

1 **State of Arkansas**
2 **80th General Assembly**
3 **First Extraordinary Session, 1995**

A Bill

Call Item 3
ACT 10 OF 1995
HOUSE BILL 1003

4 **By: Representatives Hogue, Flanagin, McGinnis, Dietz, Capps, Maddox, Townsend, Jones,**
5 **George, Schexnayder, Stewart, Hunton, D. Wood, Baker, Choate, B. Wood, Calhoun, Rorie,**
6 **and Fletcher**

7

8

9

For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
11 RELATING TO THE TEN SUBJECT MATTER INTERIM COMMITTEES OF
12 *THE HOUSE OF REPRESENTATIVES AND OF THE SENATE; TO AMEND*
13 *VARIOUS SECTIONS OF THE ARKANSAS CODE TO CLARIFY THE*
14 *SOURCE OF PAYMENT OF PER DIEM AND MILAGE TO FIRST*
15 *ALTERNATE MEMBERS; AND FOR OTHER PURPOSES."*

16

17

Subtitle

18 "RELATING TO THE TEN SUBJECT MATTER
19 INTERIM COMMITTEE OF THE HOUSE OF
20 REPRESENTATIVES AND OF THE SENATE."

21

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

23

24 SECTION 1. Arkansas Code 10-3-203(3)(A), first paragraph, is amended to
25 read as follows:

26 "(3)(A) The following ten (10) subject matter interim committees of
27 each house of the General Assembly, with the House committees to each consist
28 of the twenty (20) members of the House of Representatives and the Senate
29 committees to each consist of the seven (7) members of the Senate who compose
30 the respective standing committees of the House and Senate having comparable
31 subject matter jurisdiction, plus such other non-voting members as may be
32 selected pursuant to rules of the House of Representatives and the Senate who
33 shall be entitled to per diem and mileage for attending meetings of the
34 committees. The respective House and Senate committees may meet separately or
35 the House and Senate committees of comparable subject matter jurisdiction may
36 meet jointly."

1

2 SECTION 2. Arkansas Code 10-3-203(3)(B) and (C) are amended to read as
3 follows:

4 "(B) Members of the ten (10) interim House committees and the ten (10)
5 interim Senate committees established in this subsection may also serve as
6 members of the Legislative Council or of the Legislative Joint Auditing
7 Committee.

8 (C) Any member of the House of Representatives who sponsors a proposal
9 or resolution providing for a study which is referred to one (1) of the ten
10 (10) House interim committees and any member of the Senate who sponsors a
11 proposal or resolution providing for a study which is referred to one of the
12 ten (10) Senate interim committees may serve as an ex officio member of that
13 committee during the conduct of the study resulting from his proposal or
14 resolution."

15

16 SECTION 3. Arkansas Code 10-3-204 is amended to read as follows:

17 "10-3-204. Interim Committee Chairmen.

18 The chairman and vice chairman of each House standing committee which
19 composes a House interim committee shall serve as chairman and vice chairman
20 of the House interim committee and the chairman and vice chairman of each
21 Senate standing committee which composes a Senate interim committee shall
22 serve as chairman and vice chairman of the Senate interim committee. If the
23 House and Senate interim committees of comparable subject matter jurisdiction
24 elect to meet jointly the chairman of the House committee and the chairman of
25 the Senate committee may alternately serve as chairman of the interim
26 committee in such manner as they agree."

27

28 SECTION 4. Arkansas Code 10-3-205 is amended to read as follows:

29 "10-3-205. Staff - Assignment and duties.

30 (a) The Director of the Bureau of Legislative Research shall have the
31 responsibility of employing the necessary professional and clerical personnel
32 to staff the interim committees. He shall, after conferring with the chairman
33 of each of the committees, assign such staff to the committees as may be
34 needed to carry out the functions and duties of the committee, within the
35 limitations of the staff available.

1 (b) Staff personnel assigned to each committee shall assist the
2 chairman of the committee in preparing agendas, notices of meetings,
3 undertaking research and writing research memoranda, taking and preparing
4 minutes, reports, and recommendations of the committee and shall provide other
5 assistance as may be necessary to assist the committee in carrying out its
6 functions and duties.

