFTER RECONSIDERATION, THE HOUSE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 13, 1976 EXTENDED SESSION. THE SENATE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR JANUARY 15, 1976 EXTENDED SESSION.

Act 1230 - Department of Education Operations

Items Vetoed:

Sections 9 and 10 (entire). Language affecting the salary levels of two employees.

Veto Message:

"While I agree with these items of appropriation in principle, there are some special circumstances that have influenced my decision in this matter. First, I recognize that the individuals involved have been placed under a hardship by circumstances over which they apparently had no control. Therefore, I recognize that the State of Arkansas has a definite responsibility to resolve the matter. However, there are other similar cases which deserve equal consideration. Although disapproving these items, I will propose to the Office of Personnel Management and the personnel committee of the Legislative Council to gather the facts on all matters of this nature, review them upon their individual merit, and offer a comprehensive solution to these problems at the next regular session of the General Assembly."

1977
71st General Assembly
Governor David Pryor

Act 338 - Bureau of Legislative Research & Legislative Council

Items Vetoed:

Sections 6 and 7 (partial). Twelve positions: Assistant Budget & Fiscal Administrator for Personnel, six Personnel Specialists, two Personnel Technicians and three Administrative Secretaries. Appropriation for operating expenses of the Bureau of Legislative Research-Personnel Review totaling $285,364 in FY78 and $282,764 in FY79, payable from the Constitutional and Fiscal Officers Fund.

Veto Message:

"1) These sections transfer the Classification Unit of the Classification Section of the Office of Personnel Management to the Legislative Council staff. While I would agree that the Legislative Council staff requires some expertise in the personnel classification and compensation field, I feel that these 12 new positions are unwarranted. In addition, I feel that the salaries appropriated for these new positions are not equivalent to those of other individuals holding similar positions, with similar duties and responsibilities, in other branches of state government.

2) Our Constitutional system of checks and balances assures that the legislative, executive and judicial branches of government will remain equal and that no one branch will become predominant. Laws are passed by the General Assembly and the policies spelled out in those laws are administered by the Executive. Sections 6 and 7 of HB 132 are violative of this principle in that they would transfer to the legislative branch the day to day duties of administering the laws governing the management of state employees.

Austerity must be practiced by all branches of government. The temptation to build bigger bureaucracies exists for all public officials. It is our common duty to resist that temptation."

Act 347 - Department of Higher Education; Additional Students/ New Programs

Items Vetoed:

Sections 1 and 2 (partial). Appropriation totaling $400,000 in FY79 for payment to those state supported institutions of higher education which have experienced growth above original projections; and appropriation totaling $200,000 in FY78 for

new programs in state supported institutions, both payable from the Higher Education Grants Fund Account.

Veto Message:

"1) Section 1 appropriates $400,000 to provide funds to institutions with an increased student enrollment. The formula which the Department of Higher Education used in developing each institution's biennial budget included a provision that took into account increases in student enrollment. In addition, in my Executive Recommendation, I addressed the problems of increased enrollment as part of the special needs provision.

2) Section 2 appropriates $200,000 for new programs. In recent years there has been a proliferation of programs in the institutions of higher education of this State. As I have previously recommended, a complete review of the role and scope of higher education should be made before we enter into any more new or expanded programs."

Act 842 - Department of Parks & Tourism; Reappropriations

Items Vetoed:

Section 1 (partial). Reappropriation for Parkin Indian Mounds totaling $40,000 for the biennium, payable from the General Improvement Fund.

Veto Message:

"This money duplicates monies appropriated in Senate Bill 407, which I have already approved and which is now Act 433 of 1977."

Act 843 - Bureau of Legislative Research; Personnel Review

Items Vetoed:

Section 1 (partial). Six positions: two Personnel Specialists, two Personnel Technicians, and two Administrative Secretaries.

Veto Message:
"I certainly agree that the Legislative Council staff requires some experts in the personnel classification and compensation field, but I feel that 18 new positions are excessive."

Act 956 - Department of Parks & Tourism Construction

Items Vetoed:

Language allowing the Department of Parks and Tourism to expend $50,000 for land adjacent to Millwood State Park.

Veto Message:

"My reason for taking this action is because I believe that, as an addition to the parks system without affirmative action by the Board of Parks and Tourism, appraisal of the value and/or worth of the property, or a feasibility study the Department of Parks and Tourism, this would be in violation of the established review procedure. Furthermore, since this item was not recommended in the list of priorities of the Department in its budget requests, such an addition would further violate established procedures. Such a violation would set a bad precedent and would destroy any future planning for parks and recreational needs of the State.

I certainly recognize that the Millwood State Park has been one of the largest growing recreational areas in our state and have recommended $46,500 for expansion of that park in the southwest part of Arkansas. That money is contained in this bill."

Act 958 - Reappropriations; School for the Deaf, School for the Blind, Educational Television

Items Vetoed:

Sections 4 and 5 (entire). Appropriation totaling $1,567,400 for School for the Blind-Auditorium construction; Appropriation totaling $673,255 for Educational Television-Towers, Microwave Relay and Transmission System, both payable from the General Improvement Fund.

Veto Message:

"These sections duplicate items of reappropriation that are adequately covered in House Bill 725 and House Bill 767 respectively."

1979
72nd General Assembly
Governor Bill Clinton

Act 2 – Arkansas Senate; 72nd General Assembly Expenses

Items Vetoed:

One position: Legislative Security Officer.

Veto Message:

"...I have disapproved line 23 of page 1, the same being Subsection (8) of Section 2, as requested by Senate Resolution 5."

Act 581 - Department of Education; Vocational Technical Division; West Memphis

Items Vetoed:

Sections 1 and 2 (partial). Seventeen positions: Assistant Director, eight Voc. Inst. II, Plant Maint. Supv. I, Voc. Inst. I, three Secretary II, Maintenance Worker, Cook I, and Watchman; Appropriation totaling $41,500 for FY81 for Extra Help and Overtime, payable from the Vocational Technical School Fund Account.

Veto Message:

"...because these provisions appropriate monies for personnel who cannot be employed in this biennium since construction on the facility will almost certainly not be completed within two years."

Act 1105 - Department of Education Operations

Items Vetoed:

Section 72 (entire). Appropriation totaling $1,300,000 for school districts, payable from the Public School Fund.

Veto Message:

"I feel that this subject is more adequately covered in Senate Bill 98, which I intend to sign in the near future."

Act 1106 - Department of Human Services; MRDDS Operations

Items Vetoed:

Section 3 (partial). Appropriation totaling $2,500,000 in FY80 and $4,500,000 in FY81 for Additional Grants-in-Aid, payable from the Mental Retardation Fund Account.

Veto Message:

"This item appropriates $7 million over the biennium for additional grants-in-aid over and above the $8.4 million already appropriated. The $7 million additional appropriation was not part of the executive recommendation and is not compatible with the planned level of operations or actual revenues anticipated to be available to fund the appropriation. Therefore, I must reluctantly disapprove this portion of the Bill. I have approved the remainder of the Bill."

Act 1108 - Department of Local Services Operations

Items Vetoed:

Section 42 (entire). Appropriation totaling $380,000 for FY80 and $380,000 for FY81 for regional community action agencies, payable from the Department of Local Services Fund Account.

Veto Message:

"The matter contained in Section 42 was originally requested as a "one time" expenditure of $380,000, which was denied, and, thus, was not contained in my Executive Recommendations for General Revenue allocations. The matter was reviewed in connection with the capital construction program, and I recommended that the State fund $190,000 to assist the Weatherization Program. That recommendation is now contained in House Bill 1182. Therefore, I am compelled to disapprove Section 42 of Senate Bill 502."

Act 1116 - Secretary of State; Various Divisions

Items Vetoed:

Section 14 (partial). Appropriation totaling $250,000 in FY80 for printing tabloid and insertion of proposed Constitution of 1980; and appropriation totaling $45,000 in FY81 for publication of legal notices for 1980 General Election, both payable from the Constitutional Convention Fund.

Veto Message:

"After consultation with the Administrative Committee and the Executive Director of the Arkansas Constitutional Convention of 1979, together with the Secretary of State, I agree with all concerned parties that permitting this Bill to become law in its present form would seriously impair the Convention's ability to discharge its duties.

Accordingly, I see no alternative to disapproval of the measure."

1981
73rd General Assembly
Governor Frank White

Act 930 - Bureau of Legislative Research; Legislative Council; Joint Interim Committees

Items Vetoed:

Sections 6 and 7 (entire). Three Research Analyst positions. Appropriation totaling $55,413 in FY82 and $58,167 in FY83 for operating expenses of the Joint Performance Review Committee, payable from federal funds.

Veto Message:

"I feel that during these strained economic times, the State of Arkansas simply does not have the financial flexibility to assume the responsibility for funding programs when federal funds are terminated."

Act 931 - Department of Parks & Tourism Operations

Items Vetoed:

Section 1 (partial), Sections 18, 19, and 20 (entire), and Section 21 (partial). Section 1: three positions-Promotion and Marketing Director, Fiscal Officer, and Travel Information Writer II. Section 18: Entire Regular Salary Section authorizing 31 positions for the Mid America Museum. Section 19: Entire Extra Help Section authorizing 20 extra help positions for the Mid America Museum. Section 20: Appropriation totaling $1,294,647 in FY82 and $2,077,720 in FY83 for operating expenses of the Mid America Museum, payable from cash funds. Section 21: Four positions for Oil and Brine Museum-Director of Education, Museum Exhibit Specialist, Facility Manager III and II.

