

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 1046

"TO IMPROVE THE COORDINATION OF THE DRAFTING OF AGENCY-
RECOMMENDED LEGISLATION."

Amendment No. 1 to Senate Bill No. 1046.

Amend Senate Bill No. 1046 as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 10-3-201 is amended to read as follows:
10-3-201. Legislative findings.

(a) It is found and determined by the General Assembly that:

(1) There has been a phenomenal increase in the volume and complexity of matters affecting state and local government and affecting the citizens of the state, which must be considered and determined by the General Assembly at each session;

(2) The cost of state and local government has increased significantly in the past few years and the General Assembly has the primary responsibility for allocating state revenues to the various agencies, departments, and programs of state government as well as to the various political subdivisions and school districts within the state;

(3) It is not possible during the limited legislative sessions for the members of the General Assembly to make the detailed studies and investigations and to give the very important matters coming before it the necessary consideration and deliberation that is essential for it to make decisions in the best interests of this state and its citizens;

(4) The great increase in the number, complexity, and magnitude of federal programs and projects which must be administered primarily at the state and local level, together with the unprecedented growth and increase in state programs, projects, and services, and the necessary increases in revenues of the state which provide support for these programs, make it necessary that the General Assembly and the members thereof spend a great deal more time in becoming familiar with the various programs, projects, and services in order that they may properly represent their constituents in those matters when they come before the General Assembly; and

(5) In order for the members of the General Assembly to carry out their primary responsibility of making decisions in behalf of the citizens of this state regarding the many expensive but worthwhile programs, projects, and services, and regarding the allocation of revenues to finance the more essential programs, projects, and services and to wisely enact and



revise both civil and criminal laws applicable in this state, it is necessary that a system of interim committees of the General Assembly be established whereby the individual members of the House of Representatives and Senate will have an opportunity during the interim between sessions to study and analyze the many problems which will face them at the next session of the General Assembly in order that they will have a proper basis for casting their vote on those matters when the occasion arises.

(b) The General Assembly further finds that:

(1) It is essential to a proper and efficient legislative system that adequate professional and clerical assistance and facilities be provided the interim committees of the General Assembly during the interim between sessions in order to facilitate and coordinate the efforts of the various interim committees; and

(2) To accomplish this purpose, it is essential that the services and facilities available to the General Assembly be properly coordinated and organized in order to avoid duplication of effort and inefficiency in the legislative department.

(c) The General Assembly further finds that:

(1) The legal issues facing the legislature each session are extremely complex and require time for adequate legal review by legislative staff and the corresponding legal advice that follows adequate legal review;

(2) The interim committees created by the legislature should be more fully utilized to review and prepare drafts of agency-recommended legislation prior to each regular session; and

(3) It is essential to the proper and efficient legislative system for the interim committees and agencies to better coordinate the preparation of agency-recommended legislation during the interim to ensure that agency-recommended legislation receives adequate review and preparation and that the legislation is ready to be filed when the regular session commences.

SECTION 2. Arkansas Code § 10-3-202 is amended to read as follows:
10-3-202. Purpose and intent.

It is the purpose and intent of ~~§§ 10-3-201—10-3-208, 10-3-212—10-3-214, and 10-3-216~~ this subchapter to:

(1) provide Provide for the necessary interim activities of the General Assembly in order that the members of the General Assembly may become better informed in matters coming before the General Assembly; ~~;~~

(2) to assure Assure greater participation by all members of the General Assembly in the study of the many complex problems which face the General Assembly each session, ~~and;~~

(3) to provide Provide the General Assembly with the essential staff and facilities to effectively carry out its responsibility as representatives of the citizens of this state; ~~and~~

(4) Improve the coordination of the drafting of agency-recommended legislation by better utilizing the interim committees.

SECTION 3. Arkansas Code § 10-3-204 is amended to read as follows:
10-3-204. Interim committee chairs.

(a)(1) The chair and vice chair of each House of Representatives standing committee which composes a House interim committee shall serve as chair and vice chair of the House interim committee and the chair and vice

chair of each Senate standing committee which composes a Senate interim committee shall serve as chair and vice chair of the Senate interim committee.

(2) If the House and Senate interim committees of comparable subject matter jurisdiction elect to meet jointly, the chair of the House committee and the chair of the Senate committee may alternately serve as chair of the interim committee in such manner as they agree.

