

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 87th General Assembly  
3 Regular Session, 2009  
4

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

# A Bill

SENATE BILL 820

5 By: Senator Whitaker  
6 By: Representative Maloch  
7  
8

## For An Act To Be Entitled

9 AN ACT TO CORRECT REFERENCES TO BIENNIAL SESSIONS  
10 IN THE ARKANSAS CODE TO CONFORM TO ARKANSAS  
11 CONSTITUTION, AMENDMENT 86; AND FOR OTHER  
12 PURPOSES.  
13  
14  
15

### Subtitle

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

36 *SECTION 2. Arkansas Code § 1-5-102(b), concerning the closure of state*



1 offices on holidays, is amended to read as follows:

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

12  
13 SECTION 3. Arkansas Code § 3-5-907(a), concerning grant payments to  
14 wineries in the state, is amended to read as follows:

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

19  
20 SECTION 4. Arkansas Code § 6-43-223 is amended to read as follows:

21 6-43-223. Reports – Publication.

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

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

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

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

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

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

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

15  
16                   SECTION 5. Arkansas Code § 6-43-311(a), concerning biennial reports of  
17 the Arkansas School for the Deaf, is amended to read as follows:

18                   6-43-311. Biennial reports.

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

24  
25                   SECTION 6. Arkansas Code § 6-61-210(a), concerning the allocation of  
26 additional state funds, is amended to read as follows:

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

34  
35                   SECTION 7. Arkansas Code § 6-67-114(a), concerning biennial reports to  
36 the General Assembly from the University of Central Arkansas, is amended to

1 read as follows:

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

5  
6 SECTION 8. Arkansas Code § 10-2-101 is amended to read as follows:  
7 10-2-101. Time for meeting.

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

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

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

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

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

26  
27 SECTION 9. Arkansas Code § 10-2-102(b), concerning the employees of  
28 the Senate, is amended to read as follows:

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

35  
36 SECTION 10. Arkansas Code § 10-2-107(a), concerning the election of

1 the Speaker of the House, is amended to read as follows:

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

13  
14 SECTION 11. Arkansas Code § 10-2-112(a)(1), concerning the prefiling  
15 of bills and resolutions, is amended to read as follows:

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

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

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

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

30  
31 SECTION 12. Arkansas Code § 10-2-113(b), concerning senate  
32 confirmation of board and commission appointees, is amended to read as  
33 follows:

34 (b)(1) The Governor shall submit to the Senate within thirty (30) days  
35 after the General Assembly convenes in ~~regular~~ a regular session and within  
36 fifteen (15) days after the General Assembly convenes in a fiscal session the

1 names of all appointments to boards and commissions of this state made  
2 subsequent to adjournment of the Senate at the last regular session or fiscal  
3 session of the General Assembly.

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

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

12  
13 SECTION 13. Arkansas Code § 10-2-115 is amended to read as follows:

14 10-2-115. Introduction of bills affecting public retirement programs.

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

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

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

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

32  
33 SECTION 14. Arkansas Code § 10-2-127(b), concerning fiscal impact  
34 statements, is amended to read as follows:

35 (b) Any bill filed in the House of Representatives or Senate that will  
36 impose a new or increased cost obligation for education in grades

1 kindergarten through twelve (K-12) on the State of Arkansas or any local  
2 school district shall have a fiscal impact statement attached to it prepared  
3 and filed with the chair of the committee to which the bill is referred:

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

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

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

12  
13 SECTION 15. Arkansas Code § 10-2-131 is amended to read as follows:

14 10-2-131. Internet broadcast of proceedings.

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

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

20  
21 SECTION 16. Arkansas Code § 10-3-303(c)(2), concerning duties of the  
22 Bureau of Legislative Research, is amended to read as follows:

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

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

31 10-3-304. Sessions – Studies – Cooperation of state agencies.

32 (a)(1) The Legislative Council shall convene at any time during the  
33 interim between regular sessions, fiscal sessions, or special sessions of the  
34 General Assembly and shall remain in session for such time as it considers  
35 necessary for the consideration of all matters relating to state government,  
36 not however, for more than a total of ninety (90) days which need not be

1 *continuous.*

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

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

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

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

24

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

26 *10-3-308. Presession budget briefings – Compensation.*

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

36 *(2) If at any time during the Legislative Council and Joint*



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

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

16  
17 SECTION 19. Arkansas Code § 10-3-508 is amended to read as follows:  
18 10-3-508. Duties.

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

25  
26 SECTION 20. Arkansas Code § 10-3-703(a), concerning the Joint  
27 Committee on Public Retirement and Social Security Programs, is amended to  
28 read as follows:

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

34  
35 SECTION 21. Arkansas Code § 10-3-820(a), concerning the Joint Interim  
36 Committee on Energy, is amended to read as follows:

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

13  
14           SECTION 22. Arkansas Code § 10-3-1103 is amended to read as follows:

15           10-3-1103. When committee functions – Administrative responsibilities.