Veto Message:

"These line items (Sections 1 and 21) represent additional expansion of positions that the economic climate does not warrant, and that I did not recommend. In addition, the positions authorized for the Oil and Brine Museum cannot be filled at the present time since the museum is not operational.

I have also disapproved...Section 18...Section 19...Section 20...These sections represent funding for the state's operation of the Mid-America Museum. Since the Mid-America Museum was leased to the City of Hot Springs, these positions and the accompanying appropriation are no longer necessary."

Act 932 - Highway and Transportation Department

Items Vetoed:

Section 27 (entire). Language transferring $5,000 from the Budget Revolving Fund to the State Highway Department Fund for payment of expenses of the Arkansas Truck Weight Study Commission.

Veto Message:

"Funding for the Truck Weight Study Commission is contained in House Bill 969, which I have already approved, and which is now Act 781 of 1981."

Act 933 - University of Arkansas at Little Rock

Items Vetoed:

Section 7 (entire). Appropriation totaling $123,000 in FY82 and $135,000 in FY83 for operating expenses of the Old Post Office and Customs House Building, payable from the State General Services Fund Account.

Veto Message:

"Funding for personal services and operating expenses of the Old Post Office and Customs House Building was taken into consideration when I prepared my executive budget recommendations, and I incorporated these expenditures into the U.A.L.R. budget. Thus, Section 7 of Senate Bill 489 represents a duplicate allocation of funds, and must be disapproved."

Act 934 - Department of Human Services; Social Services Division

Items Vetoed:

Sections 5 and 6 (partial). Appropriation totaling $82,980 in FY82 and $83,520 in FY83 for Dental Coverage, payable from Social Services Fund Account; Appropriation totaling $217,020 in FY82 and $216,480 in FY83 for Dental Coverage, payable from federal funds.

Veto Message:

"Both of these line items would expand reimbursable dental coverage for Medicaid recipients. I do not believe that it is economically wise to expand coverage on option medical services when the state's fiscal policy is requiring cuts in mandated Medicaid services."

Act 935 - Department of Higher Education

Items Vetoed:

Section 1 (partial). Associate Director for Research and Planning position.

Veto Message:

"This position was not contained in my revised executive recommendations for this Department. It is my belief that the state monies utilized to fund this position would be better allocated to offset additional increases in the budget for the Department of Higher Education."

1983
74th General Assembly
Governor Bill Clinton

Act 338 - Department of Human Services; Rehabilitation Services

Items Vetoed:

Sections 6 and 7 (entire). Entire Regular Salary Section authorizing 27 positions for Benton Human Services Center. Appropriation totaling $653,988 in FY84 and $687,547 in FY85 for operating expenses of the Benton Human Services Center, payable from the Rehabilitation Services Fund Account.

Veto Message:

"The Benton Service Center presently serves approximately 33 clients. House Bill 488 would allocate 27 positions with a biennial appropriation in excess of $1.3 million to assist these individuals. Although I recognize the need to provide training and assistance for Arkansas' handicapped adults, I feel that the Benton Service Center, as it is presently being utilized, is not the most efficient, cost effective manner of doing so.

Those who are being served and who would be served by the Center can be provided for in other ways through Rehabilitation Services. The fine state employees who work at the Service Center are a valuable resource for our state; I am committed to doing everything I can to find other employment opportunities for them and believe, based on what I have been told by State agencies, that we have a good chance of doing so."

Act 934 - Department of Human Services; DDS Construction

Items Vetoed:

Section 1 (entire). Appropriation totaling $200,000 for construction of a theraputic (sic) pool complex at the Arkadelphia Human Development Center, payable from the Developmental Disabilities Services Division Fund.

Veto Message:

"House Bill 809 grants an appropriation for the construction of the therapeutic pool complex at the Arkadelphia Human Development Center. The total appropriation is $400,000, half from general revenues and half from the proceeds of timer (sic)

sales. I have approved the funding from the timber sales but must disapprove the funding from general revenue. During the legislative session, I said that I would support a therapeutic pool in Arkadelphia, if the revenues came from timber sales. These are the same terms on which construction of the therapeutic pool in Booneville is based, and so consistency and fairness, as well as the fact that this $200,000 was not part of our approved budget, dictate that I disapprove the funding from general revenues."

Act 935 - Department of Health

Items Vetoed:

Section 35 (partial). Appropriation totaling $40,000 in FY85 for Capital Outlay for the Blood Alcohol Testing Program, payable from the Highway Safety Special Fund.

Veto Message:

"This appropriation was not included in my Executive Recommendations, and, in a letter to the Joint Budget Committee, dated February (sic) 1, 1983, I requested that the item be deleted from the budget."

1985
75th General Assembly
Governor Bill Clinton

Act 741 – Department of Parks & Tourism; Tourist Information Center; Boone County

Items Vetoed:

Section 4 (entire). Appropriation totaling $58,709 in FY86 and %58,833 in FY87 for operating expenses of the Boone County Tourist Information Center, payable from the Department of Parks and Tourism Fund Account.

Veto Message:

"Additional funds to cover the operating expenses for this item were not included in the budget for the Department of Parks and Tourism for the coming biennium, and it is unlikely that the facility will be constructed and in need of operational funding during that period."

Act 743 – Department of Parks and Tourism; History Commission

Items Vetoed:

Sections 1 and 3 (partial). Four positions: Records Management Coordinator, two Administrative Assistant I, and a Secretary II. Appropriation totaling $27,000 in FY86 for Capital Outlay and appropriation totaling $8,000 in FY86 for Data Processing, both for the History Commission operations and both payable from the Department of Parks and Tourism Fund Account.

Veto Message:

"Although I recognize the fine work that the History Commission is doing for our state, these line items were not included in my executive budgetary recommendations. I do not feel that I should approve budgetary requests that substantially exceed my recommendations."

Act 984 – Military Department

Items Vetoed:

Section 1 (partial). Eight positions: Environmental Program Manager, Records Management Analyst I, Maintenance Work Planner & Scheduler II, Draftsman, Records Center Operator II, Secretary/Word Processing Operator, and two Custodial Worker II.

Veto Message:

"These additional positions for the State Military Department were not included in either the Executive or the Legislative Council budget recommendations. I do not felt hat I should approved budgetary requests that substantially exceed these recommendations."

Act 1087 – Department of Human Services; Alcohol & Drug Abuse

Items Vetoed:

Sections 7, 8 and 9 (entire). Entire Regular Salary section authorizing 4 positions for an Educational Cooperative/Substance Drug Abuse Coordinator Program. Appropriation totaling $1,300,000 in FY86 and $1,300,000 in FY87 for operating expenses of the Educational Cooperative/Substance Drug Abuse Coordinator Program, payable from the Alcohol and Drug Abuse Fund Account; and appropriation totaling $1,500,000 in FY86 and $1,500,000 in FY87 for Educational Cooperative Grants, payable from the Alcohol and Drug Abuse Prevention Education Fund Account.

Veto Message:

"These sections provided the funding and staff for a drug and alcohol abuse program for the public schools to be administered through the Office on Alcohol and Drug Abuse Prevention. The enabling legislation for this program was not passed during the 75th General Assembly, and thus the funding provisions are not needed."

Act 1072 - Office of Emergency Services

Items Vetoed:

Section 1 (partial). Programmer Analyst position.

Veto Message:

"This line item was not included in my executive budget recommendation."

1989
77th General Assembly
Governor Bill Clinton

NOTE: All appropriation measures were re-enacted during the First Extraordinary Session of 1989 due to the questioned constitutionality of the measures. All re-enactments reflected the vetoes found in the original acts. The Acts referenced herein are the original appropriation measures.

Act 608 - Bank Department

Items Vetoed:

Section 7 (partial). Data Center Administrator position.

Veto Message:

"I have disapproved line 10 on page five, which does not reflect my recommendation on the State Bank Department."

Act 991 - 77th General Assembly Allowed Claims

Items Vetoed:

Section 5 (partial). Amendment to change the salaries of the Claims Director and the 5 Claims Commissioners.

Veto Message:

"Line 20 of page 2 would increase the salary of the director of the Claims Commission from the line item maximum of $28,928 and $29,650 established in Act 110 of 1989 to $35,000 for each year of the biennium. Line 21 of page 2 would increase the salary of the Claims Commissioners from the line item maximum amount of $12,300 and $12,600 set in Act 10 of 1989 to $15,000 for each year of the biennium. I have disapproved these two items as they exceed the executive recommendation."

Act 992 - Department of Education; Grants and Aid to Local School Districts/Special Programs

Items Vetoed:

Section 1 (partial). Appropriation totaling $2,100,000 in FY90 and $2,000,000 in FY91 for a Post Secondary Preparatory Program, payable from the Public School Fund.

