

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 962 of the Regular Session

As Engrossed: S3/18/09 S3/19/09 S3/25/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

SENATE BILL 820

4
5 By: Senator Whitaker
6 By: Representative Maloch

7
8
9 **For An Act To Be Entitled**

10 AN ACT TO CORRECT REFERENCES TO BIENNIAL SESSIONS
11 IN THE ARKANSAS CODE TO CONFORM TO ARKANSAS
12 CONSTITUTION, AMENDMENT 86; AND FOR OTHER
13 PURPOSES.

14
15
16 **Subtitle**

17 TO CORRECT REFERENCES TO BIENNIAL
18 SESSIONS IN THE ARKANSAS CODE TO CONFORM
19 TO ARKANSAS CONSTITUTION, AMENDMENT 86.

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 *SECTION 1. Arkansas Code Title 1, Chapter 2, Subchapter 2 is amended*
25 *to add a new section to read as follows:*

26 *1-2-208. "Fiscal session" and "regular session" defined.*

27 *As used in the Arkansas Code, an act of the General Assembly, and an*
28 *initiated measure:*

29 *(1) "Fiscal session" means with respect to the General Assembly*
30 *the legislative session in which the General Assembly may consider only*
31 *appropriation bills under Arkansas Constitution, Article 5, § 5(c) and*

32 *(2) "Regular session" means with respect to the General Assembly*
33 *the legislative session in which the General Assembly may consider any bill*
34 *under Arkansas Constitution, Article 5, § 5(b).*
35



1 SECTION 2. Arkansas Code § 1-5-102(b), concerning the closure of state
2 offices on holidays, is amended to read as follows:

3 (b) It is the specific intent of this section that all state offices
4 be closed on all legal holidays even though one (1) or more legal holidays
5 shall fall during a ~~general~~ regular session, a fiscal session, or a special
6 session of the General Assembly, provided that, with respect to state offices
7 located in Pulaski County, those offices shall not be closed for any legal
8 holiday during ~~any general~~ a regular session, a fiscal session, or a special
9 session of the General Assembly unless they are permitted to close by
10 resolution of the General Assembly, but those offices shall maintain only a
11 minimum number of employees necessary to carry on the business of the
12 offices.

13
14 SECTION 3. Arkansas Code § 3-5-907(a), concerning grant payments to
15 wineries in the state, is amended to read as follows:

16 (a) Grant payments as authorized in this subchapter shall be made by
17 the Director of the Department of Finance and Administration from moneys
18 appropriated by the General Assembly for that purpose at each ~~biennial~~
19 regular session and fiscal session of the General Assembly.

20
21 SECTION 4. Arkansas Code § 6-43-223 is amended to read as follows:

22 6-43-223. Reports – Publication.

23 (a)(1) The Board of Trustees and the Superintendent of the Arkansas
24 School for the Blind shall make a full and complete report, to be submitted
25 to the Governor and the General Assembly, not later than January 15 of each
26 year the General Assembly is in regular session.

27 (2) These reports shall deal with improvements made during the
28 ~~biennial period covered by them~~ the previous two (2) fiscal years, together
29 with the suggestions and recommendations covering the institution for the
30 next ~~legislative~~ two-year period.

31 (3) The report of the board of trustees shall cover the
32 preceding school year.

33 (4)(A) The board of trustees and the superintendent shall each
34 make detailed reports biennially to the General Assembly of their
35 proceedings, the condition of the school, the number of pupils, and other
36 facts connected with the institution, including the exact receipts and

1 expenditures of the board of trustees.

2 (B) The superintendent shall report to the board of
3 trustees prior to each regular session of the General Assembly a detailed
4 statement of the number of pupils admitted and discharged, their place of
5 residence and supposed cause of blindness, the amount of money expended and
6 for what purpose, and the probable sum necessary to defray the current
7 expenses of the institution until the ~~ensuing~~ next regular session of the
8 General Assembly, which report shall be embodied in that of the board of
9 trustees.

10 (5)(A) The reports shall be made and printed together not later
11 than January 15 of each year the General Assembly is in regular session.

12 (B) There shall be, of each biennial report of the board
13 of trustees to the General Assembly, one thousand five hundred (1,500) copies
14 printed – one thousand (1,000) for the use of the General Assembly and five
15 hundred (500) for the school.

16
17 SECTION 5. Arkansas Code § 6-43-311(a), concerning biennial reports of
18 the Arkansas School for the Deaf, is amended to read as follows:

19 6-43-311. Biennial reports.

20 (a) The Board of Trustees and the Superintendent of the Arkansas
21 School for the Deaf shall make a full and complete report to be submitted to
22 the Governor, which shall be printed together and presented to the General
23 Assembly not later than January 16 of each year the General Assembly is in
24 regular session.

25
26 SECTION 6. Arkansas Code § 6-61-210(a), concerning the allocation of
27 additional state funds, is amended to read as follows:

28 (a) The Arkansas Higher Education Coordinating Board is authorized and
29 directed to establish criteria and standards for the allocation of additional
30 state funds provided for such purposes to state-supported institutions of
31 higher learning experiencing enrollment increases greater than were
32 anticipated at the time the board prepared its budget recommendations for
33 allocations of funds to the respective institutions prior to each ~~biennial~~
34 legislative regular session and fiscal session.

