

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Flanagin**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO ASSIGN FUNCTIONS AND DUTIES HERETOFORE  
9 PERFORMED BY THE LEGISLATIVE COUNCIL TO THE RESPECTIVE  
10 JOINT INTERIM COMMITTEES; TO PRESCRIBE THE AUTHORITY AND  
11 RESPONSIBILITIES OF THE LEGISLATIVE COUNCIL; AND FOR OTHER  
12 PURPOSES."

## Subtitle

15 "TO ASSIGN CERTAIN FUNCTIONS OF THE LEGISLATIVE COUNCIL TO  
16 THE JOINT INTERIM COMMITTEES AND TO PRESCRIBE THE  
17 AUTHORITY OF THE LEGISLATIVE COUNCIL."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. For the purposes of this act:

22 (a) "Joint interim committee" means the joint interim committees of the  
23 General Assembly as established by Arkansas Code 10-3-203(3) (A) and 10-3-701  
24 and other joint committees created by law and authorized to meet during the  
25 interim between sessions and/or during sessions.

26 (b) "Regulation" means rules, regulations, or any written form of  
27 policy directive issued by a state agency.

28 (c) "State agency" means any officer, office, board, commission,  
29 department, council, bureau, institution or other agency of the state of  
30 Arkansas having authority by law to promulgate rules and regulations.

31  
32 SECTION 2. The Legislative Council shall: (1) refer study proposals to  
33 the appropriate joint interim committee and shall not itself conduct studies  
34 nor appoint subcommittees to conduct studies; (2) be responsible for the  
35 staffing and operation of the Bureau of Legislative Research; and (3) refer to

1 the appropriate joint interim committees any duties formerly performed by the  
2 Legislative Council which were not transferred by this act. Such matters  
3 shall be referred to the respective joint interim committees based on the  
4 jurisdictional authority of the respective committees as prescribed in  
5 Sections 3 through 12 of this act.

6

7 SECTION 3. The Joint Interim Committee on Aging and Legislative Affairs  
8 has jurisdiction over the following: Office on Aging - Department of Human  
9 Services.

10

11 SECTION 4. The Joint Interim Committee on Agriculture and Economic  
12 Development has oversight jurisdiction over the following: Soil and Water  
13 Resources Commission, Livestock and Poultry Commission, State Plant Board,  
14 Bureau of Standards, Department of Parks and Tourism and Board, Department of  
15 Arkansas Heritage and Boards, Forestry Commission, Geology Commission, Oil and  
16 Gas Commission, Board of Registration for Foresters, Department of Arkansas  
17 Industrial Development and Commission, Game and Fish Commission.

18

19 SECTION 5. The Joint Interim Committee on Education has oversight  
20 jurisdiction over the following: Boards and Department of Education, Board  
21 and Department of Vocational-Technical Education, Student Loan Authority,  
22 Student Loan Guarantee Program, State Board of Higher Education, Department of  
23 Higher Education, all vocational-technical schools, all community colleges,  
24 all institutions of higher education, Post-Secondary Education Planning  
25 Commission.

26

27 SECTION 6. The Joint Interim Committee on Insurance and Commerce has  
28 oversight jurisdiction over the following: Public Service Commission -  
29 Utilities Division, Savings and Loan Association Board, State Bank Department  
30 and Board, State Insurance Department, State Securities Department, Savings  
31 and Loan Board, Burial Association Board, State Employees Insurance Advisory  
32 Committee.

33

34 SECTION 7. The Joint Interim Committee on Judiciary has oversight  
35 jurisdiction over the following: Department of Correction and Board of

1 Correction, Judicial Department, Justice Building Commission, Prosecutor  
2 Coordinator Commission.

3

4 SECTION 8. The Joint Interim Committee on Public Health, Welfare and  
5 Labor has oversight jurisdiction over the following: Department of Labor and  
6 Employment Security Division and Boards, Liquified Petroleum Gas Board,  
7 Department of Health and Boards, Spinal Cord Commission, Department of  
8 Pollution Control and Ecology and Boards, Statewide Health Coordinating  
9 Council, Child Care Facility Review Board, Department of Human Services and  
10 Boards except Office on Aging, Commission on Community Based Rehabilitation,  
11 Disability Determination - Social Security Administration, Board of  
12 Sanitarians, Psychology Examiners Board, Podiatry Board, Wastewater Plant  
13 Operator's Licensing Committee, State Health Planning and Development,  
14 Veterinary Medical Examining Board, Embalmers and Funeral Directors, Dental  
15 Examiners, Chiropractic Examiners, Pharmacy Board, Optometry Board, Inhalation  
16 Therapy Examination Board, Hearing Aid Dispensers Board, Coal Mine Examiners  
17 Board, Cemetery Board, State Medical Board, Board of Physical Therapy, Therapy  
18 Technology Board, Radiation Control Agency, Speech Pathology and Audiology,  
19 Cosmetology Board, Social Work Registration Board, Barber Examiners Board,  
20 Nursing Board, Rural Medical Practice Student Loan, Water Well Construction.