Veto Message:

"The appropriation on line 10 of page 2 of House Bill 1428 would appropriate $2,100,000 in the first year of the biennium and $2,000,000 in the second year of the biennium to fund the Post-secondary Preparatory Program. Many legislators, including the sponsor of Act 11 of 1989 which authorized this program, opposed the establishment of new programs in the Public School Fund and opposed raising additional revenue for education programs. While I believe that the Post-secondary Preparatory Program, would be of benefit to some high school graduates who need additional work in order to be prepared for college English and math courses, I cannot approve allocating funds for this new program when existing programs in the Public School Fund are underfunded and most teachers will be receiving pay raises of less than $100.00 in the next school year.

Therefore, I have disapproved funding for the Post-secondary Preparatory Program."

Act 993 - State Library

Items Vetoed:
Section 1 (partial). Two positions: Library Program Advisor I and Custodial Worker II.

Veto Message:

"I have disapproved line 5 and line 21 on page two, which do not reflect my recommendations on the Arkansas State Library."

Act 994 - Department of Arkansas Heritage

Items Vetoed:

Section 3 (partial). Appropriation totaling $45,000 in FY90 and $45,000 in FY91 for a Public School Outreach Program, payable from Department of Arkansas Heritage Fund Account.

Veto Message:

"Section 3 of House Bill 1763 would have appropriated $45,000 in each year of the next biennium to the Department of Arkansas Heritage as state matching funds for the Resource Center of the Arkansas Endowment for the Humanities Public School Outreach Program. I am familiar with the work of the Arkansas Endowment for the Humanities with many of the public schools in the state of Arkansas. I do believe AEH makes a valuable contribution to educational programming in Arkansas; however, the state does not currently provide direct state funding for this program. Therefore, while I believe this is a worthwhile program, I have disapproved the appropriation which would put state matching funds into the program for the first time."

Act 995 - Real Estate Commission

Items Vetoed:

Section 3 (partial). Language amending the salary of the Real Estate Executive Secretary.

Veto Message:

"I have disapproved Line 3 on page 2, which does not reflect my recommendation on the salary of the position of Real Estate Executive Secretary of the Real Estate Commission."

Act 1243 - Real Estate Commission

Items Vetoed:

Sections 2, 3, and 4 (partial). Language amending the salary of the Real Estate Executive Secretary; Position of Real Estate Assistant Deputy Executive Secretary; and Appropriation totaling $44,307 in FY92 and $47,079 in FY93 for personal services of the Real Estate Commission, payable from cash funds.

Veto Message:

"I have taken this action for the following reasons:

1. These items were not included in my executive budget recommendations.

2. Recent Attorney General's opinions have interpreted the "unity of subject" provision of the Arkansas Constitution to prohibit mixing budgetary considerations and unrelated substantive language within one bill, thus making House Bill 2106 clearly unconstitutional in its present form."

1993
79th General Assembly
Governor Jim Guy Tucker

Act 1310 – Public Employees Retirement System; Operations

Items Vetoed:

Section 15 (entire). Appropriation totaling $14,800,000 for the construction and equipping of Modules A4 and A5 of the Capitol Mall Facility, payable from the Public Employees Retirement System Fund.

Veto Message:

The following veto message covered both Act 1310 and Act 1311: *"The provisions which I have disapproved would allow use of $35,125,000 of retirement funds from PERS and TRS for the Capitol Mall facility. Construction of the facility would also necessitate over $800,000 in improvements to the Capitol Complex, the cost of which would be split between State Building Services (SBS) and the Arkansas State Highway and Transportation Department (ASHTD).*

Given the alternatives available, the present state of the economy, various issues concerning the investment of retirement funds in this manner, and the resulting cost to the state, I am simply unable to convince myself that it would be reasonable, and fiscally prudent to approve this legislation.

Alternatives Available:

If the state's only alternatives were to continue to rent space in the Pulaski County real estate market, the legislation might require further consideration. I am concerned that the state is exposing itself to much higher long term rental costs by not acquiring or constructing its own office space. The construction of Big Mac I was an excellent investment. It is unfortunate that the entire complex was not started and completed years ago. However, it was not. Whether to proceed today must be evaluated in light of today's alternatives and economy.

It is public knowledge that multiple substantial, and fairly new, office buildings are available for purchase by the state at prices of $30 to $60 per square foot including renovation. These prices are at least $30 to $70 per square foot below the cost of construction of Big Mac II. That cost differential would clearly translate into major long term savings for the state in per square foot rental cost or equivalent.

Big Mac II would have the advantage of providing other worthwhile improvements to the Capitol grounds – such as a visitors center and needed parking facilities. In addition, it would provide the savings opportunities which arise from the "campus" or consolidated offices used by large corporations such as Systematics or Dillards. These consolidated offices provide efficiencies for customers in doing business with the company, in corporate communications, and in more efficient use of copying and duplication, equipment, secretarial services, break space, etc.

However, none of these alternatives are eliminated by these vetoes. By purchasing buildings in close proximity, consolidation can be achieved. Over a short time this will also eliminate the problem of widely scattered and hard to find state offices. In addition, the veto of these particular bills does not eliminate the possible future construction of Big Mac II pursuant to Act 235 of 1991. Indeed, the existence of that authority is essential to the state's ability to assure that it is not held hostage by real estate interests demanding unreasonable market rates.

State of the Economy:

The condition of our economy and state budget also argues for these vetoes. Depressed real estate prices make good building purchases available. The state budget needs no additional strain. Should construction of Big Mac II become a necessity, in the near term we have very low interest rates available for an ADFA bond issue for that purpose.

Investment Concerns:

This proposed investment should be put in perspective. TRS has over $3.2 billion in assets earning about $192 million per year. PERS has almost $1.55 billion in assets earning about $141 million per year. Thus, the investment at issue for the two systems involves only seven-tenths of one percent of total assets.

None the less, neither PERS nor TRS performed any type of investment analysis prior to introduction of this legislation. The analysis that was performed occurred only after the bills reached the Senate. The legislation seeks to assure the system a 6% rate of return. In making this investment, the systems are clearly anticipating having their money tied up for twenty to thirty years or more. By simply investing in thirty year U. S. Treasury Bonds, the systems could earn about a 6.76% risk free return. This would produce for the systems about $42 million more income than investing in these facilities and renting to other agencies at $7 per square foot.

In addition, the system analysis assumes the rent received can be reinvested at 6%. There an (sic) be no assurance of this since future market conditions are unknown.
The analysis also leaves open the question of future ownership of the facility to be constructed. The Memorandum of Intent is silent on this issue. The addendum dated April 1, 1993 merely states the obvious. It will either be owned by the

system or the state. According to the addendum, this will be negotiated in the future. In other words, this critical issue is simply unknown.

Finally, also unknown is the actual maintenance costs of the building and who will absorb these costs. Although the one-half page Memorandum of Intent references this issue, it is not resolved. This leaves open major questions of rate of return for the systems and costs to the state."

Act 1311 – Teacher Retirement System; Operations

Items Vetoed:

Section 8 (entire). Appropriation totaling $20,325,000 for construction and equipping a building to house the Teacher Retirement System and provide additional office space, payable from the Teacher Retirement Fund.

Veto Message:

See Veto Message on Act 1310.

Act 1312 – Department of Education; County & State Aid

Items Vetoed:

Section 1 (partial). Appropriation totaling $1,525,500 in FY94 and $1,525,500 in FY95 for County General Aid; and appropriation totaling $1,296,000 in FY94 and $1,296,000 in FY95 for State Apportionment Aid, both payable from the Public School Fund.

Veto Message:

"…to bring the appropriation in line with my executive recommendation for funding. This is a total of $2,821,500 which was appropriated to be used for state support of County Supervisor's Offices. These offices exist in only some counties."

Act 1313 – Department of Education; Operations

Items Vetoed:

Section 39 (entire). Language allowing special rates of pay for various positions in the Department of Education – General Education Division.

Veto Message:

"The provisions contained in this section would have permitted salary increases for some employees in the General Education Division of the Department of Education beyond the available funding resources of the agency. Additionally, the proposed grade level increases contained in this section exceed the levels recommended in the budgets presented to the Legislative Council during their deliberations, as well as those included in my executive recommendations."

Act 1314 – Department of Higher Education; Operations/Grants

Items Vetoed:

Section 10 (partial). Appropriation totaling $140,000 in FY94 and $140,000 in FY95 for Operating Expenses of the Academic Challenge Scholarships Program, payable from the Department of Higher Education Grants Fund Account.

Veto Message:

"This line item would have allowed administrative costs to be paid from an appropriation established for scholarships."

Act 1315 – Department of Education; Vocational Technical Division

Items Vetoed:

Section 40 (partial) and Section 41 (entire). Language allowing local boards of postsecondary vocational institutions to establish salaries of administrators; and language allowing for special rates of pay for various positions within the Department of Education – Vocational and Technical Education Division.

Veto Message:

"These items would have authorized the local Boards to establish the salary for Administrators in the post secondary vocational technical schools. This would be a reversal of long standing policy. The policy is based on the fact that the state is financing those salaries and should maintain uniformity and standards for the salaries.

I have also disapproved Section 41 which would have allowed salary increases for certain classifications in the Division above those granted to the rest of state employees."

Act 1316 – Department of Finance & Administration; Hot Springs Flood Control Project

Items Vetoed:

Section 2 (entire). Language mandating a transfer of funds totaling $169,150 from the General Revenue Allotment Reserve Fund to the General Improvement fund for funding an appropriation for state matching of the Hot Springs Flood Control Project.