35
36 SECTION 7. Arkansas Code § 6-67-114(a), concerning biennial reports to

1 the General Assembly from the University of Central Arkansas, is amended to
2 read as follows:

3 (a) The Board of Trustees of the University of Central Arkansas shall
4 biennially make a report to the General Assembly at the beginning of its
5 regular session.

6
7 SECTION 8. Arkansas Code § 10-2-101 is amended to read as follows:
8 10-2-101. Time for meeting.

9 (a)(1) The General Assembly shall meet in ~~regular biennial~~ regular
10 session at 12:00 noon on the second Monday in January in each odd-numbered
11 year.

12 (2)(A) However, in any odd-numbered year following the election
13 of a nonincumbent governor, the General Assembly upon convening at 12:00 noon
14 on the second Monday in January may remain in session only for such time not
15 to exceed two (2) days as is necessary to open and publish the votes for
16 various constitutional offices, to swear in the state constitutional officers
17 and members of the General Assembly, to organize and select officers, and to
18 otherwise prepare for the regular session.

19 (B) ~~It~~ The General Assembly may then stand in recess for a
20 period of not to exceed thirty (30) days.

21 (b)(1) The General Assembly shall meet in a fiscal session at 12:00
22 noon on the second Monday in February of each even-numbered year to consider
23 appropriation bills.

24 (2) A bill other than an appropriation bill may be considered in
25 a fiscal session if two-thirds (2/3) of the members of each house of the
26 General Assembly approve consideration of the nonappropriation bill.

27
28 SECTION 9. Arkansas Code § 10-2-102(b), concerning the employees of
29 the Senate, is amended to read as follows:

30 (b) The employees of the Senate shall perform such duties during the
31 regular session of the General Assembly and during the interim between the
32 convening of special sessions, fiscal sessions, and the ~~next regular session~~
33 regular sessions of the General Assembly as may be provided by the rules of
34 the Senate or by the Senate Efficiency Committee, subject to the approval of
35 the Senate.

36

1 SECTION 10. Arkansas Code § 10-2-107(a), concerning the election of
2 the Speaker of the House, is amended to read as follows:

3 (a) If, after the biennial general election and prior to the convening
4 of the ~~General Assembly~~ regular session, a statement signed by fifty (50) or
5 more members of the House of Representatives who will serve at the next-
6 following regular session of the General Assembly is filed with the current
7 Speaker of the House of Representatives stating that the members believe that
8 the formal election of the new Speaker of the House is in doubt, then the
9 current Speaker of the House shall call a one-day organizational meeting of
10 all members and members-elect of the House of Representatives who will serve
11 at the next regular session. This meeting shall be held for the single
12 purpose of designating the Speaker of the House for the next General
13 Assembly.
14

15 SECTION 11. Arkansas Code § 10-2-112(a)(1), concerning the prefiling
16 of bills and resolutions, is amended to read as follows:

17 (a)(1) The Chief Clerk of the House of Representatives and the
18 Secretary of the Senate, under the direction and supervision of the Speaker
19 of the House of Representatives and the President Pro Tempore of the Senate,
20 shall establish a system for the prefiling of bills and resolutions beginning
21 on:

22 (A) November 15 of each year preceding a regular session
23 of the General Assembly; and

24 (B)(1) The second Monday of January of each year of a
25 fiscal session the General Assembly.

26 (2) A non-appropriation bill may not be pre-filed prior to a
27 fiscal session due to the requirement in Amendment 86 of the Constitution of
28 Arkansas that a concurrent resolution be approved by a vote of two-thirds
29 (2/3) of the members elected to each house before either body may consider a
30 non-appropriation bill.

31
32 SECTION 12. Arkansas Code § 10-2-113(b), concerning senate
33 confirmation of board and commission appointees, is amended to read as
34 follows:

35 (b)(1) The Governor shall submit to the Senate within thirty (30) days
36 after the General Assembly convenes in ~~regular~~ a regular session and within

1 fifteen (15) days after the General Assembly convenes in a fiscal session the
2 names of all appointments to boards and commissions of this state made
3 subsequent to adjournment of the Senate at the last regular session or fiscal
4 session of the General Assembly.

5 (2) Upon the convening of a special session of the General
6 Assembly, the Governor shall immediately submit the names of all appointments
7 to boards and commissions of this state made subsequent to adjournment of the
8 Senate at the last regular session, fiscal session, or special session of the
9 General Assembly.

10 (3) All appointments of members of boards and commissions of
11 this state made while the General Assembly is in session shall be submitted
12 immediately to the Senate.

13
14 SECTION 13. Arkansas Code § 10-2-115 is amended to read as follows:

15 10-2-115. Introduction of bills affecting public retirement programs.

16 (a) Any proposed legislation affecting any publicly supported
17 retirement system or pension plan to be considered by the General Assembly at
18 a regular ~~biennial~~ session shall be introduced in the General Assembly during
19 the first fifteen (15) calendar days of a regular ~~biennial~~ session.

