

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0400 Agriculture, Department of**

**ACT#: 234**

**SECTION#: 38**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~BUFFALO GNAT CONTROL PROGRAM. The Appropriation authorized for the Buffalo Gnat Control Program in Item (09) of Section 3 of this Act, shall be expended only for the control of buffalo gnats where needed as determined by the Department of Agriculture.~~  
~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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**EXECUTIVE RECOMMENDATION**

EXPENSE REIMBURSEMENT. Funds appropriated in Item (07), (08) and (09) of Section 14 of this act shall be used to pay expenses necessary for members of high school 4H clubs, high school FFA clubs and Miss Arkansas Rodeo for expenses incurred while representing the State of Arkansas at national conferences and events outside the State. The State 4H Association and the State FFA Association shall receive funds appropriated for expense reimbursement of student members but shall be limited to \$20,000 each, or so much thereof that is available. Reimbursement of expenses for Miss Arkansas Rodeo shall be limited to \$350 per year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**0400 Agriculture, Department of**

**ACT#: 234**

**SECTION#: 40**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER. The Executive Director of the Livestock and Poultry Commission, with prior approval of the Arkansas Legislative Council or the Joint Budget Committee, the approval of the Chief Fiscal Officer of the State, and for the reimbursing of documented expenditures designated by law to be made from the transferred special revenue, may transfer funds among the Livestock and Poultry Equine Infectious Anemia Control Fund, Livestock and Poultry Commission Disease and Pest Control Fund, Livestock and Poultry Special Revenue Fund, Livestock and Poultry Commission Swine Testing Fund, and the Poultry and Egg Grading Fund or from these funds to the Livestock and Poultry Fund Account. The purpose of these transfers shall only be for accurate allocation of incurred costs between the funds. Requests for fund transfer will at least include the total amount to be transferred, to and from which funds, the nature, purpose, and time period of the expenditures being reimbursed, and any other information requested by the Legislative Council or the Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Agriculture Department - Livestock and Poultry Commission may operate more efficiently if some flexibility is provided to the Arkansas Agriculture Department - Livestock and Poultry Commission authorizing broad powers

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**EXECUTIVE RECOMMENDATION**

under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 41**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION - PEST ERADICATION. If the State Plant Board determines that the demands of pest eradication efforts require additional personnel expenses, with the approval of the Chief Fiscal Officer of the State and approval by the Legislative Council or Joint Budget Committee, appropriations may be transferred from the Pest Eradication Program special line item to the line items for Regular Salaries, Extra Help, Overtime, and Personal Services Matching.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the State Plant Board may operate more efficiently if some flexibility is provided to the State Plant Board authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 42**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

EXTRA HELP PROVISION. No employee of the Arkansas Forestry Commission who is employed as "Extra Help" may receive an amount to exceed 3/4 of the maximum annual salary for a comparable position as authorized by Arkansas Code 21-5-201 et seq. during any fiscal year, nor may such employee be employed for a period of time to exceed nine (9) months in any single fiscal year. Provided, however, that no employee of the Arkansas Forestry Commission who is employed as "Extra Help" may receive an amount to exceed seventy five percent (75%) of the maximum annual salary for a comparable position as authorized by Arkansas Code 21-5-201 et seq. during any fiscal year, nor shall such employee be employed for a period of time to exceed fourteen hundred (1400) hours in any single fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 43**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. If the State Forestry Commission determines that temporary firefighters, dispatchers, or pilots are required to meet the demands of a wildfire season, and upon approval of the Chief Fiscal Officer of the State, appropriations may be transferred from either Extra Help or Professional Fees and Services to the proper character code for the employment of such personnel.

If the State Forestry Commission determines that the deployment of air tankers for fighting wildfires requires additional Professional Fees and Services, and upon the approval of the Chief Fiscal Officer of the State, excess appropriation in Regular Salaries or Personal Services Matching may be transferred to Professional Fees and Services in Section 3 and 30.

If the State Forestry Commission determines that the most effective way for it to cooperate in the growing and distribution of forest planting stock is by contracting work with private vendors and/or hiring temporary employees for seasonal work, the Commission is hereby authorized, upon approval by the Chief Fiscal Officer of the State, to transfer the necessary appropriation authorized for Extra Help and Maintenance and General Operation in Section 3 and 30.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REFUND TO EXPENDITURE. The Arkansas Forestry Commission is authorized to charge fees to federal agencies and other states to reimburse the Commission for expenditures made on behalf of these governmental units. These fees shall be deposited into the State Forestry Fund in the State Treasury as a refund to expenditure.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

REPORTING REQUIREMENTS. The Arkansas Forestry Commission shall present the following data each month to the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee. This report shall be due by the 10th day of the month following the reporting period. The first reporting period shall be July 2012.

a) All fund transfers completed by the Arkansas Forestry Commission from any funding source including federal funds, and shall include a justification for the completion of the fund transfers.

b) All expenditures incurred by the Arkansas Forestry Commission from any funding source including federal funds, and shall include a justification for the expenditure of the funds.

c) All revenue receipts of the Arkansas Forestry Commission including but not limited to federal funds, general revenue, severance tax, acreage tax, timber sales and seedlings sales.

d) All Arkansas Forestry Commission activities including but not limited to, firefighting activities, fire prevention, and emergency response as it relates to the Commission's statutory mission provided in Arkansas Code 15-3I-101.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 46**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish upon request for the Arkansas Agriculture Department a special Promotional Items appropriation to be used in the acquisition of promotional items.

When the Arkansas Agriculture Department wishes to transfer from its operating expenses to the promotional items line, the request shall be forwarded by the Arkansas Agriculture Department to the Chief Fiscal Officer of the State for processing and for prior approval by the Arkansas Legislative Council or Joint Budget Committee. Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas Agriculture Department may operate more efficiently if some flexibility is provided to the Arkansas Agriculture Department authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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**EXECUTIVE RECOMMENDATION**

The provisions of this section shall be in effect only from July 1, ~~2016~~  
2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 47**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

~~FAIR WAIVER. The Arkansas Livestock and Poultry Commission shall waive the rules under Section (2) of the Commission's Minimum Standards for Receiving Funds for Premium and Construction Purposes to allow the Three-County Fair, consisting of Cross, Woodruff, and Jackson counties, to hold the Three-County Fair after the district fair while receiving the funds from the commission that the Three-county Fair would receive if the fair were held before the district fair.~~

~~\_\_\_\_\_ The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

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