

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S4/5/05  
**A Bill**

SENATE BILL 1046

5 By: Senator Hill  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO IMPROVE THE COORDINATION OF THE  
10 DRAFTING OF AGENCY-RECOMMENDED LEGISLATION; TO  
11 ENCOURAGE AGENCIES TO UTILIZE THE RESOURCES OF  
12 THE GENERAL ASSEMBLY AND LEGISLATIVE COUNCIL  
13 BEFORE REGULAR SESSION TO HAVE THEIR LEGISLATION  
14 PREPARED DURING INTERIM; TO CLARIFY THE ROLE OF  
15 LEGISLATIVE STAFF; AND FOR OTHER PURPOSES.  
16

17 **Subtitle**

18 TO IMPROVE THE COORDINATION OF THE  
19 DRAFTING OF AGENCY-RECOMMENDED  
20 LEGISLATION.  
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 *SECTION 1. Arkansas Code § 10-3-201 is amended to read as follows:*  
26 *10-3-201. Legislative findings.*

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

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

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



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

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

15           (5) In order for the members of the General Assembly to carry  
16 out their primary responsibility of making decisions in behalf of the  
17 citizens of this state regarding the many expensive but worthwhile programs,  
18 projects, and services, and regarding the allocation of revenues to finance  
19 the more essential programs, projects, and services and to wisely enact and  
20 revise both civil and criminal laws applicable in this state, it is necessary  
21 that a system of interim committees of the General Assembly be established  
22 whereby the individual members of the House of Representatives and Senate  
23 will have an opportunity during the interim between sessions to study and  
24 analyze the many problems which will face them at the next session of the  
25 General Assembly in order that they will have a proper basis for casting  
26 their vote on those matters when the occasion arises.

27           (b) The General Assembly further finds that:

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

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

1 (c) The General Assembly further finds that:

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

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

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

14  
15 SECTION 2. Arkansas Code § 10-3-202 is amended to read as follows:  
16 10-3-202. Purpose and intent.

17 It is the purpose and intent of ~~§§ 10-3-201—10-3-208, 10-3-212—10-~~  
18 ~~3-214, and 10-3-216~~ this subchapter to:

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

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

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

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

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31 SECTION 3. Arkansas Code § 10-3-204 is amended to read as follows:  
32 10-3-204. Interim committee chairs.

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

1 committee shall serve as chair and vice chair of the Senate interim  
2 committee.

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

7 (b)(1)(A) The chair of each interim committee may request agency-  
8 recommended legislative changes in markup format as defined under § 10-3-  
9 213(a) for the upcoming regular session that is related to the subject matter  
10 jurisdiction of the interim committee on which the chair serves.

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

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

21

22 SECTION 4. Arkansas Code § 10-3-205 is amended to read as follows:  
23 10-3-205. Staff – Assignment and duties.

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

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

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

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

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

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

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

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

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

9           ~~(e)~~(d) If any interim committee finds that the staff assigned to that  
10 committee is inadequate or that separate or additional staffing is necessary  
11 on a temporary or permanent basis in order to enable the committee to carry  
12 out its functions and duties, the chair of the committee may file a request  
13 for additional staff with the director, who shall present the request to the  
14 Legislative Council for its consideration, or the committee may request the  
15 House of Representatives or Senate to employ the separate or additional staff  
16 pursuant to the authority granted in Acts 1995, No. 1312, § 20.

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18           SECTION 5. Arkansas Code § 10-3-213 is amended to read as follows:

19           10-3-213. Requests for and receipt of information – Continuing studies  
20 – Agency assistance.

21           (a) For the purposes of this section:

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

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

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

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

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

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

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

1 consideration.

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

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

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

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

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

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

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

27 (2) ~~be~~ Be approved for study only upon a majority vote of the  
28 committee without that action's creating a presumption of favorable action by  
29 the committee on the bill, upon conclusion of its study.

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31 /s/ Hill  
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