7 (c) If any interim committee finds that the staff assigned to that
8 committee is inadequate or that separate or additional staffing is necessary
9 on a temporary or permanent basis in order to enable the committee to carry
10 out its functions and duties, the chairman of the committee may file a request
11 for additional staff with the Director of the Bureau of Legislative Research
12 who shall present the request to the Legislative Council for its consideration
13 or the committee may request the House of Representatives or Senate to employ
14 such separate or additional staff pursuant to the authority granted in Section
15 20 of Act 1312 of 1995."

16

17 SECTION 5. Arkansas Code 10-3-206 is amended to read as follows:

18 "10-3-206. Meetings.

19 (a) Each of the subject matter interim committees may meet at such
20 times and for such duration as it deems necessary to properly carry out its
21 functions and duties. If any committee shall find it necessary for the
22 committee to meet in excess of twelve (12) days per year, it shall report the
23 necessity for any additional meeting to the Legislative Council. If funds are
24 available to hold additional meetings, the Council shall so advise the
25 requesting committee.

26 (b) The Chairman of each of the subject matter interim committees shall
27 confer with the Director of the Bureau of Legislative Research in arranging
28 meeting dates for the committees in order to avoid conflicting committee
29 meetings and in order to assure maximum utilization of available staff and
30 facilities for meetings of the committees."

31

32 SECTION 6. Arkansas Code 10-3-209 is amended to read as follows:

33 "10-3-209. Expenses of members.

34 (a) The Director of the Bureau of Legislative Research of the
35 Legislative Council shall be the disbursing officer of the funds appropriated

1 for paying per diem, expenses, and mileage to members of the General Assembly
2 attending regular and special meetings and other committee-related activities
3 of the interim committees of the General Assembly as provided by law, unless
4 specific provisions are made to the contrary.

5 (b) Payments for per diem and mileage for attendance by members of the
6 Senate and House of Representatives at meetings of interim committees shall be
7 upon written claims filed therefor."

8

9 SECTION 7. Arkansas Code 10-3-210(a) is amended to read as follows:

10 "(a) Members of the interim committees may be authorized to attend
11 regional or national conferences of legislators or other public officials
12 where attendance thereat will serve a beneficial legislative purpose. Members
13 shall be entitled to receive reimbursement for reasonable and necessary
14 expenses for travel, meals, lodging, and other authorized expenses incurred in
15 connection therewith."

16

17 SECTION 8. Arkansas Code 10-3-212(b) is amended to read as follows:

18 "(b) The members of the two (2) committees shall be entitled to receive
19 per diem at the rate set for attendance at meetings of the subject matter
20 interim committees of the House and Senate for attending joint or separate
21 meetings of the committees. Members shall also be entitled to mileage
22 reimbursement as provided by law."

23

24 SECTION 9. Arkansas Code 10-3-214(a) is amended to read as follows:

25 "(a) In addition to the functions and duties of the Legislative Council
26 which are prescribed by law, it shall be the responsibility of the Legislative
27 Council, in order to coordinate the efforts of the interim committees and to
28 avoid duplication of effort by such committees, to review and screen all study
29 resolutions referred by the General Assembly and all study proposals sponsored
30 by members of the General Assembly during the interim and approved by the
31 Legislative Council. It shall either refer the study resolutions or study
32 proposals to the appropriate interim committee for study or, in unusual cases,
33 retain the study proposal or resolution and conduct the study. Nothing in this
34 act, however, shall be construed to alter or diminish the exclusive interim
35 and presession budget jurisdiction and authority of the Legislative Council as

1 now prescribed by law."

2

3 SECTION 10. Arkansas Code 10-3-215 is amended to read as follows:

4 "10-3-215. Study expenses.

5 (a) (1) Whenever an interim committee of the Arkansas General Assembly
6 deems it necessary or advisable, in connection with any interim study activity
7 authorized by law or undertaken by the committee, to hire consultants,
8 actuaries, special technical or clerical employees, or other assistance in
9 connection with any such study, a written request shall be filed with the
10 Legislative Council. This request shall outline the nature or purposes of the
11 study, the need or necessity of hiring such special consultants, actuaries,
12 technical or clerical employees, or other assistance, and the estimated amount
13 required for the assistance.