20 (b)(1) No such bill shall be introduced after the fifteenth day of a
21 regular ~~biennial~~ session unless its introduction is first approved by a
22 three-fourths ($\frac{3}{4}$) vote of the full membership of each house of the General
23 Assembly.

24 (2) Additionally, if the General Assembly recesses for longer
25 than three (3) consecutive days during the first fifteen (15) days of a
26 regular ~~biennial~~ session, the fifteen-day introduction deadline shall be
27 extended for a time period equal to the recess.

28 (c) A bill affecting any publicly supported retirement system or
29 systems shall not be introduced or considered at any special session or
30 fiscal session of the General Assembly unless the introduction and
31 consideration of the bill is first approved by a three-fourths ($\frac{3}{4}$) vote of
32 the full membership of each house of the General Assembly.

33
34 SECTION 14. Arkansas Code § 10-2-127(b), concerning fiscal impact
35 statements, is amended to read as follows:

36 (b) Any bill filed in the House of Representatives or Senate that will

1 *impose a new or increased cost obligation for education in grades*
2 *kindergarten through twelve (K-12) on the State of Arkansas or any local*
3 *school district shall have a fiscal impact statement attached to it prepared*
4 *and filed with the chair of the committee to which the bill is referred:*

5 *(1) At least three (3) days before the bill may be called up for*
6 *final action in the committee during a regular session of the General*
7 *Assembly; ~~and~~*

8 *(2) At least three (3) days before the bill may be called up for*
9 *final action in the committee during a fiscal session; and*

10 *(3) At least one (1) day before the bill may be called up for*
11 *final action in the committee during a special session of the General*
12 *Assembly.*

13
14 *SECTION 15. Arkansas Code § 10-2-131 is amended to read as follows:*

15 *10-2-131. Internet broadcast of proceedings.*

16 *(a) During regular sessions, fiscal sessions, and special sessions of*
17 *the General Assembly, the House of Representatives and the Senate may*
18 *broadcast live audio and video of their proceedings on the Internet.*

19 *(b) This requirement includes only proceedings held in the House*
20 *Chamber and the Senate Chamber.*

21
22 *SECTION 16. Arkansas Code § 10-3-303(c)(2), concerning duties of the*
23 *Bureau of Legislative Research, is amended to read as follows:*

24 *(2) Assist all members of the General Assembly upon request*
25 *while the General Assembly is in regular session, fiscal session, or special*
26 *session in drafting bills and resolutions, and making studies, preparing*
27 *factual information, and by performing other services for members of the*
28 *General Assembly as may be reasonably requested and which are in aid of the*
29 *performance of the legislative duties of the members of the General Assembly;*
30

31 *SECTION 17. Arkansas Code § 10-3-304, is amended to read as follows:*

32 *10-3-304. Sessions – Studies – Cooperation of state agencies.*

33 *(a)(1) The Legislative Council shall convene at any time during the*
34 *interim between regular sessions, fiscal sessions, or special sessions of the*
35 *General Assembly and shall remain in session for such time as it considers*
36 *necessary for the consideration of all matters relating to state government,*

1 not however, for more than a total of ninety (90) days which need not be
2 continuous.

3 (2) The Legislative Council shall convene and hold its sessions
4 at the State Capitol at the seat of government or at other places as the
5 Legislative Council may determine, and ample notice of all sessions ~~thereof~~
6 shall be given by the Executive Secretary to the Legislative Council in
7 advance of the sessions.

8 (b) The Legislative Council shall undertake such studies or
9 investigations as may be directed by the General Assembly or either house
10 ~~thereof~~ of the General Assembly. In addition, any member of the General
11 Assembly shall be privileged when the General Assembly is not in session to
12 submit resolutions or study proposals to the Legislative Council for its
13 consideration, study, and recommendations.

14 (c) The Legislative Council shall report any findings and
15 recommendations to each regular session, fiscal session, or special session
16 of the General Assembly for the repeal or amendment of existing laws or for
17 the enactment of new laws with respect to the operation of the state
18 government or with respect to any matter that is a subject for legislative
19 consideration.

20 (d) All departments and agencies of the state government are directed
21 to cooperate with the Legislative Council and with the Bureau of Legislative
22 Research in providing assistance, information, or data when requested so that
23 the General Assembly might be fully advised of all matters with respect to
24 the operation of the various state agencies, departments, and institutions.

25
26 SECTION 18. Arkansas Code § 10-3-308 is amended to read as follows:

27 10-3-308. Presession budget briefings – Compensation.

28 (a)(1) The Legislative Council is authorized to conduct or cause to be
29 conducted budget briefings for members and members-elect of the General
30 Assembly during the presession budget hearings conducted by the Legislative
31 Council and the Joint Budget Committee preceding each regular session and
32 fiscal session of the General Assembly for the purpose of informing
33 interested members and members-elect of the General Assembly concerning
34 budget requests, executive recommendations, and Legislative Council and
35 Committee recommendations regarding the budgets for the various state
36 agencies, institutions, departments, and programs.