Veto Message:

"The language requiring the mandatory transfer of funds provided for in this section could result in insufficient funds being available to fund the supplemental appropriations adopted by the Joint Budget Committee pursuant to my executive recommendations."

Act 1317 - Bureau of Standards

Items Vetoed:

Section 1 (partial). Position of Bureau of Standards Assistant Director.

Veto Message:

"This action eliminates a position which will no longer be necessary once the Arkansas Bureau of Standards is transferred to the State Plant Board. I believe that it would be more beneficial to the Bureau to redirect these funds in order to address the critical maintenance and operation needs of the agency."

Act 1318 – Workers' Compensation Commission; Operations

Items Vetoed:

Section 10 (entire). Language allowing for special rates of pay for various positions within the Workers' Compensation Commission.

Veto Message:

"With the new duties of the Workers' Compensation Commission, there may be needs for salaries higher than normal in order to meet market conditions. However, under the provisions of the Uniform Classification and Compensation act, the Administrator of the Office of Personnel Management has authority to review

salaries and make recommendations to the personnel committee of the Legislative Council to address such market considerations.

If the Commission will immediately make such requests as may be necessary, the Administrator can present them to the Committee in May."

Act 1319 – Office of Prosecutor Coordinator; Operations

Items Vetoed:

Section 1 (partial). Position of Data Processing Coordinator.

Veto Message:

"This position was added above my Executive Recommendation."

1995
80th General Assembly
Governor Jim Guy Tucker

There were no Line Item vetoes during the Eightieth General Assembly.

1997
81st General Assembly
Governor Mike Huckabee

Act 261 - Department of Education

Items Vetoed:

Sections 1 and 2 provided supplemental appropriation and funding for Fiscal Year 1997 for the Statewide Computer Network.

Veto Message:

"This is to inform your honorable body that I have approved Senate Bill 137, however I have disapproved Sections 1 and 2 of the Bill which would have provided supplemental appropriation and funding for the statewide computer network in the Department of Education.

These disapproved Sections, if enacted, would increase the 1997 fiscal year budget beyond the current legislative recommended level. Increasing spending for this program this year above what is expected for next year and beyond would be fiscally irresponsible.

Furthermore, our administration has placed before the Joint Budget Committee a responsible budget plan that includes the expenditures of surplus money. That plan has not been acted upon by the committee and is an important part of our balanced budget and our programming projections for the next biennium."

Legislative Action:

The Line Item Veto was over-ridden.

Act 1355 – Administrative Office of the Courts

Items Vetoed:

Section 15 contained language granting enhanced priority to the Administrative Office of the Courts for the purpose of receiving full funding from the State Central Services Fund.

Veto Message:

"As authorized by Article VI, Section 17 of the Arkansas Constitution, I have disapproved Section 15 of SB286. This Section is disapproved because I do not believe that it is good public policy.

Section 15 of SB286 grants enhanced priority to the Administrative Office of the Courts for the purpose of receiving full funding from the State Central Services Fund. I do not wish to disparage the good work performed by the Administrative Office of the Courts. However, I am unable to say that their responsibilities are entitled to funding prior to some of the other agencies that are funded out of the State Central Services Fund. Further, this change in current law would alter the methodology of funding in the State Central Services Fund, thus eroding a time tested system of priorities."

Legislative Action:

The Line Item Veto was over-ridden.

Act 1358 – Department of Finance & Administration

Items Vetoed:

This Act provided for an appropriation to the Department of Finance & Administration for miscellaneous grants and expenses. Section 20 included an authorization to grant or loan $5 million from the State Treasury for the purpose of building natural gas lines to rural areas of Arkansas.

Veto Message:

"This is to inform your honorable body that I have disapproved Section 20, House Bill 1316, which would grant or loan $5 million from the state treasury for the purpose of building gas lines to rural areas of Arkansas. I have approved the remaining portions of House Bill 1316. I tried to work with the bill's sponsors and industry leaders on amendments to this legislation. I was able to reach agreement with industry leaders on those amendments, but the bill's sponsors were unwilling to accept these amendments. While we can all agree that providing economic energy to rural Arkansas is a worthy objective, I respectfully but strongly urge you to sustain this veto for the following reasons:

- *The bill is bad public policy. It would enable a few to use $5 million from the public treasury. Public money should benefit the general public.*
- *$5 million will not meet the overall cost of the project. That means that some in rural areas might be provided natural gas, but other will not receive*

a government subsidized pipeline. Who will decide who gets the pipeline? How will the money be allocated? From which fund will the money come?

- *It has never been the practice of our state to use public money for private purposes. While water and sewer projects have been publicly financed, those projects are publicly owned. Using public money for private purposes is a dangerous precedent.*

- *No studies have been done to determine the costs of the project or the financial benefits. No objective standards have been set concerning how the funds will be prioritized.*

- *There is no indication as to whether existing utility customers would be expected to subsidize additional cost incurred to provide service to new customers.*

The funds are expected from the Economic Development Fund, which presents yet another reason to sustain this veto. The guidelines for appropriating money from the fund have never been clearly established. For many worthy projects that you have worked for to take a back seat to a hurriedly pieced together proposal is surely as unthinkable to you as it is to me.

I urge you to review these issues carefully and ask for input from your constituents. I hope you will decide to sustain this veto and give us the opportunity to work in good faith toward better utility service for our rural areas."

Legislative Action:

The Line Item Veto was over-ridden.

Act 1359 – Department of Finance & Administration; Revenue Services Division

Items Vetoed:

Section 31 authorized a retroactive sales tax exemption of communication equipment installed on commercial trucks.

Veto Message:

"As authorized by Article 6, Section 17 of the Arkansas Constitution, I have disapproved Section 31 of HB1332. This Section is disapproved because it violates Article 12, Section 12 and Amendment 14 of the Arkansas Constitution.

Article 12, Section 12 provides that:

> *"Except as herein otherwise provided, the State shall never assume or pay the debt or liability of any county, town, city or other corporation whatever, or any part thereof, unless such debt or liability shall have been created to repeal invasion, suppress insurrection or to provide for the public welfare and defense. Nor shall the indebtedness of any corporation to the state ever be released or in any manner discharged save by payment into the public treasury."*

In the case of Federal Express Corporation, et al v. Skelton, 265 Ark. 187, 578 S.W.2d 1 (1979), the Arkansas Supreme Court determined that a provision similar to Section 31 violated Article 12, Section 12 of the Arkansas Constitution because it released an indebtedness or obligation of a corporation without such debt being paid into the State Treasury.

Amendment 14 of the Arkansas Constitution provides that:

> *"The General Assembly shall not pass any local or special act. This amendment shall not prohibit the repeal of local or special acts."*

In the Federal Express Corp. case, the Arkansas Supreme Court held that a provision similar to Section 31 violated Amendment 14 of the Arkansas Constitution because it adopted a retroactive tax exemption which operated to exempt taxpayers who have failed or refused to pay the tax while denying the exemption to persons and businesses who simply paid the tax.

Therefore, Section 31 of HB1322 is disapproved because if violates both Article 12, Section 12 and Amendment 14 of the Arkansas Constitution as interpreted by the case of Federal Express Corporation, et al v. Skelton, 265 Ark. 187, 578 S. W.2d 1 (1979)."

Legislative Action:

The Line Item Veto was over-ridden.

Act 1360 – Department of Human Services

Items Vetoed:

This Act provided for the operations of the Department of Human Services. It was amended to add $155.5 million in Medicaid spending and language that limited the Department's ability to manage programs and control costs.

Veto Message:

"This letter is to inform you that I have disapproved Section 93, Lines 11-16, Section 105, Section 109, Section 111, Section 119, and Section 122 of House Bill 1728. I have approved the remaining portions of House Bill 1728. I am asking you to sustain my line-item veto of the above sections. Even though this bill deals with the appropriation for the Department of Human Services, it was drastically amended during the final two days of the session by the Special Language Committee. The amendments added by the Special Language Committee changed the bill as follows:

1) *Added $155.5 million in Medicaid spending with minimal funding to offset the cost;*

2) *Added language to the DHS appropriation bill that undercuts the agency's ability to manage programs and control costs;*

3) *Put the DHS Medicaid program in a deficit position for the next biennium by $33.5 million;*

4) *Will force DHS to fund the shortfall with the new revenues or mandated cuts in services but will not add additional services for a single beneficiary of the Medicaid program.*

I line-item vetoed the sections listed above for the following reasons:

1) *Section 93, Page 63, Lines 11-16. Special language added in this section requires that any savings from salaries or operations within the Mental Health Services Division of DHS be transferred to community mental health centers. This requirement unduly restricts the agency's ability to manage its finances, violates the separation of powers clause of the Constitution and prevents the agency from moving savings from one year of the biennium to another to forestall projected deficits.*

2) *Section 105. The special language of this section raises rates for 10-bed ICF/MR. It is bad public policy to set rates by legislation as opposed to state-plan adjustments. No information has been gathered or collected by ICF/MRs to justify additional money for minimum wage increases. The rate increase should be set through negotiations and not mandated by legislation.*

