

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

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/14/97 H3/18/97 H3/20/97 S4/4/97

## A Bill

ACT 1354 OF 1997  
HOUSE BILL 2235

5 By: Representative Beatty  
6  
7

### For An Act To Be Entitled

9 "AN ACT AMENDING ARKANSAS CODE ANNOTATED §§ 10-3-301 AND  
10 10-3-404 TO REQUIRE THAT SELECTION OF FIRST AND SECOND  
11 ALTERNATE HOUSE MEMBERS OF THE LEGISLATIVE COUNCIL AND  
12 TENURE AND MEANS OF FILLING VACANT POSITIONS FOR HOUSE  
13 MEMBERS OF LEGISLATIVE COUNCIL AND LEGISLATIVE JOINT  
14 AUDITING COMMITTEE SHALL BE IN ACCORDANCE WITH HOUSE  
15 RULES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

### Subtitle

17 "TO REQUIRE THAT SELECTION OF FIRST AND  
18 SECOND ALTERNATE HOUSE MEMBERS OF THE  
19 LEGISLATIVE COUNCIL SHALL BE IN  
20 ACCORDANCE WITH HOUSE RULES."  
21  
22

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

25 SECTION 1. Arkansas Code Annotated § 10-3-301 (f) is amended to read as  
26 follows:

27 "(f) The ~~Cochairmen~~ Co-Chairpersons of the Joint Budget Committee shall  
28 be ex officio voting members of the Legislative Council. The House  
29 Chairperson of the Joint Budget Committee may designate the House Vice  
30 Chairperson and other House Chairpersons of Joint Budget Committee  
31 subcommittees as ex officio nonvoting members of the Legislative Council,  
32 thereby authorizing their attendance at meetings of the Legislative Council  
33 and its subcommittees."

34  
35 SECTION 2. Arkansas Code 10-3-509 is amended to read as follows:  
36 "§ 10-3-509. Meeting during the interim.

1           (a) ~~With the agreement of the Chairman and the Vice Chairman of the~~  
2 ~~Legislative Council and the Cochairman of the Joint Budget Committee, the~~  
3 ~~Joint Budget Committee is authorized to meet during the interim to work on~~  
4 ~~budgetary matters. The House members of the Joint Budget Committee shall serve~~  
5 ~~as an interim committee to be known as the House Interim Budget Committee and~~  
6 ~~shall be authorized to meet during the interim to work on budgetary and other~~  
7 ~~such matters as come before the Joint Budget Committee.~~

8           (b) The members of the Joint Budget Committee shall be paid per diem  
9 and mileage reimbursement from moneys appropriated for the payment of per diem  
10 and mileage for members of the General Assembly when attending meetings of  
11 ~~joint~~ interim committees."

12

13           SECTION 3. Arkansas Code Annotated § 10-3-301(d) is amended to read as  
14 follows:

15           "(d)(1) Following the selection by caucus of the regular and alternate  
16 Senate members of the Council from the respective congressional districts,  
17 ~~House caucus districts, and the selection of the regular and alternate members~~  
18 ~~from the Senate caucus districts, the Speaker of the House of Representatives~~  
19 ~~shall appoint from the membership of the House and the President Pro Tempore~~  
20 of the Senate shall appoint from the membership of the Senate ~~their~~ his first  
21 and second alternate members.

22           (2) The designation of first and second alternate members ~~for the~~  
23 ~~Speaker of the House and~~ by the President Pro Tempore of the Senate shall be  
24 made prior to adjournment of each regular session of the General Assembly.

25           (3) The selection and designation of first and second alternate  
26 members from the membership of the House of Representatives shall be in  
27 accordance with the procedure prescribed by House Rules. *Notwithstanding any*  
28 *provision of this section to the contrary, after January 1, 1999, the*  
29 *selection and designation of first and second alternate members from the*  
30 *membership of the Senate shall be in accordance with the procedure prescribed*  
31 *by Senate rules.*

32           ~~—————~~(3)(4) The names of the persons shall be entered upon the journal  
33 of the respective houses."

34

35           SECTION 4. Arkansas Code Annotated § 10-3-301(e) is amended to read as  
36 follows:

1           "(e)(1) A Senate Council member shall not be eligible to serve on the  
2 Council after the November general election when it becomes evident that the  
3 member will not serve in the next General Assembly. In that event, his place  
4 on the Council shall be filled by the first alternate from that congressional  
5 district, or if the first alternate will not serve in the next General  
6 Assembly, then the second alternate from that congressional district shall be  
7 eligible and qualified to serve if the second alternate will serve in the next  
8 General Assembly. If the member, the first alternate, and the second alternate  
9 fail to qualify, then the Senate members of the Council shall select to serve  
10 on the Council one (1) member of the next General Assembly from the  
11 congressional district wherein the vacancy occurs or from the Senate  
12 membership at large if the vacancy is in a position selected by vote of the  
13 entire Senate membership to serve on the Council. Notwithstanding any  
14 provision of this section to the contrary, after January 1, 1999, tenure of  
15 membership and the means of filling vacant positions for Senate Council  
16 members shall be as prescribed by Senate Rules.

17           (2) Tenure of membership and means of filling vacant positions  
18 for House Council members shall be as prescribed by House Rules."

19

20           SECTION 5. Arkansas Code Annotated § 10-3-404 is amended to read as  
21 follows:

22           "10-3-404. Tenure - Vacancies - Alternates.