1 (2) *If at any time during the Legislative Council and Joint*
2 *Budget Committee ~~biennial~~ hearings preceding each regular session and fiscal*
3 *session of the General Assembly it appears that there is not sufficient*
4 *interest or attendance by members and members-elect of the General Assembly*
5 *to justify continuation of budget briefings, the chairs and co-vice chairs of*
6 *the Legislative Council are authorized to terminate any further briefings*
7 *during that particular ~~biennial~~ budget session.*

8 (b) *Each member of the General Assembly who will serve during the*
9 *upcoming regular session or fiscal session of the General Assembly and each*
10 *member-elect of the General Assembly shall be entitled to attend the budget*
11 *briefings conducted pursuant to the provisions of this section. Each member*
12 *attending the budget briefings shall be entitled to per diem and mileage for*
13 *attending briefings at the rate prescribed by law for members of the General*
14 *Assembly who attend meetings of the interim committees of the General*
15 *Assembly, to be payable from moneys appropriated for payment of per diem and*
16 *mileage for attendance at meetings of interim committees.*

17
18 SECTION 19. *Arkansas Code § 10-3-508 is amended to read as follows:*
19 *10-3-508. Duties.*

20 *In addition to participation by members of the Joint Budget Committee*
21 *in the presession budget hearings of the Legislative Council, as authorized*
22 *in § 10-3-507, the Joint Budget Committee during ~~regular~~ a regular session,*
23 *fiscal session, and a special sessions session of the General Assembly shall*
24 *perform any duties as are provided by the Joint Rules of the House of*
25 *Representatives and Senate.*

26
27 SECTION 20. *Arkansas Code § 10-3-703(a), concerning the Joint*
28 *Committee on Public Retirement and Social Security Programs, is amended to*
29 *read as follows:*

30 (a) *Upon adjournment of each regular session, fiscal session, and*
31 *special session of the General Assembly, the Joint Committee on Public*
32 *Retirement and Social Security Programs is designated and constituted as a*
33 *joint interim committee of the General Assembly to be known as the “Joint*
34 *Interim Committee on Public Retirement and Social Security Programs”.*

35
36 SECTION 21. *Arkansas Code § 10-3-820(a), concerning the Joint Interim*

1 *Committee on Energy, is amended to read as follows:*

2 *(a) The members of the House of Representatives and the Senate*
3 *appointed at each regular session of the General Assembly to the Joint*
4 *Committee on Energy shall constitute a joint interim committee of the General*
5 *Assembly to function in the interim between the sine die adjournment or*
6 *extended recess of the regular session or fiscal session of each General*
7 *Assembly until the convening of the next regular session or fiscal session of*
8 *the General Assembly or reconvening of the current General Assembly during an*
9 *extended recess. This joint interim committee shall be known as the “Joint*
10 *Interim Committee on Energy” and shall function in addition to the other*
11 *interim committees of the General Assembly established by law. In the event a*
12 *vacancy shall occur on the joint interim committee, the vacancy shall be*
13 *filled in the same manner as provided for the initial appointment.*

14
15 *SECTION 22. Arkansas Code § 10-3-1103 is amended to read as follows:*

16 *10-3-1103. When committee functions – Administrative responsibilities.*

17 *(a) The Joint Interim Committee on Legislative Facilities shall*
18 *function during the interim between regular sessions, fiscal sessions, or*
19 *special sessions of the General Assembly and may function, if necessary,*
20 *while the General Assembly is in regular session, fiscal session, special*
21 *session, or an extension of a regular, fiscal, or special session, for the*
22 *purpose of discharging its duties under this subchapter.*

23 *(b) The committee shall administer all provisions of this subchapter*
24 *relating to repairs, improvements, and furnishing of committee rooms and*
25 *legislative facilities in the State Capitol Building, including, if*
26 *necessary, the payment of rental required for the housing of state agencies*
27 *moved from the State Capitol Building as a result of any project undertaken*
28 *by the committee pursuant to the provisions of this subchapter until space*
29 *for the agencies may be provided in other public facilities.*

30
31 *SECTION 23. Arkansas Code § 10-3-1320(a) and (b), concerning the*
32 *Senate Interim Committee on Children and Youth, are amended to read as*
33 *follows:*

34 *(a) The Senate Interim Committee on Children and Youth shall be*
35 *composed of ten (10) members appointed pursuant to Senate Rules and shall*
36 *function in the interim between the sine die adjournment or extended recess*

1 of the regular session or fiscal session of each General Assembly until the
2 convening of the next regular session or fiscal session of the General
3 Assembly or the convening of the current General Assembly during an extended
4 recess.

5 (b) The committee shall make continuing studies pertaining to the
6 safety, health, development, and problems of children. The studies may either
7 be initiated by the committee or referred to it by either house of the
8 General Assembly for study in the interim between sessions of the General
9 Assembly. Interim study proposals and resolutions relating to children, which
10 are filed with the Legislative Council under the provisions of § 10-3-214 for
11 review and referral to the appropriate germane joint interim committee of the
12 General Assembly, shall be referred to the committee. The committee shall
13 undertake each study referred to it by members of the General Assembly or by
14 the Legislative Council and shall submit a report of its findings and
15 recommendations in regard to each study request prior to the convening of the
16 next ~~regular~~ session of the General Assembly.