3) *Section 109. Special language of this section requires a capitalized program for adult durable medical equipment. This language mandates a specific advocate agency, ICAN (Increasing Capabilities Access Network), to be part of a capitated program. Competitive bidding should be followed rather than having a capitated program.*

4) *Section 111. This section allows two groups of providers, child health management services clinics and developmental day treatment clinics, to charge for having children when no active treatment is being performed by these providers. This section creates an expensive new service, only intended to benefit selected providers. It diverts Medicaid matching funds from other programs, and it is an expansion of noncompetitive new programming.*

5) *Section 119. The special language of this section mandates that DHS not seek discounts for pharmacy dispensing fees that are offered to other insurance payers. This special language amendment places Medicaid in the position of subsidizing dispensing fees for other Medicaid service payers such as Blue Cross/Blue Shield or Prudential. It is bad legislation to tie the hands of DHS in negotiating pharmacy dispensing fees. In connection with this line-item veto, I am requesting in a letter dated today, a copy of which is attached, that DHS conduct a survey to determine the cost of dispensing a prescription by pharmacists in Arkansas.*

6) *Section 122. The special language added by this section mandated nursing home rate increases to cover minimum wage increases and inflation. Again, it is bad public policy to set rates by legislation as opposed to state-plan amendments. Sufficient information has not been gathered by nursing homes to justify minimum wage increases. Rate increases should be set through negotiations, not mandated by legislation.*

Finally, it must be remembered that the additional $155.5 million added by the special language amendments does not provide additional services but mandates – without study, negations or proof of need – that this money go to providers of such services for salary increases and administrative costs. It unlawfully places the DHS budget for the next biennium in a deficit situation. Therefore, I respectfully request that you sustain my line-item veto of the sections listed above.

Legislative Action:

The Line Item Veto was over-ridden.

Act 1361 – Department of Education

Items Vetoed:

This Act provide for special programs and grants and aids to local school districts. Sections 15, 16, and 22 contained language to designate the distribution of catastrophic loss of funding appropriations, the uses of carryover balances, and made an appropriation to one school district for a parent involvement pilot program.

Veto Message:

"As authorized by Article 6, Section 17 of the Arkansas Constitution, I have disapproved Sections 15, 16, and 22. The language in these sections restricts the authority of the executive branch to administer budgets of the State of Arkansas and offends the traditional separation of powers of the executive and legislative branches. I have approved the remaining portions of HB1809. These sections are disapproved for the following reasons:

1. *Section 15*

   The primary purpose of this program is to assist schools that are adversely affected due to the dramatic loss of students. This special language funnels money for purposes not related to the dramatic loss of students and requires that this new purpose be funded to the detriment of the original intent of the program.

2. *Section 16*

   This language first gives authority to the State Board of Education to budget carryover funds and then seriously limits the authority by designating specific areas that will be funded. This language is a direct contradiction to the broader language in Section 18. It also limits Executive Branch authority to budget and allocate funds.

3. *Section 22*

   This language conflicts with the overall program purpose of this competitive process by designating setaside money for a particular school district. It raises legal questions and bypasses the granting process. It decreases the Executive Branch authority to budget and allocate resources."

Legislative Action:

The Line Item Veto was over-ridden.

Act 1362 – Department of Education; General Education Division

Items Vetoed:

This Act provided for the operations of the Department of Education – General Education Division. Section 37 made an appropriation to three school districts for computer enhancement programs. Section 50 mandated the amount to be spent in State Equalization Funding.

Veto Message:

"As authorized by Article 6, Section 17 of the Arkansas Constitution, I have disapproved Sections 37 and 50. The Language in these sections restricts the authority of the executive branch to administer budgets of the State of Arkansas and offends the traditional separation of powers of the executive and legislative branches. I have approved the remaining portions of HB1810. These sections are disapproved for the following reasons:

1. Section 37

The language targets money for new purposes beyond the original intent of the program. It reduces the amount of money available to the other districts in the state and limits executive branch authority to budget and allocate resources.

2. Section 50

This language restricts the constitutional authority of the executive branch to administer the budgets of the State of Arkansas and removes the ability of the Department of Education General Division to be held responsible and accountable for financing the various programs provided to the children of Arkansas. It also removes the flexibility of the executive branch to fund important and necessary programs identified as priorities by the executive branch, the legislature, and the Arkansas school districts. It stipulates funding allocations and distribution levels for state equalization for each year of the biennium. This severely restricts the ability of the Department of education to insure the appropriate expenditure of these funds.

Legislative Action:

The Line Item Veto was over-ridden.

1999
82nd General Assembly
Governor Mike Huckabee

There were no Line Item vetoes during the Eighty-Second General Assembly.

2001
83rd General Assembly
Governor Mike Huckabee

Act 1843 – Department of Finance & Administration - Office of Accounting; AASIS Operations

Items Vetoed:

Section 6 (partial) and Section 8 (entire). Special Language for Reporting Requirements regarding AASIS and the establishment of an AASIS Project Policy Steering Committee.

Veto Message:

"This letter is to inform you I've vetoed by line item specific portions of House Bill 2080. The bill provides appropriation for the operating expenses of the Administrative Statewide Information System. I vetoed special language in Section 8 that would have created the AASIS Project Policy Steering Committee. These provisions would have granted total governing authority over AASIS to this new steering committee.

The vetoed provisions are directly contrary to Act 1042, which was approved this session to create a state chief information officer and CIO Council to manage state information technology. AASIS will be subject to the oversight of the CIO and the CIO Council as an "enterprise project" defined by Act 1042. Any allocation of state resources to AASIS will also be subject to review of the Information Technology Oversight Committee created by Act 1042.

Act 1042 provides the management and oversight necessary for the success of AASIS. In addition to the provisions of Act 1042, the Department of Finance and Administration will establish an advisory group of representatives from AASIS user agencies. This advisory group will advise DF&A on the continuing operations of AASIS. The steering committee that would have been established by the vetoed language would have created a duplicative, unnecessary bureaucracy.

Responsibility for the management and success of AASIS rests with DF&A. The vetoed language would have given the governing authority over AASIS to the steering committee while holding DF&A responsible for the success of AASIS. DF&A would have been left without the authority to do its job.

My veto leaves the responsibility for the management of AASIS with DF&A, subject to the oversight and safeguards of Act 1042. This is the model for the success of future information technology projects in state government, and it should be utilized to ensure the success of AASIS."

2003
84th General Assembly
Governor Mike Huckabee

Act 1466 – Secretary of State - Help America Vote Act

Items Vetoed:

Section 3 (partial). Language for Funding Transfer for the Capitol Hill Building Improvements – Pulaski County

Veto Message:

"Whereas, I, Mike Huckabee, Governor of the State of Arkansas, acting under the applicable provision of Article 6, Sections 15 and 17 of the Constitution of the State of Arkansas, do hereby give notice that I have decided to line-item veto Section3, subsection (2), lines 14 through 16 on page two (2) of Senate Bill 487, which provides funds for the appropriation provided for Capitol Hill Building improvements – Pulaski County, and which was presented to me during the 84th General Assembly on April 11, 2003; and

Whereas, the vetoed provision is not germane to the general purpose of the bill; and

Whereas, Arkansas case law makes clear that the purpose of Article 5, Section 21 of the Arkansas Constitution is to ensure that any amendment added to a bill should be germane to the subject expressed by the title of the act; and

Whereas, in a time of financial hardship, I cannot, in good conscience, approve an appropriation that would spend money to improve part-time housing for legislators when the money is needed for Medicaid programs that would help the sick and elderly."

Act 77 – 2nd ES - Education Department - School Funding

Items Vetoed:

Section 8. Special Language for Charter School Funding Restrictions.

Veto Message:

"This is to inform you that I've signed Senate Bill 79 but have exercised the prerogative of the line-item veto of the special language of Section 8. That section

would have an immediate, harmful effect in the very purpose of this special session – giving every student in Arkansas access to a quality education.

The language in this appropriation bill perhaps represents a strong reaction to what some perceived to be questionable procedures in securing funding for the Arkansas Virtual Academy. I'm sympathetic to that. However, no one has presented evidence that the program has failed to meet its objectives or failed to provide students with an innovative, effective education. If the Arkansas Virtual Academy fails to live up to its charter to provide a quality education for its students, we have the ability to close it immediately. That's something we cannot currently do with traditional public schools.

The Virtual Academy uses cutting-edge technology and proven instructional methods. It can put Arkansas on the map as a state that uses innovative methods of instruction to give its students an adequate, equitable, efficient education.

There are other ways to express you displeasure with how this process played out. But to punish students and their families for the perceived sins on the school's administration would be a tragedy.

I urge you to sustain the line-item veto of this section."

AFTER RECONSIDERATION, THE SENATE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR FEBRUARY 6, 2004 EXTRAORDINARY SESSION. THE HOUSE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR FEBRUARY 6, 2004 EXTRAORDINARY SESSION.

2005
85th General Assembly
Governor Mike Huckabee

There were no Line Item vetoes during the Eighty-Fifth General Assembly.

2007
86th General Assembly
Governor Mike Beebe

NOTE: The Governor did not issue any line item vetoes. The Governor issued eight vetoes, none of which were overridden by the General Assembly.