21

22 SECTION 9. The Joint Interim Committee on Public Retirement and Social  
23 Security Programs has oversight jurisdiction over the following: Highway  
24 Retirement System, Teacher Retirement System, State Police Retirement System,  
25 Judicial Retirement System, Quasi-Judicial Retirement System, Public Employees  
26 Retirement System.

27

28 SECTION 10. The Joint Interim Committee on Public Transportation has  
29 oversight jurisdiction over the following: Transportation Commission,  
30 Arkansas Highway and Transportation Department, Waterways Commission, Motor  
31 Vehicle Commission.

32

33 SECTION 11. The Joint Interim Committee on Revenue and Taxation has  
34 oversight jurisdiction over the following: Racing Commission and Racing  
35 Division of Department of Finance and Administration, Revenue Services

1 Division of Department of Finance and Administration, Tax Division-Public  
2 Service Commission, Assessment Coordination-Public Service Commission.

3

4 SECTION 12. The Joint Interim Committee on State Agencies and  
5 Governmental Affairs has oversight jurisdiction over the following: Alcoholic  
6 Beverage Control Department and Board, Department of Veterans Affairs, State  
7 Building Services, War Memorial Stadium Commission, State Capitol Grounds  
8 Commission, Capitol Zoning-District Commission, Claims Commission, Governor's  
9 Mansion Commission, Commission on Law Enforcement Standards, Department of  
10 Finance and Administration-Management Services, Arkansas Crime Commission,  
11 Board of Finance, Department of Computer Services, State Police Department,  
12 State Military Department, Private Investigators and Private Security  
13 Agencies, Aeronautics Department, Public Accountancy Board, Revenue Department  
14 Building Commission, Soybean Promotion Board, Adjutant General, Civil Air  
15 Patrol, Office of Emergency Services, Veteran's Child Welfare Service Office,  
16 Air National Guard, Professional Engineers and Land Surveyors, Police  
17 Commission, Professional Soil Classifiers, Contractors Licensing Board,  
18 Collection Agencies, Consumers Advisory Board, Architects, Abstractors Board  
19 of Examiners, Real Estate Commission, Athletic Commission, Election  
20 Commissioners Board, Mobile Home Commission.

21

22 SECTION 13. Any regulation promulgated by a state agency which is not  
23 listed above shall be reviewed by the Joint Interim Committee on State  
24 Agencies and Governmental Affairs until such time as the Legislative Council  
25 determines the most appropriate joint interim committee to review the rules  
26 and regulations of that agency. Provided, the Legislative Council shall not  
27 refer any rule and regulation for review by the Legislative Council or a  
28 subcommittee of the Council.

29

30 SECTION 14. At least thirty (30) days before any state agency may  
31 promulgate any regulation, or revise, amend or change a rule or regulation  
32 then in effect, the state agency shall file with the appropriate joint interim  
33 committee by mailing or delivering a copy thereof to the Bureau of Legislative  
34 Research for review and referral to the committee at its next regular or  
35 special meeting. The Bureau of Legislative Research shall assign the proposed

1 regulation or the revision, amendment or change in any existing regulation, to  
2 an appropriate staff person for review prior to the next regular meeting of  
3 the joint interim committee to which the rule was referred. Such review by  
4 the Bureau of Legislative Research shall be for the purpose of:

5 (1) determining whether the regulation is contrary to legislative  
6 intent as stated in the law under which the regulation has been promulgated or  
7 is purported to have been promulgated; and

8 (2) determining whether such proposed regulation exceeds the authority  
9 granted to the state agency under its regulation making power.

10 The written findings and comments of the Bureau of Legislative Research  
11 shall be submitted to the joint interim committee to which the proposed  
12 regulation is referred at the time the regulation is considered by the  
13 committee.

14

15 SECTION 15. (A) At the next regular or special meeting of a joint  
16 interim committee, all proposed regulations filed with the Bureau of  
17 Legislative Research for referral to the committee received subsequent to the  
18 last meeting of the committee or designated subcommittee thereof, shall be  
19 placed on the agenda for the meeting of the joint interim committee, together  
20 with staff report and comments in regard to each proposed rule or regulation,  
21 for review and consideration by the joint interim committee.