17
18 SECTION 24. Arkansas Code § 10-3-1602(2), concerning the duties of the
19 Joint Interim Oversight Committee on Education Reform, is amended to read as
20 follows:

21 (2) Reviewing policy issues affecting educational reform on or
22 before November 15 of the year preceding a ~~regularly scheduled legislative~~
23 regular session and making recommendations concerning any necessary
24 legislative changes proposed by school districts, cooperatives, institutions
25 of higher education, the Department of Education, the State Board of
26 Education, the Department of Workforce Education, the State Board of
27 Workforce Education and Career Opportunities, the Department of Higher
28 Education, the Arkansas Higher Education Coordinating Board, the Governor's
29 office, and private institutions;

30
31 SECTION 25. Arkansas Code § 10-3-1704(a) and (b), concerning the Joint
32 Committee on Advanced Communications and Information Technology, is amended
33 to read as follows:

34 (a) The members of the House of Representatives and the Senate
35 appointed at each regular session of the General Assembly to the Joint
36 Committee on Advanced Communications and Information Technology shall

1 constitute a joint committee of the General Assembly to function during and
2 in the interim between the sine die adjournment or extended recess of the
3 regular session or fiscal session of each General Assembly, until the
4 convening of the next regular or fiscal session of the General Assembly or
5 reconvening of the current General Assembly, or during an extended recess.

6 (b)(1)(A) The committee shall make continuing studies concerning the
7 development of access to a statewide public telecommunications network for
8 distance learning, telemedicine, and universal access for governmental
9 entities, and other issues concerning advanced communications and information
10 technology, either initiated by the committee or referred to it by either
11 house of the General Assembly for study, in the interim between sessions of
12 the General Assembly.

13 (B)(i) Interim study proposals and resolutions filed with
14 the Legislative Council under the provisions of § 10-3-214 for review and
15 referral to the appropriate germane interim committee of the General
16 Assembly, relating to advanced communications and information technology,
17 shall be referred to the committee.

18 (ii) The committee shall undertake each study
19 referred to it by members of the General Assembly or by the Legislative
20 Council and shall submit a report of its findings and recommendations in
21 regard to each study request to the General Assembly prior to the convening
22 of the next ~~regular~~ session of the General Assembly.

23 (iii) The committee shall review any plan developed
24 or updated by a public instrumentality.

25 (2) In addition, the committee shall exercise leadership in the
26 interim between legislative sessions and shall attempt to coordinate for the
27 various committees of the General Assembly the various activities, studies,
28 and planning activities of the General Assembly which relate to the
29 development of access to a statewide public telecommunications information
30 infrastructure.

31 (3) The committee shall have the power and authority, upon
32 approval of a majority of the members of the committee, to subpoena persons,
33 documents, and records. However, no action of the committee regarding the
34 exercise of the subpoena power shall be taken except upon notice of at least
35 one (1) week to all members of the committee or upon a two-thirds (2/3) vote
36 of the membership of the committee.

1 (4) *The committee shall cooperate with the Governor, with public*
2 *secondary and postsecondary institutions of education, with the appropriate*
3 *administrative agencies of this state, with legislative and administrative*
4 *agencies and institutions of other states, and with the federal government*
5 *and others in the planning and development of access to a statewide public*
6 *telecommunications infrastructure linking institutions, businesses,*
7 *government agencies, schools, hospitals, libraries, communities, and other*
8 *public and private entities to the national information infrastructure.*

9
10 SECTION 26. *Arkansas Code § 10-3-2204(a), concerning the Academic*
11 *Facilities Oversight Committee, is amended to read as follows:*

12 (a) *The Academic Facilities Oversight Committee shall function during*
13 *the interim between regular session, fiscal sessions, or special sessions of*
14 *the General Assembly, while the General Assembly is in session, and while the*
15 *General Assembly is in recess.*

16
17 SECTION 27. *Arkansas Code § 10-4-405(b), concerning the Legislative*
18 *Auditor, is amended to read as follows:*

19 (b)(1) *If the Legislative Auditor is selected while the General*
20 *Assembly is not in session, he or she shall in all respects carry out the*
21 *functions, powers, and duties as provided in this subchapter until the next*
22 *regular session or fiscal session of the General Assembly.*

23 (2)(A) *During the next ~~regular legislative session~~ regular*
24 *session or fiscal session of the General Assembly, the name of the person*
25 *selected as Legislative Auditor shall be presented to both houses of the*
26 *General Assembly for confirmation.*

27 (B) *Unless upon the presentation his or her selection is*
28 *rejected, he or she shall in all respects continue to carry out the*
29 *functions, powers, and duties as Legislative Auditor.*

30
31 SECTION 28. *Arkansas Code § 11-7-206(c), concerning the duties of the*
32 *State Mine Inspector, is amended to read as follows:*

33 (c) *In his or her annual report, the mine inspector shall enumerate*
34 *all recommendations which he or she has made for safety measures, and the*
35 *result thereof; and in the report, he or she shall recommend to each ~~biennial~~*
36 *regular session of the General Assembly ~~such~~ the measures as he or she shall*

1 deem necessary for the promotion of safety in coal mines.