SB438 – Arkansas Natural Resources Commission; White River Levee District General Improvement

Items Vetoed:

This bill appropriated $250,000 payable from General Improvement Fund for a grant for repairs and maintenance to the White River Levee District; and included special language for funding restrictions.

Veto Message:

"I believe this bill, if enacted, would violate Amendment 14 to our Constitution, which prohibits the passage of local or special acts, particularly in light of the Arkansas Supreme Court's recent interpretation of Amendment 14 in the case of Wilson v. Weiss, No. 06-740 (December 14,2006)."

SB483 - Department of Economic Development; Technology Center of the Delta General Improvement

Items Vetoed:

This bill appropriated $250,000 payable from General Improvement Fund for a grant to the Technology Center of the Delta at Wynne for providing space and services including personnel services for the headquarters of The Cross Roads Coalition – a consortium of ten East Arkansas Counties engaged in economic, workforce and educational development activities.

Veto Message:

"I believe this bill, if enacted, would violate Amendment 14 to our Constitution, which prohibits the passage of local or special acts, particularly in light of the Arkansas Supreme Court's recent interpretation of Amendment 14 in the case of Wilson v. Weiss, No. 06-740 (December 14,2006)."

SB629 – Ozarka College; College Street General Improvement

Items Vetoed:

This bill appropriated $200,000 payable from General Improvement Fund for matching funds for major improvements to College Street for safety purposes.

Veto Message:

"I believe this bill, if enacted, would violate Amendment 14 to our Constitution, which prohibits the passage of local or special acts, particularly in light of the Arkansas Supreme Court's recent interpretation of Amendment 14 in the case of Wilson v. Weiss, No. 06-740 (December 14,2006)."

SB761 - Department of Economic Development; Riverfront Development Project General Improvement

Items Vetoed:

This bill appropriated $200,000 payable from General Improvement Fund for support of the Riverfront Development Project in Ozark.

Veto Message:

"I believe this bill, if enacted, would violate Amendment 14 to our Constitution, which prohibits the passage of local or special acts, particularly in light of the Arkansas Supreme Court's recent interpretation of Amendment 14 in the case of Wilson v. Weiss, No. 06-740 (December 14,2006)."

HB1386 - Department of Finance and Administration – Disbursing Officer; Lake Village Fire Department General Improvement

Items Vetoed:

This bill clarified that Act 480 of 2005, an appropriation in the amount of $15,000 payable from General Improvement Fund, is amended to be used for state assistance to the Lake Village Fire Department instead of the Lake Village Rural Fire Department.

Veto Message:

"I believe this bill, if enacted, would violate Amendment 14 to our Constitution, which prohibits the passage of local or special acts, particularly in light of the Arkansas Supreme Court's recent interpretation of Amendment 14 in the case of Wilson v. Weiss, No. 06-740 (December 14,2006)."

HB1642 - Department of Finance and Administration – Disbursing Officer; Conductive Education of Northwest Arkansas General Improvement

Items Vetoed:

This bill appropriated $200,000 payable from General Improvement Fund for state assistance to Conductive Education of Northwest Arkansas to remodel the facility, for student scholarships and for other purposes.

Veto Message:

"I believe this bill, if enacted, would violate Amendment 14 to our Constitution, which prohibits the passage of local or special acts, particularly in light of the Arkansas Supreme Court's recent interpretation of Amendment 14 in the case of Wilson v. Weiss, No. 06-740 (December 14,2006)."

HB2396 - Municipalities & Counties Industrial Development Revenue Bond Law

Items Vetoed:

This bill amended the Municipalities and Counties Industrial Development Revenue Bond Law, Title 14, Subchapter 2, of the Arkansas Code to clarify the definition of "industry" and add definitions for "retail facility", "hospitality facility" and "office building facilities".

Veto Message:

"The bill, if enacted, would expand the definition of "industry" for purposes of the Municipalities and Counties Industrial Development Revenue Bond Law so as to permit the issuance of such bonds to facilitate, among other things, development of "retail facilities," which are further defined as including certain retail centers or shopping centers."

"I believe that the bill, if it became law, would violate Section 2(a) of Amendment 65 of our Constitution, which provides, in pertinent part, that "[n]o revenue bonds shall be issued by or on behalf of any governmental unit if the primary purpose of the bonds is to loan the proceeds of the bonds, or to lease or sell the facilities financed with the proceeds of the bonds, to one or more private business users for shopping centers or other establishments engaged in the sale of food or goods at retail." I also note that the House Bill 2396 contains no severability clause, pursuant to which a court might strike the offending provisions and leave the remainder of the bill in effect."

HB2780 - Arkansas Consumer Report Security Freeze Act

Items Vetoed:

This bill amended Title 4 of the Arkansas Code to add an additional chapter to permit placing a security freeze on a person's consumer report, to provide procedures for the placement and removal of the security freeze, and to provide notice of the right to obtain a security freeze.

Veto Message:

"I strongly support the efforts to protect victims of identity theft. That is why I approved House Bill 2215, now Act 391 of 2007, which enables victims of identity theft to place a "security freeze" on consumer credit reports. House Bill 2780, which would also provide for such "security freezes," contains provisions that I fear might be used to the advantage of those who engage in identity theft. HB 2780 would allow any citizen, not just victims of actual or suspected identity theft, to obtain a security freeze. Further, there is awkward language on page 6 of HB 2780 might be interpreted or argued as placing limits on access to or disclosure of information concerning criminal records, fraud prevention or detection, or employment, tenant, or individual background screening."

2009
87th General Assembly
Meeting in Regular Session
Governor Mike Beebe

There were no vetoes during the Eighty-Seventh General Assembly.

2010
87th General Assembly
Meeting in Fiscal Session
Governor Mike Beebe

SB130 – Secretary of State – State Board of Apportionment

ITEMS VETOED:

This bill appropriated $691,925 payable from the State Central Services Fund for personal services, operating expenses and reapportionment expenses of the Secretary of State – State Board of Apportionment.

VETO MESSAGE:

"In accordance with Article 6, Section 15 of the Arkansas Constitution, I write to notify you that today I vetoed Senate Bill SB130. I write further to explain the reason for my action.

There was much discussion before and during this first fiscal session about setting precedents. I believe that we cannot, in good conscience, set a precedent of taking funding from a tenuous source, such as the State Central Services Fund, in order to protect local projects.

As you know, the State Central Services Fund supports the core functions of our government, and if it falls short of funding, the needed money is drawn from the rest of our revenue, essentially creating an automatic budget cut for other state services.

I believe that putting the State in such a position is inconsistent with the spirit of fiscal responsibility that typically places Arkansas in such good stead as compared to most of our sister states.

My office is working with the Secretary of State's office to determine what, if anything, can be done this year regarding the Board of Apportionment."

2011
88th General Assembly
Meeting in Regular Session
Governor Mike Beebe

- **HB1188 – Crime Information Center – Transfer to Economic Development Commission**

ITEMS VETOED:

Section 9 - directs the transfer of $60,000 from ACIC to the Arkansas Economic Development Commission to be used for community grants.

VETO MESSAGE:

"…I believe that the fund transfer proposed in that portion of the bill to be inconsistent with budget priorities and will result in an unnecessary budgetary hardship on the ACIC."

2012
88th General Assembly
Meeting in Fiscal Session
Governor Mike Beebe

- **HB1078 – Department of Finance and Administration – Management Services Division**

ITEMS VETOED:

One position: Section 1, Item (3) – Health Information Tech Coordinator

VETO MESSAGE:

"…This line item of House Bill 1078 is unnecessary in light of the fact that all needed employee positions for the Office of Health Information Technology are provided for in House Bill 1105."

2013
89th General Assembly
Meeting in Regular Session
Governor Mike Beebe

NOTE: The Governor did not issue any line item vetoes. The Governor issued six vetoes, three of which were overridden by the General Assembly.

Act 171 – Health Care Providers, Abortion; Prohibited Post-20 Weeks

ITEMS VETOED:

This bill would create ACA 20-16-301 through 1310, titled the "Pain-Capable Unborn Child Act," prohibiting abortions after twenty weeks of pregnancy with exceptions, and establishing criminal and civil penalties for doctors that violate the act.

VETO MESSAGE:

"…I have vetoed House Bill 1037. I have done so for several reasons.

First, if it became law in its present form, it would violate the United States Constitution. In Roe v. Wade, 410 U.S. 113 (1973), the Supreme Court held that women have a right under the United States Constitution to choose to terminate their pregnancies, and that the Constitution places restraints on government's ability to prohibit or regulate the exercise of that right…

Under prevailing case law, 'viability' is the stage of fetal development at which, in the judgment of the attending physician, there 'is reasonable likelihood of the fetus' sustained survival outside the womb, with or without artificial life support.' Colette v. Franklin, 439 U.S. 379, 388-89 (1979). House Bill 1037, with certain narrowly-drawn exceptions, purports to prohibit abortions after 20 weeks from the time of fertilization, regardless of fetal viability. Current case law indicates that 'viability' occurs somewhere between approximately 23 or 24 weeks. None of the legislative findings recited in the bill address viability, as that term is used in the relevant case law…

Second, the adoption of unconstitutional laws can be very costly to the taxpayers of our State. It has been suggested that outside groups or others might represent the State for free in any litigation challenging the constitutionality of House Bill 1037, but even if that were to happen, that would only lessen the State's own litigation costs. Lawsuits challenging unconstitutional laws also result in the losing party – in this case,

the Senate – having to pay the costs and attorneys' fees incurred by the litigants who successfully challenge the law. Those costs and fees can be significant. In the last case in which the constitutionality of an Arkansas abortion statute was challenged, Little Rock Family Planning Services v. Begley, the State was ordered to pay the prevailing plaintiffs and their attorneys nearly $119,000 for work in the trial court, and an additional $28,900 for work on the State's unsuccessful appeal. Those fee awards were entered in 1999, and litigation fees and costs have increased extensively since then. The taxpayers' exposure, should HB 1037 become law, will be significantly greater."

