

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Harriman**

A Bill

SENATE BILL 736

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE PROCEDURE FOR REIMBURSING MEMBERS
9 OF THE GENERAL ASSEMBLY FOR LEGISLATIVE EXPENSES AND PER
10 DIEM AND MILEAGE; AND FOR OTHER PURPOSES."

11

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

13

14 SECTION 1. Arkansas Code 10-2-212 is hereby amended to read as follows:

15 "10-2-212. Reimbursable expenses.

16 (a) *A member of the Arkansas Senate may seek reimbursement for*
17 *legislative expenses incurred as authorized by law by filing a signed*
18 *statement of expenses incurred during each calendar month. Claims for*
19 *reimbursement for expenses incurred shall be filed with the Secretary of the*
20 *Senate and shall be paid from the funds appropriated for such purposes for the*
21 *use of the Arkansas Senate. The Senate Efficiency Committee is hereby*
22 *authorized to establish the method of reimbursing members of the Senate for*
23 *ordinary and necessary expenses incurred in the performance of their duties as*
24 *members of the General Assembly. The Efficiency Committee shall within the*
25 *limitations of the Arkansas Constitution and Internal Revenue Service*
26 *guidelines determine which expenditures constitute ordinary and necessary*
27 *expenses and the amount of per diem and mileage reimbursement to be paid from*
28 *Senate appropriations. This subsection does not apply to per diem, mileage*
29 *and expense reimbursements paid from funds disbursed by the Legislative*
30 *Auditor or the Director of the Bureau of Legislative Research.*

31 (b) *A member of the Arkansas House of Representatives may seek*
32 *reimbursement for legislative expenses incurred as authorized by law by filing*
33 *a signed statement of expenses incurred during each calendar month. Claims*
34 *for reimbursement for expenses incurred shall be filed with the Coordinator of*
35 *House Legislative Services and shall be paid from the funds appropriated for*

1 such purposes for the use of the House of Representatives. The Speaker of the
2 House of Representatives is hereby authorized to establish the method of
3 reimbursing members of the House for ordinary and necessary expenses incurred
4 in the performance of their duties as members of the General Assembly. The
5 Speaker shall within the limitations of the Arkansas Constitution and Internal
6 Revenue Service guidelines determine which expenditures constitute ordinary
7 and necessary expenses and the amount of per diem and mileage reimbursement to
8 be paid from House appropriations. The Speaker shall notify the House
9 disbursing officer regarding the Speaker's actions under this subsection.
10 This subsection does not apply to per diem, mileage and expense reimbursements
11 paid from funds disbursed by the Legislative Auditor or the Director of the
12 Bureau of Legislative Research.

13 (c) Except as otherwise provided by law, the maximum amount of
14 reimbursement for legislative expenses incurred by members of the General
15 Assembly shall be, at the option of each member, either five thousand eight
16 hundred twenty dollars (\$5,820) per year, six thousand five hundred forty
17 dollars (\$6,540) per year or seven thousand two hundred dollars (\$7,200) per
18 year.

19 (d) Any member of the General Assembly may elect not to receive per
20 diem and mileage payments for attending legislative sessions and for
21 legislative activities and in lieu thereof be reimbursed up to an additional
22 three thousand dollars (\$3,000) per year. Such election shall be made in
23 writing to the presiding officer of the legislative body to which the member
24 is elected. The election must occur prior to adjournment of the 1991 regular
25 session and prior to fifth (5th) day of succeeding regular sessions and the
26 election shall remain in effect until a subsequent election is made at the
27 next regular session.

28 (e) No member of the General Assembly shall file with the House or
29 Senate claims for reimbursement for expenses in excess of the maximum amount
30 prescribed by law."

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32 SECTION 2. Arkansas Code 10-2-123(c)(1) is hereby amended to read as
33 follows:

34 "(c)(1) Members of the preceding General Assembly who have been
35 reelected to a new term in either house of the General Assembly, and the newly
36 elected members of the House of Representatives and Senate shall be eligible

1 to attend the biennial Institute of Legislative Procedure and shall be
2 entitled, upon filing claim therefor, to per diem in the amount fixed by law
3 for members of the General Assembly to receive for attendance at legislative
4 sessions, per day for each day in attending the biennial Institute of
5 Legislative Procedure, but in no event to exceed three (3) days per member,
6 plus mileage in traveling from their place of residence to the biennial
7 Institute of Legislative Procedure and return."

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9 "SECTION 3. Arkansas Code 10-2-215 is hereby amended to read as
10 follows:

11 "10-2-215. Additional compensation for committee chairmen and co-
12 chairmen.

13 In addition to the expense allowance provided by § 10-2-212 and all laws
14 amendatory and supplemental thereto, the chairman of each of the standing,
15 select, and joint committees of either house of the General Assembly and the
16 co-chairman of any committee of the General Assembly which does not function
17 during the legislative session shall be eligible to receive an additional one
18 thousand eight hundred dollars (\$1,800) per year. This additional allowance
19 shall be paid from the same funds and appropriation and in the same manner as
20 provided for the allowances authorized by § 10-2-212, and all laws amendatory
21 and supplemental thereto."