14 (2) If the Legislative Council deems that uncommitted funds are
15 available for that purpose and that the request for funds for hiring
16 consultants, actuaries, technical or clerical employees, or other assistance
17 will serve a useful purpose and that the cost is justified, the Legislative
18 Council, after seeking the advice of the interim committee which made the
19 request, may proceed to employ such consultants, actuaries, technical or
20 clerical employees, or provide other assistance and may make payment from the
21 funds appropriated for interim committee study expenses.

22 (b) The Legislative Council may use the funds appropriated for interim
23 committee study expenses in the same manner as other interim committees, as
24 set out in this section.

25 (c) It is the intent of the procedures set out in this section that the
26 Legislative Council shall coordinate, control, and authorize expenditures for
27 interim committee study expenses whenever the Legislative Council deems the
28 expenditures to be in the interest of comprehensive studies or research
29 projects authorized by law or by appropriate action taken by the respective
30 interim committees."

31

32 SECTION 11. Arkansas Code 10-3-217 is amended to read as follows:

33 "10-3-217. Proposed bills - Filing - Action by committee.

34 (a) For the purpose of expediting the work of the interim committees of
35 the General Assembly and to encourage each committee to develop bills for

1 prompt introduction upon the convening of each session of the General
2 Assembly, any member of the General Assembly may file drafts of proposed bills
3 for consideration by the appropriate germane interim committee for study,
4 review, modification, and action thereon by such committee. In addition,
5 interim committees may cause drafts of bills to be prepared to carry out the
6 findings and recommendations of the interim committees which result in
7 recommendations for corrective or remedial legislation to be submitted to the
8 next-following session of the General Assembly.

9 (b) Proposed bills may be filed with interim committees as follows:

10 (1) By a member of the General Assembly filed directly with the
11 interim committee of which he is a member if the bill is germane to such
12 committee;

13 (2) By a member of the General Assembly filed with the
14 Legislative Council for referral to the appropriate interim committee of the
15 General Assembly;

16 (3) By the Governor or a state agency filed with the appropriate
17 germane interim committee or filed with the Legislative Council for referral
18 to the germane interim committee for study and review.

19 (c) All bills presented by the Governor and state agencies for interim
20 committee study shall be approved for study only upon a majority vote of the
21 committee, without that action creating a presumption of favorable action by
22 the committee on the bill, upon conclusion of its study.

23 (d) Bills filed directly with an interim committee shall be reviewed by
24 the Legislative Council for the purpose of determining that the bill is
25 germane to the committee, and may be re-referred to the germane interim
26 committee if the Legislative Council determines that the bill is not germane
27 to the committee with which filed.

28 (e) Upon conclusion of its study and hearings on a proposed bill, the
29 committee shall take action as follows:

30 (1) Upon the favorable vote of a majority of the members of the
31 committee or if the committee is meeting as a joint committee of the House of
32 Representatives and the Senate, then upon the favorable vote of a majority of
33 the Senate members of the committee and a majority of the House members of the
34 committee, approve the bill, including any amendments that may be agreed to by
35 the committee, for prefiling as a committee bill with the next following

1 regular session of the General Assembly; or

2 (2) Reject the proposed bill as a committee bill; or

3 (3) Take no action thereon.

4 (f) Any bill approved by an interim committee, whether a committee of
5 one house or a joint meeting of committees of both houses, for introduction at
6 the next regular session of the General Assembly shall be prefiled as a
7 committee bill by either the House chairman or the Senate chairman of the
8 committee in the manner provided for prefiling of bills preceding the
9 convening of each regular session of the General Assembly. However, the
10 prefiling of the bill in the House of Representatives and the Senate by the
11 chairman or cochairmen of the interim committee as a committee bill shall be
12 solely for the purpose of presenting the bill to the next regular session of
13 the General Assembly for consideration in the manner provided in the rules of
14 the respective houses. The bill shall be considered by each house and by the
15 appropriate committee thereof in the same manner as other bills are considered
16 by the General Assembly.