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

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

29  
30           SECTION 23. Arkansas Code § 10-3-1320(a) and (b), concerning the  
31 Senate Interim Committee on Children and Youth, are amended to read as  
32 follows:

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

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

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

16  
17 SECTION 24. Arkansas Code § 10-3-1602(2), concerning the duties of the  
18 Joint Interim Oversight Committee on Education Reform, is amended to read as  
19 follows:

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

29  
30 SECTION 25. Arkansas Code § 10-3-1704(a) and (b), concerning the Joint  
31 Committee on Advanced Communications and Information Technology, is amended  
32 to read as follows:

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

1 *in the interim between the sine die adjournment or extended recess of the*  
2 *regular session or fiscal session of each General Assembly, until the*  
3 *convening of the next regular or fiscal session of the General Assembly or*  
4 *reconvening of the current General Assembly, or during an extended recess.*

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

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

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

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

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

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

36 *(4) The committee shall cooperate with the Governor, with public*

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

8  
9 SECTION 26. Arkansas Code § 10-3-2204(a), concerning the Academic  
10 Facilities Oversight Committee, is amended to read as follows:

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

15  
16 SECTION 27. Arkansas Code § 10-4-405(b), concerning the Legislative  
17 Auditor, is amended to read as follows:

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

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

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

29  
30 SECTION 28. Arkansas Code § 11-7-206(c), concerning the duties of the  
31 State Mine Inspector, is amended to read as follows:

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

1  
2           SECTION 29. Arkansas Code § 12-27-104(h), concerning the duties of the  
3 Board of Corrections, is amended to read as follows:

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

7  
8           SECTION 30. Arkansas Code § 15-3-104(h), concerning the Arkansas  
9 Science and Technology Authority, is amended to read as follows:

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

14  
15           SECTION 31. Arkansas Code § 15-4-3203(h), concerning the Arkansas  
16 Amendment 82 Implementation Act, is amended to read as follows:

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

23  
24           SECTION 32. Arkansas Code § 15-4-3208(a), concerning the General  
25 Assembly's approval of the Amendment 82 bonds, is amended to read as follows:

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

32  
33           SECTION 33. Arkansas Code § 15-20-311(b), concerning the limitation on  
34 purchase of lands, is amended to read as follows:

35           (b) The commission shall not under any circumstance purchase in excess  
36 of eighty (80) acres in any such county in any one (1) year unless

1 specifically authorized to do so by legislation enacted by the General  
2 Assembly at a regular session, fiscal session, or special session thereof.

3  
4 SECTION 34. Arkansas Code § 16-10-501(a), concerning the development of  
5 criteria for new judgeships or redistricting, is amended to read as follows:

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

14  
15 SECTION 35. Arkansas Code § 16-17-1002(b)(6)(C)(ii)(a), concerning the  
16 District Court Resource Assessment Board, is amended to read as follows:

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

21  
22 SECTION 36. Arkansas Code § 16-90-802(e), concerning the duties of the  
23 Arkansas Sentencing Commission, is amended to read as follows:

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

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

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

30  
31 SECTION 37. Arkansas Code § 19-1-703(a), concerning fiscal impact  
32 statements, is amended to read as follows:

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

1 to which the bill is referred:

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

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

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

10

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

12 19-4-304. ~~Biennial~~ Regular and fiscal session preparations.

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

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

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

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

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

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

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

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



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

3                   (A) Technical assistance;

4                   (B) Organization of materials;

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

7                   (D) Population and other required data; and

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

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

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

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

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

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

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

36

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

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

9  
10           SECTION 40. Arkansas Code § 21-5-206(2), concerning the duties of the  
11 Legislative Council, is amended to read as follows:

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

16  
17           SECTION 41. Arkansas Code § 21-5-310 is amended to read as follows:

18           21-5-310. Expiration of positions – Request to continue.

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

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

25  
26           SECTION 42. Arkansas Code § 24-1-213 is amended to read as follows:

27           24-1-213. Studies and reports.

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

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

1 *considers proper.*

2  
3 *SECTION 43. Arkansas Code § 24-7-410(c) is amended to read as follows:*

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

7  
8 *SECTION 44. Arkansas Code § 25-15-216(a), concerning the review of*  
9 *agency rules, is amended to read as follows:*

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

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

14 *(2) Any new rule should be adopted.*

15  
16 *SECTION 45. Arkansas Code § 25-16-201(b), concerning the*  
17 *reorganization of agencies to meet federal program requirements, is amended*  
18 *to read as follows:*

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

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

27 *25-16-203. Reports to Governor – Inclusion in message to General*  
28 *Assembly.*

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

36

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

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

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

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

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

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

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

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

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

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

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

34  
35           SECTION 48. Arkansas Code § 25-16-604 is amended to read as follows:  
36           25-16-604. Duties generally.

1           *It shall be the duty of the Treasurer of State:*

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

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

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

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

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

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

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

21  
22                    *SECTION 49. Arkansas Code § 25-17-204(c)(1), concerning the Senate*  
23 *confirmation of board members and appointees, is amended to read as follows:*

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

28  
29                                     */s/ Whitaker*