2
3 SECTION 29. Arkansas Code § 12-27-104(h), concerning the duties of the
4 Board of Corrections, is amended to read as follows:

5 (h) The Board of Corrections shall submit to the Governor and the
6 General Assembly a biennial report six (6) months prior to the convening of
7 the ~~next regularly scheduled legislative~~ regular session.

8
9 SECTION 30. Arkansas Code § 15-3-104(h), concerning the Arkansas
10 Science and Technology Authority, is amended to read as follows:

11 (h) A director of the authority may be removed by the Governor for
12 cause, stated in writing, after a hearing ~~thereon~~ or upon joint address of a
13 majority of the membership of both houses of the General Assembly at a
14 ~~special or regular~~ session, fiscal session, or special session ~~thereof~~.

15
16 SECTION 31. Arkansas Code § 15-4-3203(h), concerning the Arkansas
17 Amendment 82 Implementation Act, is amended to read as follows:

18 (h) If the Governor determines that it is in the best interest of the
19 state to pursue Amendment 82 financing for the proposed project, the Governor
20 shall refer the proposed project to the General Assembly in regular session,
21 fiscal session, or special session in order for the General Assembly to
22 consider whether to approve the issuance of bonds under Arkansas
23 Constitution, Amendment 82, and this subchapter.

24
25 SECTION 32. Arkansas Code § 15-4-3208(a), concerning the General
26 Assembly's approval of the Amendment 82 bonds, is amended to read as follows:

27 (a) After the General Assembly's approval in regular session, fiscal
28 session, or special session and the execution of the Amendment 82 agreement,
29 the Arkansas Development Finance Authority, on behalf of the state, may issue
30 bonds under Arkansas Constitution, Amendment 82, and this subchapter, to be
31 known as "Amendment 82 Bonds" in one (1) or more series up to the maximum
32 principal amount approved by the General Assembly.

33
34 SECTION 33. Arkansas Code § 15-20-311(b), concerning the limitation on
35 purchase of lands, is amended to read as follows:

36 (b) The commission shall not under any circumstance purchase in excess

1 of eighty (80) acres in any such county in any one (1) year unless
2 specifically authorized to do so by legislation enacted by the General
3 Assembly at a regular session, fiscal session, or special session thereof.
4

5 SECTION 34. Arkansas Code § 16-10-501(a), concerning the development of
6 criteria for new judgeships or redistricting, is amended to read as follows:

7 (a) The Arkansas Judicial Council, hereinafter referred to as the
8 "council", is authorized and directed to develop criteria for new judgeships
9 or redistricting of the circuit court districts of this state and to make
10 recommendations to the regular session, fiscal session, or special session of
11 the General Assembly regarding the number and boundaries of the circuit court
12 districts in the state, the number of judges in each of such districts, and
13 such other matters regarding circuit courts in the state as it determines to
14 be appropriate.
15

16 SECTION 35. Arkansas Code § 16-17-1002(b)(6)(C)(ii)(a), concerning the
17 District Court Resource Assessment Board, is amended to read as follows:

18 (ii)(a) Evaluate the status of the vacated district
19 court judgeship and make a recommendation to the General Assembly before the
20 next regular session, fiscal session, or special session or during a current
21 session.
22

23 SECTION 36. Arkansas Code § 16-90-802(e), concerning the duties of the
24 Arkansas Sentencing Commission, is amended to read as follows:

25 (e)(1) The commission shall meet no less than quarterly.

26 (2)(A) The commission shall submit to the Governor, the General
27 Assembly, and the Judicial Council a biennial report three (3) months prior
28 to the convening of the ~~next regularly scheduled legislative~~ regular session.

29 (B) The report shall include a summary of the commission
30 proceedings and recommendations for legislative and administrative action.
31

32 SECTION 37. Arkansas Code § 19-1-703(a), concerning fiscal impact
33 statements, is amended to read as follows:

34 (a) Any bill filed in the House of Representatives or Senate that will
35 impose a new or increased cost obligation for education on the state or any
36 local school district shall have a fiscal impact statement attached to it,

1 prepared by the author of the bill and filed with the chair of the committee
2 to which the bill is referred:

3 (1) At least seven (7) days before the bill may be called up for
4 final action in the committee during a regular session of the General
5 Assembly; ~~and~~

6 (2) At least seven (7) days before the bill may be called up for
7 final action in the committee during a fiscal session; and

8 (3) At least one (1) day before the bill may be called up for
9 final action in the committee during a special session ~~of the General~~
10 ~~Assembly.~~

11
12 SECTION 38. Arkansas Code § 19-4-304 is amended to read as follows:

13 19-4-304. ~~Biennial~~ Regular and fiscal session preparations.