22 (B) Notice that the regulation is being placed on the meeting agenda of  
23 the joint interim committee may be furnished to the various state agencies  
24 involved upon direction of the co-chairmen of the joint interim committee in  
25 order that the agency may be represented at the committee meeting to explain  
26 the proposed regulation, and to answer questions in regard thereto if raised  
27 by the committee.

28 (C) Upon conclusion of the committee's consideration of a proposed  
29 regulation, the committee or designated subcommittee thereof shall notify the  
30 state agency that it has completed its review of the regulation.

31 (D) The purpose of this section is to enable the joint interim  
32 committees of the General Assembly and the state agencies to jointly discuss  
33 the purposes and reasons for changes in regulations being promulgated by the  
34 agencies, in order to enable the committees to perform a legislative oversight  
35 function of keeping the General Assembly informed with respect to abuse or

1 misuse of state agency regulation making power in those instances where the  
2 committees believe the state agencies have exceeded the authority granted to  
3 the agencies by law or have exceeded the legislative intent as expressed in  
4 the law. In addition, this section intends to enable the state agencies to be  
5 aware of the recommendations and comments of the joint interim committees  
6 during the course of efforts to promulgate and adopt regulations or amendments  
7 to existing regulations.

8       It is not the intent of this section that the procedures set forth in  
9 this act shall be a limitation or an undue hindrance to the exercise by each  
10 state agency of its regulation making power and authority. In the event a  
11 joint interim committee determines that an agency is exceeding its legal  
12 authority or legislative intent as expressed in existing law, the committee  
13 shall convey such information, together with recommendations for changes, to  
14 the General Assembly in the manner set forth in Section 17 of this act for  
15 action at the next regular session of the General Assembly.

16  
17       SECTION 16. Each joint interim committee shall submit a report to the  
18 next regular session of the General Assembly in the event the joint interim  
19 committee recommends legislation to (i) clarify legislative intent with  
20 respect to the regulation making power or authority of the agency, (ii) for  
21 the purpose of clarifying, modifying, or restricting the regulation making  
22 authority of the state agency, or (iii) to repeal the regulation making power  
23 or authority of the agency or commission if the committee believes the same is  
24 being abused or is contrary to the public interest.

25  
26       SECTION 17. Whenever a state agency finalizes the promulgation of a  
27 regulation or a revision, amendment or change in a regulation, a copy thereof  
28 shall be filed with the Bureau of Legislative Research if the regulation  
29 contains any changes from the initial filing of the regulation.

30  
31       SECTION 18. All powers, functions and duties heretofore vested in or  
32 exercised by the Review Subcommittee of the Legislative Council or by the  
33 Legislative Council after receiving recommendations of the Review  
34 Subcommittee, are vested in and shall hereafter be exercised by the  
35 appropriate joint interim committees.

1

2           SECTION 19. (a) All matters required to be submitted by the various  
3 state agencies to the Review Subcommittee of the Legislative Council or  
4 required to be submitted to the Legislative Council and which have in the past  
5 been referred to the Review Subcommittee for review shall hereafter be  
6 submitted to the Bureau of Legislative Research for review by the appropriate  
7 joint interim committee at the same time and in the same manner as such  
8 matters were heretofore submitted to the Legislative Council or the  
9 subcommittee of the Council.

10           (b) The Bureau staff shall review and prepare a description of all such  
11 matters filed by the state agencies as received and shall weekly mail to  
12 members of each of the respective joint interim committees a description and  
13 staff comments regarding each such matter which is within the jurisdiction of  
14 the respective committees.

15           At any time not less than forty-eight hours before the date and time set  
16 for the next meeting of the respective joint interim committees, any member of  
17 the committee may request staff to include any such matter on the agenda for  
18 the committee meeting.

19           Immediately upon receipt of a member request that a matter be included  
20 on the agenda for a joint interim committee meeting, the staff shall notify  
21 the state agency involved that such request has been made and shall advise the  
22 agency of the date, time and place of the meeting at which the matter will be  
23 reviewed. It shall be presumed that review is completed on matters not  
24 included on the agenda.

25           (c) Any state agency which is not listed in this act, shall file such  
26 matters with the Bureau for review by the Joint Interim Committee on State  
27 Agencies and Governmental Affairs until such time as the Legislative Council  
28 shall determine the appropriate joint interim committee to review such  
29 matters. The Legislative Council shall not refer any such matters to the  
30 Legislative Council or to a subcommittee of the Legislative Council for  
31 review.