AFTER RECONSIDERATION, THE HOUSE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR FEBRUARY 27, 2013 REGULAR SESSION. THE SENATE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR FEBRUARY 27, 2013 REGULAR SESSION.

Act 301 – Women's Issues – Abortion; Class D Felony Violation

ITEMS VETOED:

This bill would require those authorized to perform abortions to first conduct a test to detect a fetal heartbeat; if a heartbeat is detected, inform the pregnant woman in writing of the presence of a heartbeat and the statistical likelihood of bringing the fetus to term, and that performing an abortion in her case is a class D felony; exempting from this law abortions performed to save the life of the mother or abortions of pregnancies resulting from rape.

VETO MESSAGE:

"…If passed into law, Senate Bill 134 would blatantly violate the United States Constitution in Roe v. Wade, 410 U.S. 113 (1973), the Supreme Court held that women have a right under the United States Constitution to choose to terminate their pregnancies, and that the Constitution places restraints on government's ability to prohibit or regulate the exercise of that right.

The adoption of blatantly unconstitutional laws can be very costly to the taxpayers of our State. It has been suggested that outside groups might represent the State for free in any litigation challenging the constitutionality of Senate Bill 134, but even if that were to happen, that would only lessen the

State's own litigation costs. Lawsuits challenging unconstitutional laws also result in the losing party – in this case, the Senate – being ordered to pay the costs and attorneys' fees incurred by the litigants who successfully challenge the law. Those costs and fees can be significant. In the last case in which the constitutionality of

an Arkansas abortion statute was challenged, Little Rock Family Planning Services v. Jegley, the State was ordered to pay the prevailing plaintiffs and their attorneys nearly $119,000 for work in the trial courts, and an additional $28,900 for work on the State's unsuccessful appeal. Those fee awards were entered in 1999, and litigation fees and costs have increased extensively since then. The taxpayers' exposure, should Senate Bill 134 become law, will likely be significantly greater."

AFTER RECONSIDERATION, THE SENATE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR MARCH 5, 2013 REGULAR SESSION. THE HOUSE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR MARCH 6, 2013 REGULAR SESSION.

Act 595 – Elections – Voter Identification; Photo Identification Required

ITEMS VETOED:

This bill requires that a voter provide proof of identity when voting and provides for the issuance of a Voter Identification Card.

VETO MESSAGE:

"...Article 3, Section 1 of our Constitution sets forth the qualifications to vote and declares that persons who meet those qualifications 'shall be allowed to vote at any election in the State of Arkansas.' Article 3, Section 2 unambiguously limits the power of the General Assembly to adopt any law that would deny or impair that right. Section 2 states that 'No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage nor shall any law be enacted...whereby the right to vote shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

Legal concerns aside, given the importance of the right to vote, laws that would impair or make it more difficult to exercise that right should be justified by the most compelling of reasons. This is particularly so when the citizens, whose right to vote is most likely to be impaired, are those citizens who experience the most difficulty in voting in the first place: the elderly and the poor. A compelling justification should

likewise be shown when the citizens most likely to be affected include minorities who have in the past been the target of officially-sanctioned efforts to bar or discourage them from participating in the electoral process..."

AFTER RECONSIDERATION, THE SENATE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR MARCH 27, 2013 REGULAR SESSION. THE HOUSE VOTED TO OVERRIDE THE VETO OF THE GOVERNOR APRIL 1, 2013 REGULAR SESSION.

SB719 – Secretary of State – Voter Integrity Unit

ITEMS VETOED:

This bill creates the Voter Integrity Unit within the Office of Secretary of State.

VETO MESSAGE:

"...Senate Bill 719 would take from the State Board of Election Commissioners the authority to investigate complaints of election irregularities or alleged violations of election law and shift that authority to a four-member 'voter integrity' unit. This unit 'shall investigate any complaint of election irregularity or violation of election law', that has been filed with the State Board of Election Commissioners. It would consist of four employees of the Office of the Secretary of State, a partisan-elected office, and would have broad powers to issue subpoenas, compel testimony and production of records, and administer oaths and take sworn testimony. The unit's 'report' on its investigation would then be sent to the State Board of Election Commissioners for further action. Senate Bill 719 thus transfers virtually unfettered investigative power and authority to a partisan-elected official over complaints against persons accused, sometimes by political rivals, of violating election laws. However, while the bill makes it clear that the unit 'shall' investigate 'any' such complaint, the bill makes no provision for those cases in which a complaint might relate to the activities of the Secretary of State or his/her office, or persons running for that office. Placing such unfettered authority in a partisan-elected office is a profoundly bad idea..."

SB720 – Election Commissioners, County; Procedure for Removal

ITEMS VETOED:

This bill would give the State Board of Election Commissioners authority to investigate complaints against a county board of election commissioners; to remove members of county boards of election commissioners; complaints to be filed with the Board of Election Commissioners; provide guidelines for filing and

investigation of complaints with the Board of Election Commissioners, Legislative Council and Senate and House Committees on State Agencies and Governmental Affairs and would provide for the removal of the county board member if the State Board determines the complaint to be legitimate.

VETO MESSAGE:

"...Senate Bill 720 authorizes the State Board of Election Commissioners to remove a county commissioner if he or she is 'not qualified under law' to be a county board member or if the county board member 'fails to perform his or her duty under law.' It does so by setting up a mandatory, cumbersome and confusing procedure for processing complaints submitted by any person to the State Board. For example, the bill provides that if the State Board determines that a complaint 'clearly lacks any basis in law or fact,' that the State Board must nonetheless refer the complaint and the Board's findings to the Arkansas Ethics Commission. Why this step is necessary or desirable for complaints lacking any basis in law or fact is unclear..."

SB721 – Election Commissioners, State Board; Selection of Members

ITEMS VETOED:

This bill amends §7-4-10(a)-(e), increasing the membership of the State Board of Election Commissioners; changing membership composition and terms of service.

VETO MESSAGE:

"...Senate Bill 721 would, effective July 1, 2013, terminate the current tenure of all members of the State Board of Election Commissioners and replace them with a new, nine-member Board. The bill increases the number of members selected by the political parties and alters the terms of some members. The immediate effect of the bill is to make the membership of the State Board of Election Commissioners more, not less, partisan. There is no evident need for a larger State Board of Election Commissioners, and blatant attempts to skew the political balance of a board charged with overseeing partisan elections will only harm, not promote, the public's confidence in the integrity of our State's election processes.

I have received numerous communications from counties, election officials, and election commissioners of all political persuasions urging me to veto these three bills.

They see them, individually and collectively, as unwarranted attempts to undo a carefully crafted system of checks and balances and divisions of responsibility between the state Board of Election Commissioners, the Secretary of State's Office, and local election commissioners. Their objections to these bills are well-taken."

2014
89th General Assembly
Meeting in Fiscal Session
Governor Mike Beebe

HB1048 – Department of Finance and Administration – Revenue Services Division

ITEMS VETOED:

Section 16. Special Language – Code Amendment. This section would add sand and other proppants used to complete a new oil or gas well or to recomplete, redrill, or expand an existing oil or gas well to the list of machinery and equipment exempted from the gross receipts tax.

VETO MESSAGE:

"First, I believe that Section 16 violates the letter and spirit of Article 5, Section 5(c)(2) of our Constitution. It is clear that when the voters approved Amendment 86 to our Constitution, they intended to limit the matters considered during "Fiscal Sessions" of the General Assembly. Article 5, Section 5(c)(2) makes clear that bills purporting to make substantive non-appropriation law may ONLY be taken up during a fiscal session after both houses of the General Assembly have approved the consideration of such bills by a two-thirds vote. Section 16 of HB 1048 purports to make a substantive change to the Arkansas Code (effective July 1, 2014) by establishing a new, additional category of items exempted from the existing gross receipts tax. While this proposed change to the Arkansas Code is clearly not an appropriation of funds, Section 16 of the bill was considered and adopted without first obtaining the required two-thirds vote of both chambers. If substantive changes to Arkansas law could be adopted in this manner during a Fiscal Session, the provisions of Article 5(c)(2) would be meaningless and Fiscal Sessions could, as a practical matter, be rendered indistinguishable from Regular Sessions. I do not believe that Arkansas voters intended such a result when they approved limited Fiscal Sessions.