14 (a) Immediately after July 1 of each even-numbered calendar year, or
15 earlier if determined necessary, the Director of the Department of Finance
16 and Administration shall:

17 (1) Issue budget information forms, budget estimating
18 instructions, and a budget calendar which has been approved by the
19 Legislative Council, plus a budget policy letter from the Governor containing
20 some or all of the following:

21 (A) Establishing maximum limitations on expenditures for
22 the ~~biennium~~ year in which estimates are being requested;

23 (B) Setting out the policies which will determine the
24 Governor's priorities in the allocation of available resources;

25 (C) Outlining the effects of economic changes pertaining
26 to price levels, population changes, and pending federal legislation; and

27 (D) Containing a review of current fiscal conditions and a
28 prognostication of fiscal conditions for the future;

29 (2)(A) Visit and inspect the properties and facilities of any or
30 all state agencies and request the administrative head or any employee of the
31 agency to appear before him or her to explain any matters concerning the
32 budgetary and program requirements of the agency.

33 (B) If any agency fails or refuses to furnish any
34 information with respect to budget estimates or program formulation, as and
35 when it shall be requested by the Chief Fiscal Officer of the State, then he
36 or she shall have the authority to prepare and submit his or her own

1 *recommendations as to the budgetary or program requirements of the agency;*

2 *(3) Assist agencies in the preparation of their budget*
3 *proposals. This assistance may include:*

4 *(A) Technical assistance;*

5 *(B) Organization of materials;*

6 *(C) Centrally collected accounting, budgeting, personnel,*
7 *and purchasing information standards and guidelines;*

8 *(D) Population and other required data; and*

9 *(E) Any other assistance that will help the agencies*
10 *produce the information necessary for efficient agency management and*
11 *decision making by the General Assembly and the Governor or the Governor-*
12 *elect;*

13 *(4) Analyze the budget estimates to evaluate and assess the*
14 *priority and accuracy of agency requests in relation to policy and program*
15 *objectives and the financial condition of the state and make recommendations*
16 *for modifications and revision of the budget request if, in their opinion,*
17 *the facts before them would justify such proposed revisions. The Chief Fiscal*
18 *Officer of the State in making recommended changes shall not alter the*
19 *original request unless requested to do so by the administrative head of the*
20 *agency affected but shall report the original request, together with his or*
21 *her own recommendations and the reasons therefor, to the Governor, so that*
22 *all agency budget estimates may be made available to the Governor or*
23 *Governor-elect the Legislative Council, and the General Assembly for their*
24 *consideration;*

25 *(5) Prepare an estimate of the general and special revenues for*
26 *the next ~~biennial period~~ fiscal year, along with comparative data for the*
27 *then-current fiscal year and past fiscal year; and*

28 *(6) Submit the budget studies, together with his or her*
29 *recommendations, to the Legislative Council and to the Governor or Governor-*
30 *elect for such further recommendations as the Governor or Governor-elect may*
31 *care to make.*

32 *(b) The director shall submit the annual revenue forecast to the*
33 *Legislative Council:*

34 *(1) By December 1 of the year preceding a fiscal session; and*

35 *(2) No later than sixty (60) days before the start of a regular*
36 *session.*

1
2 SECTION 39. Arkansas Code § 19-10-402(b), concerning claims against
3 the state, is amended to read as follows:

4 (b) The General Assembly shall at each ~~biennial~~ session appropriate,
5 from such sources as it may see fit, a sum sufficient to satisfy such claims
6 as are or probably will be payable during the following fiscal ~~biennium~~ year
7 under awards made under this section. The commission shall direct the
8 distributions of this fund and make disbursements upon the vouchers issued
9 against it.

10
11 SECTION 40. Arkansas Code § 21-5-206(2), concerning the duties of the
12 Legislative Council, is amended to read as follows:

13 (2) Review the staffing levels of all agencies and institutions
14 covered by the provisions of this subchapter and submit to the General
15 Assembly, when in regular session, fiscal session, or special session,
16 recommendations for revisions, modifications, or additions thereto;

17
18 SECTION 41. Arkansas Code § 21-5-310 is amended to read as follows:
19 21-5-310. Expiration of positions – Request to continue.

20 (a) The positions authorized and the appropriations transferred under
21 the authority of this subchapter shall expire at the end of the ~~biennial~~
22 period fiscal year in which they are established.

23 (b) Each agency or institution shall include in its ~~biennial~~ budget
24 request presented to the Legislative Council any request to continue any
25 emergency personal services authorized by this subchapter.

26
27 SECTION 42. Arkansas Code § 24-1-213 is amended to read as follows:
28 24-1-213. Studies and reports.

29 (a) The Arkansas Public Employees' Retirement System shall make
30 studies concerning the problem of old age, survivors' and disability
31 insurance, and health insurance protection for employees of the state and its
32 political subdivisions and studies concerning the operation of agreements
33 made and plans approved under this subchapter.

34 (b) The system shall submit a report at the beginning of each regular
35 ~~legislative~~ session covering the administration and operation of this
36 subchapter during the preceding ~~fiscal year~~ two (2) fiscal years and

1 including such recommendations and amendments to this subchapter as it
2 considers proper.