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23 SECTION 4. Arkansas Code 10-2-217(a) (1) is hereby amended to read as
24 follows:

25 "(a) (1) Members, or alternate members serving as members, of the
26 interim committees of the General Assembly, as defined in subsection (b) of
27 this section, and members of the General Assembly who shall perform 'other
28 interim legislative duties as authorized by law', as defined in subsection
29 (b) of this section, shall be entitled to receive per diem and mileage
30 reimbursement in the amount prescribed by the Legislative Council not to exceed
31 the amount as prescribed by regulations of the Internal Revenue Service."

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33 SECTION 5. Arkansas Code 10-3-212(b) is hereby amended to read as
34 follows:

35 "(b) The members of the two (2) committees shall be entitled to receive

1 per diem at the rate set for attendance at meetings of the joint interim
2 committees of the House and Senate for attending joint or separate meetings of
3 the committees. Members shall also be entitled to mileage reimbursement as
4 provided by law."

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6 SECTION 6. Arkansas Code 10-3-1101(b) (2) is hereby amended to read as
7 follows:

8 "(b) (2) In addition thereto, the committee shall receive mileage for
9 travel from their homes to the State Capitol Building."

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11 SECTION 7. Section 6(a) of Act 30 of 1991 is hereby amended to read as
12 follows:

13 "(a) The Arkansas Legislative Council and the Legislative Joint
14 Auditing Committee shall cooperate in jointly sponsoring a biennial Institute
15 of Legislative Procedure to carry out the aforementioned purposes. Members of
16 the preceding General Assembly who have been re-elected to a new term in
17 either house of the General Assembly, and newly-elected members of the House
18 of Representatives and Arkansas Senate, shall be eligible to attend the
19 biennial Institute of Legislative Procedure and shall be entitled, upon filing
20 a claim therefor, to per diem in the amount fixed by law for payment to
21 members of the General Assembly for attendance at legislative sessions per day
22 for each day in attending the biennial Institute of Legislative Procedure, but
23 in no event to exceed three (3) days per member, plus mileage in traveling
24 from their place of residence to the biennial Institute of Legislative
25 Procedure and return. Per diem and mileage for members of the General
26 Assembly and newly-elected members of the General Assembly for attending the
27 biennial Institute of Legislative Procedure shall be paid by their respective
28 houses from the monies appropriated therefor."

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30 SECTION 8. Section 7(A) of Act 134 of 1991 is hereby amended to read as
31 follows:

32 "(A) The General Assembly hereby determines that the conducting of an
33 Institute of Legislative Procedure prior to the convening of regular Sessions
34 of the General Assembly on rules and legislative procedure and current fiscal
35 conditions and other problems in state government, is essential to the proper

1 functioning of each Regular Session of the General Assembly.

2 The Arkansas Senate, the Arkansas House of Representatives, the Arkansas
3 Legislative Council, and the Legislative Joint Auditing Committee shall
4 cooperate in jointly sponsoring a biennial Institute of Legislative Procedure
5 to carry out the aforementioned purposes. Members of the preceding General
6 Assembly who have been re-elected to a new term in either house of the General
7 Assembly, and the newly-elected members of the House of Representatives and
8 Senate shall be eligible to attend the biennial Institute of Legislative
9 Procedure and shall be entitled, upon filing claim therefor, to per diem in
10 the amount fixed by law for members of the General Assembly to receive for
11 attendance at legislative sessions, per day for each day in attending the
12 biennial Institute of Legislative Procedure, but in no event to exceed three
13 (3) days per member, plus mileage in traveling from their place of residence
14 to the biennial Institute of Legislative Procedure and return. Per diem and
15 mileage for members of the General Assembly and newly-elected members of the
16 General Assembly for attending the biennial Institute of Legislative Procedure
17 shall be paid by the respective houses from the monies appropriated therefor."

18
19 SECTION 9. Item (26) and Item (27) of Section 1 of Act 7 of 1991 are
20 hereby amended to read as follows:

21 "(26) Legislative Expenses for Representatives, as
22 authorized by law 876,600 876,600
23 (27) Legislative Expenses for Senators, as
24 authorized by law 327,000 327,000"

25
26 SECTION 10. (a) Section 5 of Act 1 of 1991 and Section 2 of Act 2 of
27 1991 are hereby repealed.

28 (b) Arkansas Code §§ 10-2-211, 10-2-213, and 10-2-214 are hereby
29 repealed.

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31 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the
32 General Assembly that recent changes in federal law necessitate an immediate
33 change in the method of reimbursing members of the General Assembly for
34 legislative expenses; this Act grants the authority to the House and Senate to
35 establish expense reimbursement procedures; and this should go into effect

1 immediately in order to allow the House and Senate to comply with federal
2 regulations as soon as possible. Therefore, an emergency is hereby declared
3 to exist and this Act being immediately necessary for the preservation of the
4 public peace, health and safety shall be in full force and effect from and
5 after January 1, 1991.

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/s/Harriman

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