(b)(1)(A) The chair of each interim committee may request agency-recommended legislative changes in markup format as defined under § 10-3-213(a) for the upcoming regular session that is related to the subject matter jurisdiction of the interim committee on which the chair serves.

(B) If an agency fails to respond to the chair's request for agency-recommended legislative changes under this subsection, then the chair may request that the Joint Budget Committee hold the agency's budget during the pre-session budget hearings conducted by the Legislative Council and the Joint Budget Committee.

(2) Legislation submitted by the chair of the interim committee under this subsection to the Bureau of Legislative Research and the resulting draft of legislation prepared by the Bureau of Legislative Research shall be treated in the same manner regarding confidentiality as other legislation requests submitted by legislators.

SECTION 4. Arkansas Code § 10-3-205 is amended to read as follows:
10-3-205. Staff – Assignment and duties.

(a) The purpose of legislative staff is to assist and serve legislators, members of interim legislative committees, and other entities in the legislative branch of the government of the State of Arkansas.

~~(a)(b)(1)~~ The Director of the Bureau of Legislative Research shall have the responsibility of employing the necessary professional and clerical personnel to staff the interim committees.

(2) ~~He or she~~ The director shall assign, after conferring with the chair of each of the committees, such staff to the committees as may be needed to carry out the functions and duties of the committee, within the limitations of the staff available.

~~(b)(c)~~ Staff personnel assigned to each committee shall assist the chair of the committee to:

(1) ~~in preparing~~ Prepare agendas, and notices of meetings;

(2) ~~undertaking~~ Undertake research and ~~writing~~ prepare research memoranda;

(3) ~~taking~~ Take and ~~preparing~~ prepare minutes, reports, and recommendations of the committee;

(4) Assist with the coordination of the drafting of agency-recommended legislation during the interim; and

(5) ~~shall provide~~ Provide other assistance as may be necessary to assist the committee in carrying out its functions and duties.

~~(e)(d)~~ If any interim committee finds that the staff assigned to that committee is inadequate or that separate or additional staffing is necessary on a temporary or permanent basis in order to enable the committee to carry out its functions and duties, the chair of the committee may file a request for additional staff with the director, who shall present the request to the Legislative Council for its consideration, or the committee may request the House of Representatives or Senate to employ the separate or additional staff

pursuant to the authority granted in Acts 1995, No. 1312, § 20.

SECTION 5. Arkansas Code § 10-3-213 is amended to read as follows:
10-3-213. Requests for and receipt of information – Continuing studies
– Agency assistance.

(a) For the purposes of this section:

(1) “Agency” means any entity created under the laws of the State of Arkansas that receives funding appropriated by the General Assembly;

(2) “Agency-recommended legislation” means drafts that represent an agency’s recommended legislative changes for the next regular session; and

(3) “Markup format” means a bill draft that contains language that is:

(A) To be removed from the Arkansas Code with the font attribute of strikethrough;

(B) To be added to the Arkansas Code with the font attribute of underline; and

(C) Not being amended to be reproduced without a font attribute.

~~(a)~~(b) Requests for information or study or legislation received from the Governor or from other state agencies or departments by the Legislative Council may be referred to the appropriate interim committee for its consideration.

~~(b)~~(c) All state agencies shall furnish to the respective interim committees any information and assistance the committees may reasonably request.

~~(e)~~(d)(1) It shall be the responsibility of each of the interim committees to receive information and suggestions for new legislation or changes in existing legislation from the Governor, state agencies and departments, county and city officials, and from interested lay groups in the state within the subject areas of their respective committees.

(2) Agency-recommended legislation shall be presented to interim committees in markup format and shall otherwise meet the requirements of legislation that is prepared for introduction for members of the General Assembly by the Bureau of Legislative Research.

~~(d)~~(e) Each of the committees shall make continuing studies of the programs of state agencies, laws of the state, and the general operation of government within the subject matter jurisdiction of the committee and shall make any recommendations regarding them as it shall deem appropriate.

SECTION 6. Arkansas Code § 10-3-217(c), regarding the filing of proposed bills with interim committees, is amended to read as follows:

(c) All bills presented by the Governor and state agencies for interim committee study shall:

(1) Be in markup format as defined under § 10-3-213(a) and shall otherwise meet the requirements of legislation that is prepared for introduction for members of the General Assembly by the Bureau of Legislative Research; and

(2) be approved for study only upon a majority vote of the committee without that action’s creating a presumption of favorable action by the committee on the bill, upon conclusion of its study.”

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hill

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Secretary