32           (d) Upon conclusion of the committee's consideration of any matter, the  
33 committee shall notify the state agency that it has completed its review.

34

35           SECTION 20. All powers, functions and duties heretofore vested in or

1 exercised by the Performance Evaluation and Expenditure Review Subcommittee of  
2 the Legislative Council or by the Legislative Council after receiving  
3 recommendations of the Performance Evaluation and Expenditure Review  
4 Subcommittee, are vested in and shall hereafter be exercised by the  
5 appropriate joint interim committees.

6  
7       SECTION 21. (a) All matters required to be submitted by the various  
8 state agencies to the Performance Evaluation and Expenditure Review  
9 Subcommittee of the Legislative Council or required to be submitted to the  
10 Legislative Council and which have in the past been referred to the  
11 Performance Evaluation and Expenditure Review Subcommittee for review shall  
12 hereafter be submitted to the joint interim committees. Such matters shall be  
13 submitted to the appropriate joint interim committees as provided herein at  
14 the same time and in the same manner as such matters were heretofore submitted  
15 to the Legislative Council or the subcommittee of the Council.

16       (b) All matters required to be submitted by any state agency, which  
17 agency is not listed above, shall be submitted to the Joint Interim Committee  
18 on State Agencies and Governmental Affairs for its review until such time as  
19 the Legislative Council determines the appropriate joint interim committee to  
20 review matters submitted by that agency. The Legislative Council shall not  
21 refer such matters to the Legislative Council or to a subcommittee of the  
22 Council for review.

23       (c) At the next regular or special meeting of a joint interim  
24 committee, all such matters referred to the committee subsequent to the last  
25 meeting of the committee or designated subcommittee thereof, shall be placed  
26 on the agenda for the meeting of such joint interim committee, together with  
27 any staff report and comments in regard thereto.

28       (d) Notice that such item is being placed on the meeting agenda of the  
29 joint interim committee may be furnished to the various state agencies  
30 involved upon direction of the co-chairmen of the joint interim committee in  
31 order that the respective agencies may be represented at the committee meeting  
32 to explain the matter, and to answer questions in regard thereto.

33       (e) Upon conclusion of the committee's consideration of any matter,  
34 the committee or designated subcommittee thereof shall notify the state agency  
35 that it has completed its review.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SECTION 22. Whenever the General Assembly is meeting in regular or special session, the House and Senate standing committees may meet jointly at a time agreed upon by both chairmen to review matters referred to the joint interim committees under this act since convening of the session or pending at the time the session was convened.

SECTION 23. The joint interim committees of the General Assembly are hereby authorized to adopt appropriate procedures and practices including utilization of subcommittees to enable the committees to carry out their responsibilities under the provisions of this act. The House and Senate members of the joint interim committees are authorized to meet jointly or separately.

SECTION 24. All powers, functions and duties heretofore vested in or exercised by the Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council or by the Legislative Council after receiving recommendations of the Charitable, Penal and Correctional Institutions Subcommittee are hereby vested in and shall hereafter be exercised by the appropriate joint interim committees.

SECTION 25. (a) All matters required to be submitted by the various state agencies to the Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council or required to be submitted to the Legislative Council and which have in the past been referred to the Charitable, Penal and Correctional Institutions Subcommittee for recommendations shall hereafter be submitted to the Legislative Council for referral to the appropriate joint interim committees as provided herein. State agencies shall file such matters with the Legislative Council at the same time and in the same manner as is now prescribed by law. The Legislative Council shall not refer such matters to the Legislative Council or a subcommittee of the Council.

(b) At the next regular or special meeting of a joint interim committee, all such matters referred to the committee subsequent to the last meeting of the committee or designated subcommittee thereof, shall be placed

1 on the agenda for the meeting of the joint interim committee, together with  
2 any staff report for consideration by the joint interim committee.

3 (c) Notice that such item is being placed on the meeting agenda of the  
4 joint interim committee may be furnished to the various state agencies  
5 involved upon direction of the co-chairmen of the joint interim committee in  
6 order that the respective agencies may be represented at the committee meeting  
7 to explain the matter and to answer questions in regard thereto.

8 (d) Upon conclusion of the committee's consideration of any such  
9 matter, the committee shall notify the state agency that it has completed its  
10 consideration of the matter.

11

12 SECTION 26. All provisions of this act of a general and permanent  
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
14 Code Revision Commission shall incorporate the same in the Code.

15

16 SECTION 27. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

21

22 SECTION 28. Arkansas Code 10-3-309 and Arkansas Code 10-3-503 through  
23 506 and all laws and parts of laws in conflict with this act are hereby  
24 repealed.

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9