3
4 SECTION 43. Arkansas Code § 24-7-410(c) is amended to read as follows:

5 (c) ~~The Each year, the General Assembly shall, for each biennium at~~
6 ~~each regular session,~~ appropriate the amounts of money certified by the board
7 as required to pay the proper administrative expenses of the system.

8
9 SECTION 44. Arkansas Code § 25-15-216(a), concerning the review of
10 agency rules, is amended to read as follows:

11 (a) As soon as is practicable after each regular session and fiscal
12 session of the General Assembly, each agency shall review any newly enacted
13 laws to determine whether:

14 (1) Any existing rule should be repealed or amended; or

15 (2) Any new rule should be adopted.

16
17 SECTION 45. Arkansas Code § 25-16-201(b), concerning the
18 reorganization of agencies to meet federal program requirements, is amended
19 to read as follows:

20 (b) However, whenever any executive order may move from the
21 jurisdiction of any office, department, institution, or other agency, any
22 authority or jurisdiction of the agency in effect at the time of the order,
23 the order shall be subject to confirmation by the General Assembly in the
24 next following regular session, fiscal session, or special session, and the
25 General Assembly by joint resolution may rescind the executive order.

26
27 SECTION 46. Arkansas Code § 25-16-203 is amended to read as follows:

28 25-16-203. Reports to Governor – Inclusion in message to General
29 Assembly.

30 The Auditor of State and Treasurer of State shall make their respective
31 reports for each ~~biennial~~ regular session to the Governor on or before
32 October 10 next preceding the regular ~~meeting~~ session of the General
33 Assembly. The Governor shall cause the reports to be printed with his or her
34 biennial message and have them ready for the General Assembly on or before
35 the Wednesday of the first week of the regular session of the General
36 Assembly.

1
2 SECTION 47. Arkansas Code § 25-16-513 is amended to read as follows:

3 25-16-513. ~~Biennial report~~ Report.

4 (a) ~~It shall be the duty of the~~ The Auditor of State ~~to~~ shall digest
5 and report to the Governor, ~~prior to~~ before the commencement of each session
6 of the General Assembly:

7 (1) A full and detailed statement of the condition of the
8 revenue and the amount of the expenditure for the ~~two~~ (2) preceding fiscal
9 years year;

10 (2) A full and detailed statement of the public debt, if any;

11 (3) Estimates of the revenues and the amount of expenditures for
12 the ~~two~~ (2) ~~succeeding~~ next fiscal years year;

13 (4) Any plans he or she may think expedient for the support of
14 the public credit, for lessening the public expenses, for using the public
15 money to the best advantage, for promoting economy in the public offices,
16 and, generally, for the better management and more perfect understanding of
17 the fiscal affairs of the state;

18 (5) A tabular statement showing separately the whole amount of
19 each appropriation of money made by law, the amount paid under the
20 appropriation, and the balance unexpended; and

21 (6) A tabular statement showing separately the amount of money
22 received into the State Treasury from all sources in each fiscal year, the
23 amount received from each county and from each source of revenue in each
24 county.

25 (b) The Auditor of State is not required to report the railroad aid
26 and levee bonds and what are known as the Holford bonds as part of the
27 indebtedness of the State of Arkansas in his or her ~~biennial~~ report.

28 (c) It shall be the duty of the Auditor of State, in connection with
29 the ~~biennial~~ report, to publish an accurate detailed statement of the
30 receipts and expenditures of the public money, or evidences of indebtedness,
31 showing the several amounts paid, to whom paid, and on what account.

32 (d) The ~~biennial~~ report shall be made to the Governor on or before
33 October 10 next preceding the regular ~~meeting of the General Assembly for~~
34 each biennial session session and fiscal session.

35
36 SECTION 48. Arkansas Code § 25-16-604 is amended to read as follows:

25-16-604. Duties generally.

It shall be the duty of the Treasurer of State:

(1) To receive and keep all the moneys of the state not expressly required by law to be kept by some other person;

(2) To disburse the public moneys upon warrants drawn upon the State Treasury according to law, and not otherwise;

(3) To keep a just, true, and comprehensive account of all moneys received and disbursed by him or her in books to be kept for that purpose, in which he or she shall state from whom moneys have been received and on what account and to whom and on what account disbursed;

(4) To keep a just and true account of each head of appropriation made by law and the disbursements under them;

(5) To render his or her accounts to the Auditor of State for settlement quarterly;

(6) To report to the Governor, on or before October 10 next preceding the ~~regular~~ meeting of the General Assembly for each ~~biennial~~ session, a statement of the condition of the State Treasury and its operations for the ~~two~~-(2) preceding ~~years~~ year. The ~~biennial~~ report shall be made to the Governor; and

(7) To perform all other duties which may be required of him or her by law.

SECTION 49. Arkansas Code § 25-17-204(c)(1), concerning the Senate confirmation of board members and appointees, is amended to read as follows:

(c)(1) Within twenty (20) days after the convening of the General Assembly in ~~regular~~ a regular session or a fiscal session, the Governor shall submit to the Senate for confirmation the names of those board members and appointees who are by law required to be confirmed by the Senate.

/s/ Whitaker

APPROVED: 4/6/2009