

1 State of Arkansas

2 87th General Assembly

3 Fiscal Session, 2010

SCR 2

5 By: Senators Lavery, P. Malone

6 By: Representatives Everett, Wells

9 **SENATE CONCURRENT RESOLUTION**

10 TO AUTHORIZE THE INTRODUCTION OF A NON-  
11 APPROPRIATION BILL CREATING THE ADMINISTRATIVE  
12 RULE AND REGULATION REVIEW SUBCOMMITTEE OF THE  
13 JOINT BUDGET COMMITTEE.

15 **Subtitle**

16 TO AUTHORIZE THE INTRODUCTION OF A NON-  
17 APPROPRIATION BILL CREATING THE  
18 ADMINISTRATIVE RULE AND REGULATION  
19 REVIEW SUBCOMMITTEE OF THE JOINT BUDGET  
20 COMMITTEE.

23 NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE  
25 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

27 That Senator Lavery is authorized to introduce a bill which, as introduced,  
28 will read substantially as follows:

30 "For An Act To Be Entitled

31 AN ACT TO ESTABLISH THE ADMINISTRATIVE RULE AND REGULATION REVIEW  
32 SUBCOMMITTEE OF THE JOINT BUDGET COMMITTEE FOR THE PURPOSE OF CONDUCTING  
33 ADMINISTRATIVE RULE REVIEW DURING REGULAR, FISCAL, AND SPECIAL SESSIONS OF  
34 THE GENERAL ASSEMBLY; AND FOR OTHER PURPOSES.

36 Subtitle



1 TO ESTABLISH THE ADMINISTRATIVE RULE AND  
2 REGULATION REVIEW SUBCOMMITTEE OF THE  
3 JOINT BUDGET COMMITTEE FOR THE PURPOSE  
4 OF CONDUCTING ADMINISTRATIVE RULE REVIEW  
5 DURING REGULAR, FISCAL, AND SPECIAL  
6 SESSIONS OF THE GENERAL ASSEMBLY.

7  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

9  
10 SECTION 1. Arkansas Code § 10-3-309 is amended to add an additional  
11 subsection to read as follows:

12 (g)(1) The Joint Budget Committee shall establish the Administrative  
13 Rule and Regulation Review Subcommittee.

14 (2)(A) The Administrative Rule and Regulation Review  
15 Subcommittee shall consist of twenty-two (22) members of the General  
16 Assembly.

17 (B)(i) Nine (9) members of the Administrative Rule and  
18 Regulation Review Subcommittee shall be appointed by the Senate Cochair of  
19 the Joint Budget Committee.

20 (ii) The Senate Cochair of the Joint Budget  
21 Committee shall designate one (1) of his or her appointees as Senate Cochair  
22 of the Administrative Rule and Regulation Review Subcommittee.

23 (C)(i) Nine (9) members of the Administrative Rule and  
24 Regulation Review Subcommittee shall be appointed by the House Cochair of the  
25 Joint Budget Committee.

26 (ii) The House Cochair of the Joint Budget Committee  
27 shall designate one (1) of his or her appointees as House Cochair of the  
28 Administrative Rule and Regulation Review Subcommittee.

29 (3) The Cochairs and Co-vice chairs of the Legislative Council  
30 shall be ex officio members of the Administrative Rule and Regulation Review  
31 Subcommittee.

32 (4)(A) The Administrative Rule and Regulation Review  
33 Subcommittee may meet only during a regular, fiscal, or special session of  
34 the General Assembly.

35 (B) The Administrative Rule and Regulation Review  
36 Subcommittee shall meet at the call of the chairs of the Administrative Rule

1 and Regulation Review Subcommittee.

2 (5)(A) During a regular, fiscal, or special session of the  
3 General Assembly, the Administrative Rule and Regulation Review Subcommittee  
4 may perform the functions assigned to the Legislative Council under this  
5 section.

6 (B) Actions taken by the Administrative Rule and  
7 Regulation Review Subcommittee under subdivision (g)(5)(A) of this section  
8 have the same effect as actions taken by the Legislative Council under this  
9 section.

10 (C) If the Administrative Rule and Regulation Review  
11 Subcommittee meets during a regular, fiscal, or special session of the  
12 General Assembly, the Administrative Rule and Regulation Review Subcommittee  
13 shall file a report of its actions with the Legislative Council as soon as  
14 practicable.

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16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
17 General Assembly of the State of Arkansas that the Legislative Council  
18 conducts continuing review of administrative rules during the interim to  
19 allow the General Assembly to take remedial steps to correct abuses of  
20 rulemaking authority or clarify legislative intent at legislative sessions;  
21 that this review ceases during a regular, fiscal, or special session of the  
22 General Assembly, creating a gap in this vital legislative function; and that  
23 legislative review of administrative rules should be possible during a  
24 regular, fiscal, or special session to allow the General Assembly to maintain  
25 awareness of agency actions and be prepared to correct abuses of rulemaking  
26 authority or clarify legislative intent when the General Assembly is in  
27 session. Therefore, an emergency is declared to exist and this act being  
28 immediately necessary for the preservation of the public peace, health, and  
29 safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,  
32 the expiration of the period of time during which the Governor may veto the  
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is  
35 overridden, the date the last house overrides the veto.”  
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