

Stricken language would be deleted from present rule. Underlined language would be added to present rule.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

S.C.R. 2

4  
5 By: Senators Malone, Mahony, and Boozman  
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## 8 **SENATE CONCURRENT RESOLUTION**

9 TO ADOPT JOINT RULES TO AUTHORIZE THE SENATE AND HOUSE OF  
10 REPRESENTATIVES TO ENGROSS ALL AMENDMENTS REGARDLESS OF  
11 THE HOUSE OF ORIGIN OF THE BILL; TO PROVIDE THAT THE  
12 MARKUP SHALL BE THE OFFICIAL BILL; AND TO PROVIDE THAT  
13 ONCE A BILL IS PASSED BY BOTH HOUSES, IT MAY NOT AGAIN BE  
14 AMENDED UNLESS THE PROCESS OF PASSAGE IS REVERSED AND THE  
15 BILL IS PLACED BACK ON SECOND READING IN THE HOUSE OF  
16 ORIGIN.

### 18 **Subtitle**

19 TO ADOPT JOINT RULES REGARDING  
20 ENGROSSMENT OF AMENDMENTS AND TO PROVIDE  
21 THAT MARKUP SHALL BE OFFICIAL BILL.  
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23 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF THE STATE  
24 OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:  
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26 SECTION 1. The following is adopted as a Joint Rule of the Senate and  
27 House of Representatives:

28 "After the adoption of an amendment on the floor of the Senate,  
29 regardless whether the bill or resolution originated in the House or the  
30 Senate, the Senate shall engross the bill or resolution as amended. After the  
31 adoption of an amendment on the floor of the House of Representatives,  
32 regardless whether the bill or resolution originated in the House or the  
33 Senate, the House of Representatives shall engross the bill or resolution as  
34 amended. This rule may be waived by the President Pro Tempore of the Senate  
35 or in his absence the Chairman of the Senate Rules Committee, or the Speaker  
36 of the House of Representatives for their respective bodies."

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2 SECTION 2. The following is adopted as a Joint Rule of the Senate and  
3 House of Representatives:

4 "Upon the introduction of each bill and resolution, the appropriate  
5 clerks of the respective houses shall cause the original signed copy thereof  
6 (which is contained in the official bill or resolution manuscript cover) to be  
7 identified as the official copy by perforation or stamping on the left hand  
8 margin of each page thereof the words "HOUSE ORIGINAL" to be placed on each  
9 official original copy of House bills and resolutions, and the words "SENATE  
10 ORIGINAL" to be placed on the left hand margin of each official original copy  
11 of Senate bills and resolutions. Whenever any bill or resolution is amended,  
12 the engrossed page or pages thereof shall be perforated or stamped in the same  
13 manner as the original introduced copy. Only the original signed copy of a  
14 bill or resolution and engrossed pages thereof shall be perforated or stamped  
15 as provided herein."

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17 SECTION 3. The following is adopted as a Joint Rule of the Senate and  
18 House of Representatives:

19 "(1) Only bills and amendments to bills which meet the requirements of  
20 this subsection may be introduced into the Senate or the House of  
21 Representatives.

22 (2) Except as provided in subsections (5), (6) and (8), all bills and  
23 amendments to bills shall reflect the changes proposed in the existing laws  
24 by: (a) overstriking all language of the existing law which is proposed to  
25 be deleted; and (b) underlining all new language proposed to be added to the  
26 existing law. At the top of the first page of the bill shall appear the  
27 following language: \_Stricken language would be deleted from present law.  
28 Underlined language would be added to present law.\_

29 (3) Except as provided in subsections (5), (6) and (8), all resolutions  
30 proposing amendments to the Arkansas Constitution and amendments to  
31 resolutions shall reflect the changes proposed in the existing constitution  
32 by: (a) overstriking all language of the existing constitution which is  
33 proposed to be deleted; and (b) underlining all new language proposed to be  
34 added to the existing constitution. At the top of the first page of the  
35 resolution shall appear the following language: \_Stricken language would be

1 deleted from present constitution. Underlined language would be added to  
 2 present constitution.

3 (4) Except as provided in subsections (5), (6) and (8), all resolutions  
 4 proposing changes in the rules of the Senate or House or the joint rules of  
 5 the Senate and House shall reflect the changes proposed in the existing rule  
 6 by: (a) overstriking all language of the existing rule which is proposed to  
 7 be deleted; and (b) underlining all new language proposed to be added to the  
 8 existing rule. At the top of the first page of the resolution shall appear  
 9 the following language: \_Stricken language would be deleted from present  
 10 rule. Underlined language would be added to present rule.

11 (5) This subsection may be waived by the President Pro Tempore of the  
 12 Senate or in his absence, the Chairman of the Senate Rules Committee, or the  
 13 Speaker of the House of Representatives for their respective bodies.

14 (6) Markups are not required of the following: (a) appropriations  
 15 sections, state agencies regular salary sections, and state agencies extra  
 16 help sections contained within a bill if the sections do not specifically  
 17 amend existing law; (b) sections which allocate funds within the Revenue  
 18 Stabilization Law or within the General Improvement Fund Distribution Law; and  
 19 (c) sections which amend Arkansas Code 21-5-208(b) and 21-5-209(e).