17 (g) In the event an interim committee rejects a bill or fails to take
18 action thereon, any member of the General Assembly may introduce the bill at
19 the next regular session of the General Assembly, and the bill shall be
20 considered in the same manner as other bills introduced in the House of
21 Representatives or the Senate."

22

23 SECTION 12. Arkansas Code 10-3-218(b) is amended to read as follows:

24 "(b) All members of the Senate and House of Representatives who will be
25 serving in the upcoming regular biennial session of the General Assembly,
26 including the newly elected members of the Senate and House of
27 Representatives, shall be entitled to attend any or all biennial pre-session
28 budget hearings conducted by the Legislative Council and the Joint Budget
29 Committee and shall be entitled to receive per diem and mileage for attending
30 such meetings at the same rate as is provided for attendance at meetings of
31 interim committees of the General Assembly."

32

33 SECTION 13. Arkansas Code 10-3-219 is amended to read as follows:

34 "10-3-219. Purpose of §§ 10-3-217 and 10-3-218.

35 It is the intent of §§ 10-3-217 and 10-3-218 to supplement the existing

1 laws of this state governing the powers, functions, and duties of the joint
2 interim committees of the General Assembly. Nothing in those sections is
3 intended to modify or repeal any of the existing laws governing the powers,
4 functions, and duties of any of the joint interim committees of the General
5 Assembly, including the Legislative Council and the Legislative Joint Auditing
6 Committee, except to provide for separate interim committees of the House of
7 Representatives and the Senate and to authorize comparable House and Senate
8 committees to meet jointly during the interim if they choose to do so."

9

10 SECTION 14. Arkansas Code 10-3-220(b) is amended to read as follows:

11 "(b) The director shall report his findings annually to the Committee
12 on Revenue and Taxation of the House of Representatives and of the Senate and
13 may make such other reports to the committees as he deems necessary."

14

15 SECTION 15. *As soon as possible after the effective date of this act*
16 *and from time to time thereafter, the chairman and vice chairman of the*
17 *Legislative Council, the Speaker of the House of Representatives, and the*
18 *President Pro Tempore of the Senate, meeting jointly with the chairman of the*
19 *Joint Budget Committee shall determine the distribution of funds appropriated*
20 *for ad interim committees' per diem, mileage, and out-of-state travel to the*
21 *separate House and Senate committees herein for the remainder of this biennial*
22 *period. In the event that one person occupies two or more of the above named*
23 *positions, they shall appoint a member of their house to serve as their*
24 *representative in one of the positions.*

25

26 SECTION 16. *Nothing in this act shall affect any statutorily created*
27 *subcommittee of a joint interim committee.*

28

29 SECTION 17. Arkansas Code 10-3-301(b) is amended to read as follows:

30 "(b) In order that there may be no vacancies on the Council at any
31 time, at the time the members are selected to the Council by the Senate and by
32 the House, there shall also be selected in the same manner, one (1) first
33 alternate member and one (1) second alternate member for each regular member.
34 First alternate members shall also be non-voting members of the Council and
35 shall be entitled to per diem and mileage for attending all meetings of the

1 Council. First alternate members of the Council shall have a vote in matters
2 before the Council if the regular member which the first alternate represents
3 is not in attendance. Second alternate members of the Council shall have a
4 vote in matters before the Council if the regular member and the first
5 alternate member which the second alternate represents are not in attendance.
6 First alternate members attending as non-voting members of the Council shall
7 receive per diem and mileage to be paid in the same manner and from the same
8 source as regular members of the Council."

9

10 SECTION 18. Arkansas Code 10-3-403(a)(1) and (2) are amended to read as
11 follows:

12 "(1) Sometime before adjournment of each regular session, the Senate
13 shall select twelve (12) members, with three (3) to be chosen from each of the
14 four (4) congressional districts in effect on January 1, 1987, by caucus of
15 the Senators residing in their respective congressional districts. At the
16 time of selecting members, the Senate shall also select in the same manner one
17 first alternate and one second alternate for each member selected and the
18 first alternate shall also be non-voting members of the Committee and shall be
19 entitled to receive per diem and mileage for attending all meetings of the
20 Committee. First alternate members of the Committee shall have a vote in
21 matters before the committee if the regular member which the first alternate
22 represents is not in attendance. Second alternate members of the Committee
23 shall have a vote in matters before the Committee if the regular member and
24 first alternate member which the second alternate represents are not in
25 attendance. First alternate members attending as non-voting members of the
26 committee shall receive per diem and mileage to be paid in the same manner and
27 from the same source as regular members of the committee.

