

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

Subtitle of Senate Bill No. 2

AN ACT CONCERNING THE REVIEW AND APPROVAL OF ADMINISTRATIVE RULES AND THE IMPLEMENTATION OF ARTICLE 5, SECTION 42, OF THE ARKANSAS CONSTITUTION.

Amendment No. 1 to Senate Bill No. 2

Amend Senate Bill No. 2 as engrossed, S3/24/15 (version: 03/24/2015 01:54:26 PM):

Page 1, delete line 23 and substitute the following:

"SECTION 1. LEGISLATIVE FINDINGS. The General Assembly finds:

(1) Amendment 92 to the Arkansas Constitution states in part: "The General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section";

(2) As Amendment 92 does not define the term "state agency", the General Assembly may establish a definition by law as part of its implementation of Amendment 92;

(3) The General Assembly at this time wishes to exclude the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education from the definition of "state agency" applied to the implementation of Amendment 92; and

(4) The General Assembly or the Legislative Council reserve the right to amend the definition of "state agency" in the future to include one (1) or all of the Arkansas State Game and Fish Commission, the State Highway Commission, the Arkansas State Highway and Transportation Department, and institutions of higher education.

SECTION 2. Arkansas Code § 6-15-2106(b), concerning rules implementing"

AND

Page 10, line 16, delete "by statute enacted by the General Assembly"

AND



Page 10, delete line 18 and substitute the following:

"(B) "State agency" does not include the following unless the Legislative Council adopts rules under subsection (h) of this section including one (1) or more of the following in the definition of "state agency":"

AND

Page 14, delete lines 4 through 11 and substitute the following:

"(h)(1) The Legislative Council shall adopt rules to implement this section, including without limitation rules concerning:

(A) The process for determining when a rule will be placed on the agendas of the Administrative Rules and Regulations Subcommittee of the Legislative Council and the Legislative Council; and

(B) The materials a state agency shall provide with the rule to aid committees and subcommittees under this section in their review and approval of the rule.

(2) The Legislative Council may adopt rules amending the definition of "state agency" under subdivision (b)(1)(B) of this section to provide:

(A) That the definition of "state agency" includes an agency of state government, including without limitation an agency of state government under subdivision (b)(2)(B) of this section; and

(B) That the definition of "state agency" under this section does not include an agency of state government."

AND

Page 14, delete lines 31 through 36 and substitute the following:

"(b)(1) Except as provided in subdivision (b)(2) of this section, the board shall file a report with the Legislative Council on a quarterly basis containing all new and revised administrative directives and administrative memoranda issued in the previous quarter by:

(A) The board;

(B) The Director of the Department of Correction;

(C) The Director of the Department of Community Correction; and

(D) Staff of the Department of Correction and Department of Community Correction.

(2) The report under subdivision (b)(1) of this section shall not include information that is confidential under § 12-27-137.

SECTION 14. Arkansas Code § 16-93-210 is amended to read as follows:

16-93-210. Monthly performance report on parole applications and outcome - Reports concerning administrative directives filed with Legislative Council.

(a)(1) Beginning October 1, 2011, the Parole Board shall submit a monthly report to the chairs of the House Committee on Judiciary and the Senate Committee on Judiciary, the Legislative Council, the Board of Corrections, the Governor, and the Commission on Disparity in Sentencing showing the number of persons who make application for parole and those who are granted or denied parole during the previous month for each criminal

offense classification.

(2) The report shall include a breakdown by race of all persons sentenced in each criminal offense classification.

(3) The report shall include the reason for each denial of parole, the results of the risk-needs assessment, and the course of action that accompanies each denial pursuant to § 16-93-615(a)(2)(B)(ii).

(b) The board shall cooperate with and upon request make presentations and provide various reports, to the extent the board's budget will allow, to the Legislative Council concerning board policy and criteria on discretionary offender programs and services.

(c) The board shall file a report with the Legislative Council on a quarterly basis containing all new and revised administrative directives issued in the previous quarter by:

- (1) The board;
- (2) The Chairman of the board;
- (3) The Administrative Services Manager of the board;
- (4) The Administrator of the board; and
- (5) Staff of the board."

AND

Page 15, delete lines 1 through 3

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative Branscum
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Chief Clerk