20 (7) It shall be the duty of the Chairmen of the Joint Budget Committee  
 21 to have a schedule prepared which reflects the amounts approved by the Joint  
 22 Budget Committee in each category for each fund within the Revenue  
 23 Stabilization Law to provide funding for the biennial budget enacted by the  
 24 General Assembly and a schedule reflecting the proposed distribution of  
 25 General Improvement funds. The schedule reflecting the allocation of funds in  
 26 the Revenue Stabilization Law and in the General Improvement Fund Distribution  
 27 Law for the next biennium shall be submitted to each body of the Arkansas  
 28 General Assembly at least three (3) days prior to the day at which the same is  
 29 to be considered for final passage.

30 (8) Markups are not required on sections that are substantially the  
 31 same as the following boiler-plate sections:

32 \_SECTION. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 33 by this Act shall be limited to the appropriation for such agency and funds  
 34 made available by law for the support of such appropriations; and the  
 35 restrictions of the State Purchasing Law, the General Accounting and Budgetary

1 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures  
2 and Restrictions Act, the Higher Education Expenditure Restrictions Act, or  
3 their successors, and other fiscal control laws of this State, where  
4 applicable, and regulations promulgated by the Department of Finance and  
5 Administration, as authorized by law, shall be strictly complied with in  
6 disbursement of said funds.

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8 SECTION. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in  
9 this Act for Maintenance and General Operation shall be expended in payment  
10 for services of attorneys, unless the agency shall first make a request in  
11 writing to the Attorney General of the State of Arkansas to provide the  
12 required legal services. The Attorney General's Office shall provide the  
13 requested legal services, or, if the Attorney General's Office shall determine  
14 that sufficient personnel are not available to provide the requested legal  
15 services, the Attorney General shall certify the same to the agency and may  
16 authorize the agency to employ legal counsel and to expend monies appropriated  
17 for Maintenance and General Operations therefor, if:

18 (1) The Attorney General determines, and certifies in writing, that  
19 such agency needs the advice or assistance of legal counsel, and

20 (2) The Attorney General consents in writing to the employment of the  
21 legal counsel to be retained by the agency.

22 Such certification shall be required with respect to each instance of  
23 the employment of special legal counsel, or shall be required annually with  
24 respect to legal counsel employed on a retainer basis. A copy of such  
25 certification shall be entered in the official minutes of the agency, and  
26 shall be retained in the fiscal records of the agency for audit purposes.

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28 SECTION. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor  
29 obligations otherwise incurred in relation to the project or projects  
30 described herein in excess of the State Treasury funds actually available  
31 therefor as provided by law. Provided, however, that institutions and  
32 agencies listed herein shall have the authority to accept and use grants and  
33 donations including Federal funds, and to use its unobligated cash income or  
34 funds, or both available to it, for the purpose of supplementing the State  
35 Treasury funds for financing the entire costs of the project or projects

1 enumerated herein. Provided further, that the appropriations and funds  
2 otherwise provided by the General Assembly for Maintenance and General  
3 Operations of the agency or institutions receiving appropriation herein shall  
4 not be used for any of the purposes as appropriated in this Act.

5 (B) The restrictions of any applicable provisions of the State  
6 Purchasing Law, the General Accounting and Budgetary Procedures Law, the  
7 Revenue Stabilization Law and any other applicable fiscal control laws of this  
8 State and regulations promulgated by the Department of Finance and  
9 Administration, as authorized by law, shall be strictly complied with in  
10 disbursement of any funds provided by this Act unless specifically provided  
11 otherwise by law.

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13 SECTION. LEGISLATIVE INTENT. It is the intent of the General Assembly  
14 that any funds disbursed under the authority of the appropriations contained  
15 in this Act shall be in compliance with the stated reasons for which this Act  
16 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
17 and Legislative Recommendations contained in the budget manuals prepared by  
18 the Department of Finance and Administration, letters, or summarized oral  
19 testimony in the official minutes of the Arkansas Legislative Council or Joint  
20 Budget Committee which relate to its passage and adoption.

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22 SECTION. CODE. All provisions of this act of a general and permanent  
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
24 Code Revision Commission shall incorporate the same in the Code.

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26 SECTION. SEVERABILITY. If any provision of this act or the application  
27 thereof to any person or circumstance is held invalid, such invalidity shall  
28 not affect other provisions or applications of the act which can be given  
29 effect without the invalid provision or application, and to this end the  
30 provisions of this act are declared to be severable.

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32 SECTION. GENERAL REPEALER. All laws and parts of laws in conflict with  
33 this act are hereby repealed.\_"

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35 SECTION 4. The following is adopted as a Joint Rule of the Senate and

1 House of Representatives:

2 "(a) Once a Senate bill has passed the House of Representatives and  
3 returned to the Senate, it may not be subsequently amended in the Senate  
4 unless the House expunges the vote by which it passed the bill and any  
5 amendments to the bill and the Senate expunges the vote by which the bill was  
6 passed and places the bill on second reading.

7 (b) Once a House bill has passed the Senate and returned to the House,  
8 it may not be subsequently amended in the House unless the Senate expunges the  
9 vote by which it passed the bill and any amendments to the bill and the House  
10 expunges the vote by which the bill was passed and places the bill on second  
11 reading."

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