28 (2) The House of Representatives shall select twenty (20) members in
29 accordance with the procedure prescribed by House Rules. At the time of
30 selecting members, the House shall also select in the same manner one first
31 alternate and one second alternate for each member selected and the first
32 alternates shall also be non-voting members of the Committee and shall be
33 entitled to receive per diem and mileage for attending all meetings of the
34 Committee. First alternate members of the Committee shall have a vote in
35 matters before the committee if the regular member which the first alternate

1 represents is not in attendance. Second alternate members of the Committee
2 shall have a vote in matters before the Committee if the regular member and
3 first alternate member which the second alternate represents are not in
4 attendance. First alternate members attending as non-voting members of the
5 committee shall receive per diem and mileage to be paid in the same manner and
6 from the same source as regular members of the committee."

7

8 SECTION 19. Arkansas Code 10-3-502(b) and (c) are amended to read as
9 follows:

10 "(b) The House shall select the members and their alternates in
11 accordance with the procedure prescribed by House Rules. The first alternate
12 members shall also be non-voting members of the Committee and shall be
13 entitled to receive per diem and mileage for attending meetings of the
14 Committee. First alternate members of the Committee shall have a vote in
15 matters before the Committee if a regular member which the first alternate
16 represents is not in attendance. Second alternate members of the Committee
17 shall have a vote in matters before the Committee if a regular member and a
18 first alternate member which the second alternate represents are not in
19 attendance.

20 (c) The Senate members of the Joint Budget Committee shall be selected
21 as follows: Five (5) members from each congressional district as they existed
22 on March 1, 1991, based on seniority within the Senate. One (1) Senate
23 alternate member shall be selected from each congressional district.
24 Alternate members shall also be non-voting members of the Committee and shall
25 be entitled to receive per diem and mileage for attending meetings of the
26 Committee. First alternate members attending as non-voting members of the
27 committee shall receive per diem and mileage to be paid in the same manner and
28 from the same source as regular members of the committee."

29

30 SECTION 20. Section 21 of Act 1312 of 1995 is amended to read as
31 follows:

32 "Section 21. In the event that an elected constitutional officer
33 relocates his/her office and related staff from the State Capitol Building,
34 and does not have authorized in his/her biennial appropriation act an amount
35 sufficient to pay the moving costs, rent, costs of making necessary

1 *modifications to the rented space, or other costs associated with the move,*
2 *the Bureau of Legislative Research of the Arkansas Legislative Council may*
3 *expend from appropriations authorized for the Bureau such additional funds as*
4 *may be required to assist such elected constitutional officer in paying the*
5 *additional costs. The Secretary of State and the Joint Interim Committee on*
6 *Legislative Facilities shall jointly decide who shall occupy the vacated*
7 *areas."*

8

9 SECTION 21. All provisions of this act of a general and permanent
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
11 Code Revision Commission shall incorporate the same in the Code.

12

13

14 SECTION 22. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

19

20 SECTION 23. All laws and parts of laws in conflict with this act are
21 hereby repealed.

22

23 SECTION 24. EMERGENCY. It is hereby found and determined by the
24 General Assembly that the current law relating to the operation of interim
25 committees of the General Assembly unduly restricts the interim work of the
26 General Assembly by authorizing committees to meet only as joint committees of
27 the House of Representatives and the Senate; that in order to enable the
28 Senate and House of Representatives to efficiently and effectively perform
29 their interim duties, it is necessary that the interim committees of each
30 house be authorized to meet either jointly or separately and that this act
31 should be given effect immediately to accomplish this purpose. Therefore, an
32 emergency is hereby declared to exist and this act being necessary for the
33 preservation of the public peace, health and safety shall be in full force and
34 effect from and after its passage and approval.

35

/s/ Bobby Hogue, et al.

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APPROVED: 10-23-95