Second, Section 16 of HB 1048 violates Article 5, Sections 29 and 30 of the Arkansas Constitution. These provisions require that appropriations be made with a distinctly stated purpose, and only encompass that one purpose. The Arkansas Supreme Court has interpreted these sections to require a clear link between substantive changes in state law contained in a appropriation bill and the purpose of the appropriation. See Reid v. Jones, 261 Ark. 550, 551 8.W.2d 191 (1977); Ark. Motor Carriers Ass'n v Pritchett, 303 Ark. 620, 798 S.W.2d 918 (1990). The

stated purpose of HB 1048 is to appropriate funds to pay the operating expenses of the DFA's Revenue Services Division. An appropriation is a law that authorizes the expenditure of public funds, and Section 16 has nothing to do with the expenditure of public funds for the operations of the Revenue Division.

Third, Section 16 of HB 1048 violates Article 5, Section 21 of the Arkansas Constitution. Article 5, Section 21 states that "no bill shall be so altered or amended on its passage through either house, as to change its original purpose." As described by the Arkansas Supreme Court, this provision is intended to "forbid amendments which should not be germane to the subject expressed by the title of the act." Cone v. Garner, 175 Ark. 860, 3 S.W.2d 1 (1927). Again, the subject matter and purpose of HB 1048, as expressed in the title, are appropriations for the operating expenses of the Revenue Division. The new tax exemption created in Section 16, which was added to the original bill by amendment, unconstitutionally alters the purpose of the original bill.

Substantive change to Arkansas law that have no relation to appropriations, such as Section 16 of HB1048, should rarely be considered during fiscal sessions. If they are to be considered at all, it should be done through the process the people established in our Constitution, and not through "special language" amendments to unrelated appropriation bills."

AFTER RECONSIDERATION, THE HOUSE AND SENATE VOTED THE CONSTITUTIONAL MAJORITY TO OVERRIDE THE VETO OF THE GOVERNOR MARCH 19, 2014 FISCAL SESSION.

2015
90th General Assembly
Meeting in Regular Session
Governor Asa Hutchinson

SB79 – To Enact the Personal Rights Protection Act; and to Protect the Property Rights of an Individual to the Use of the Individual's Name, Voice, Signature and Likeness

ITEMS VETOED:

This bill grants a property right in the use of an individual's name, voice, signature, photograph or likeness and makes this right freely transferable, assignable, and descendible through the individual's lifetime and up to fifty (50) years after the individual's death.

VETO MESSAGE:

"Pursuant to Article 6, Section 15 of the Arkansas Constitution, I write to inform you that today I have vetoed Senate Bill 79, which I have returned to you with this letter. I have done so because in its current form it is overbroad, vague and will have the effect of restricting free speech.

SB79 grants a property right in the use of an individual's name, voice, signature, photograph or likeness and makes this right freely transferable, assignable, and descendible. SB79 provides that this right continues through the individual's lifetime and up to fifty (50) years after the individual's death. The intent of the bill is to "[p]rotect the names, voices, signatures, photographs, and likenesses of the citizens of the state from exploitation and unauthorized commercial use without the citizen's consent." However, the bill as drafted would extend protection beyond the stated intent of the bill, unnecessarily restrict free expression and may result in unnecessary litigation in Arkansas.

SB79 defines "commercial use" to include any use for advertising, fundraising or "obtaining money, goods or services." While the intent is to protect citizens of Arkansas from unauthorized commercial speech, the definition of "commercial use" to include any use for "obtaining money, good or services" is too broad and vague. This language may include speech beyond traditional commercial speech, including expressive speech produced for profit. This would result in Arkansas having one of the broadest Rights of Publicity statutes in the country and making Arkansas the forum of choice for many litigants.

Additionally, while SB79 provides clear and explicit exemptions for certain types of noncommercial speech including news, public affairs, sports broadcasts and advertising for a political campaign, SB79 fails to extend an exemption to other forms of noncommercial speech. Instead, SB79 provides that certain expressive works such as plays, books, magazines, newspapers, audiovisual work, and original works of art are only exempt to the extent they are protected by the First Amendment. I believe the absence of a clear exemption for these types of expressive works will result in unnecessary litigation in Arkansas courts and will suppress Arkansans who engage in artistic expression from photography to art work.

Moreover, the bill includes inconsistent language that makes it unclear whether a type of speech is completely exempt or is only exempt to the extent it is protected by the First Amendment. For example, SB79 explicitly exempts news and the promotion and advertising for a political campaign. However, the "work of a political or newsworthy value" is only exempt to the extent it is protected by the First Amendments. This ambiguity in SB79, and the lack of clear exemptions for certain types of expressive works, may have the effect of restricting and chilling constitutionally protected speech.

Finally, SB79 includes broad jurisdictional language to allow a party to file a civil action in any county where one or more defendants reside or a violation occurred. The broad jurisdictional language allowing a civil action to be brought in any county where a violation occurred in combination with the absence of clear exemptions for certain types of expressive works goes beyond the stated intent of the bill, invites unnecessary litigation in Arkansas courts and encourages forum shopping.

I have received scores of letters from professional and amateur photographers in Arkansas who raise legitimate concerns about the bill and they request the language be amended so that they are not subject to substantial financial burdens in the conduct of their small businesses around the state.

Although I must veto SB79 for the reasons mentioned above, I wish to express my appreciation to its principal sponsor, Senator Woods. While I respect Senator Wood's intent to protect the names, voices, signatures, photographs and likeness of Arkansas citizens, such as the Broyles family, from exploitation and unauthorized commercial use, I cannot support SB79 in its current form."

2016
90th General Assembly
Meeting in Fiscal Session
Governor Asa Hutchinson

- **SB121 – An Act to Make an Appropriation for Personal Services and Operating Expenses for the Department of Human Services – Division of Medical Services**

ITEMS VETOED:

Section 19. Special Language – Code Amendment. This section amends ACA § 23-61-1009 to add a sunset clause to the Arkansas Works Program.

VETO MESSAGE:

"I write to inform you that today I have vetoed Section 19 of Senate Bill 121 pursuant to Article 6, Section 17 of the Arkansas Constitution. I have exercised my authority to veto Section 19 because this section makes a substantive change to the Arkansas Code in that it would terminate the Arkansas Works program recently enacted by the General Assembly.

Acts 1 and 2 of the Second Extraordinary Session were passed by substantial majorities in both houses of the General Assembly earlier this month creating that Arkansas Works Program. In doing so, the General Assembly determined the future of healthcare coverage for those under 138% of the federal poverty level and avoided serious consequences to the State of Arkansas. By passing Acts 1 and 2 of the Second Extraordinary Session, the General Assembly set the state's policy on healthcare. An appropriation bill is not the proper method to make substantive changes to that policy.

Article 5, Section 5 of the Arkansas Constitution limits the General Assembly to consideration of appropriation bills during a fiscal session. I order for the General Assembly to consider a bill other than an appropriation bill, the General Assembly must first approve consideration of the bill by a vote of two-thirds of the members of each house of the General Assembly. Section 19 of Senate Bill 121 makes substantive changes to the Arkansas Code by ending the recently created Arkansas Works program.

Section 19 of SB121 was considered and adopted without first obtaining the required two-thirds vote of both houses. The General Assembly cannot avoid this requirement by inserting substantive change to the Arkansas Code in special language of an

appropriation bill. To do so would, for all practical purposes, covert the fiscal session into nothing more than another regular session in violation of the Arkansas Constitution and the clear intent of the voters when they approved Amendment 86. If the General Assembly chooses to consider a substantive, non-appropriation item during a fiscal session, it must do so through the process established in the Arkansas Constitution.

Nevertheless, Article 6, Section 17 of the Arkansas Constitution grants the governor the authority to disapprove of any item, or items, of any bill making appropriation of money. As Senate Bill 121 is an appropriation bill, the decision by the General Assembly to make substantive changes to the Arkansas Code through special language in an appropriation bill is justification for me to veto this item pursuant to Article 6, Section 17 and to approve the remainder of the bill.

By vetoing this section, our state will avoid serious consequences and the Department of Human Services will be able to implement the Arkansas Works Program which was approved overwhelmingly by the General Assembly.

As always, thank you for your courtesies and for your service to the State of Arkansas."

2017
91st General Assembly
Meeting in Regular Session
Governor Asa Hutchinson

SB446 – An Act to Make an Appropriation for Panic Button Alert Systems Expenses for the Department of Education

ITEMS VETOED:

This bill creates an appropriation payable from the Public School Fund for panic button alert systems expenses by the Department of Education.

VETO MESSAGE:

"Pursuant to Article 6 of the Arkansas Constitution, I write to inform you that today I have vetoed Senate Bill 446. I have done so because it is not up to the local school districts to choose whether to pay for the panic button alert systems.

SB446 is an appropriation for the panic button alert system expenses. When the panic button system was initially presented for funding in FY16, it was presented as a pilot project that the local school districts would eventually pay for. After funding for FY16 from the Department of Education and for FY17 with money from the Attorney General's office, it is now time for the local school districts to choose to fund this or not.

For those reasons, I have vetoed Senate Bill 446."

2018
91st General Assembly
Meeting in Fiscal Session
Governor Asa Hutchinson

There were no vetoes during the Fiscal Session of the 91st General Assembly.

2019
92nd General Assembly
Meeting in Regular Session
Governor Asa Hutchinson

There were no vetoes during the Regular Session of the 92nd General Assembly.