23           (a) Each Senate member of the Legislative Joint Auditing Committee  
24 shall serve until the commencement of the next regular session of the General  
25 Assembly unless the member fails to run for reelection as a member of either  
26 house of the General Assembly or is defeated at the November general election  
27 for reelection to either house of the General Assembly. In the event a Senate  
28 member is defeated or fails to run for reelection, he shall cease to be a  
29 member of the Committee as of the date of the general election and shall be  
30 succeeded by a first or second alternate member having the qualifications  
31 herein prescribed for membership on the Committee.

32           (b) If any Senate member of the Committee loses his membership thereon  
33 by reason of his defeat for reelection or failure to run for reelection, or  
34 ceases to be a member of the Committee by reason of death, resignation, or  
35 otherwise, his place on the Committee shall be filled by his first alternate  
36 if there is a first alternate, otherwise by his second alternate.

1 (c) If upon the termination of the membership of any Senate member of  
2 the Committee, there is no first or second alternate available to fill the  
3 vacancy, then the Senate members of the Committee shall select a successor  
4 member, whose tenure of membership and qualifications shall be the same as are  
5 prescribed in respect to the initial members.

6 (d) In order that there may be no vacancies on the Committee at any  
7 time, at the time the members are elected to the Committee by the Senate ~~or~~  
8 ~~the House, as the case may be,~~ there shall also be elected at the same time  
9 and in the same manner one (1) first alternate member and one (1) second  
10 alternate member for each regular member elected for each congressional  
11 district and for each regular member elected at large.

12 (e) Each Senate alternate member shall, at the time he is elected, be a  
13 member of the ~~legislative body by whom he is elected~~ Senate. The tenure of  
14 membership of each alternate member shall be controlled by the provisions of  
15 subsection (a) of this section regulating the tenure of the membership of each  
16 person initially elected to serve on the Committee.

17 (f) Tenure of membership and means of filling vacant positions for  
18 House members shall be as prescribed by House Rules.

19 (g) Notwithstanding any provision of this Section to the contrary, after  
20 January 1, 1999, tenure of membership and the means of filling vacant  
21 positions for Senate members shall be as prescribed by Senate Rules.

22

23 SECTION 6. Arkansas Code 6-15-804(c) is amended to read as follows:

24 "(c) Nonstate employee committee members and legislative members of the  
25 committee shall serve without compensation but shall be entitled to  
26 reimbursement of expenses and mileage allowances for attendance at committee  
27 meetings at the same rate authorized by law for legislators' attendance at  
28 meetings of ~~joint~~ interim committees of the General Assembly."

29

30 SECTION 7. Arkansas Code 6-44-201(c) is amended to read as follows:

31 "(c) Members of the commission shall serve at the pleasure of the  
32 Governor. Nonstate employee members shall serve without compensation but  
33 shall be entitled to per diem and mileage allowances for attendance at  
34 commission meetings at the same rate authorized by law for legislators'  
35 attendance at meetings of ~~joint~~ interim committees of the General Assembly.

36 Commission members who are also state employees shall be reimbursed for

1 expenses and mileage by the state agency by which they are employed, from  
2 funds that are available for that purpose."

3

4 SECTION 8. Arkansas Code 6-62-903(c)(2) is amended to read as follows:

5 "(2) Members shall serve without compensation but shall receive their  
6 reasonable and necessary expenses incurred in the conduct of authority  
7 business. Members of the General Assembly serving on the authority shall be  
8 entitled to per diem and mileage allowances for attendance at meetings at the  
9 same rate authorized by law for legislators' attendance at meetings of ~~joint~~  
10 interim committees of the General Assembly."

11

12

13 SECTION 9. Arkansas Code 8-7-904(b) is amended to read as follows:

14 "(b) Committee members shall serve without compensation but shall be  
15 entitled to per diem and mileage allowances for attendance at committee  
16 meetings at the same rate authorized by law for legislators' attendance at  
17 meetings of ~~joint~~ interim committees of the General Assembly. Committee  
18 members shall be entitled to reimbursement for actual expenses incurred for  
19 lodging while attending committee meetings which involve overnight stays."

20

21 SECTION 10. Arkansas Code 8-9-201(d) is amended to read as follows:

22 "(d) Members shall serve without compensation but shall be entitled to  
23 per diem and mileage allowances for attendance at council meetings at the same  
24 rate authorized by law for legislators' attendance at meetings of ~~joint~~  
25 interim committees of the General Assembly. Members shall be entitled to  
26 reimbursement for actual expenses incurred for lodging while attending council  
27 meetings which involve overnight stays."

28

29 SECTION 11. Arkansas Code 9-14-401(b)(2) is amended to read as follows:

30 "(2) Members shall serve without compensation, but shall be entitled to  
31 per diem and mileage allowances for attendance at commission meetings at the  
32 same rate authorized by law for legislators' attendance at meetings of ~~joint~~  
33 interim committees of the General Assembly."

34

35 SECTION 12. Arkansas Code 9-31-304(c) is amended to read as follows:

36 "(c) Legislator members shall receive per diem, mileage, and expense

1 reimbursement at the same rate as that prescribed for legislators for  
2 attending meetings of ~~joint~~ interim committees of the General Assembly."

3

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

5 "§ 10-3-219. Purpose of §§ 10-3-217 and 10-3-218.

6 It is the intent of §§ 10-3-217 and 10-3-218 to supplement the existing  
7 laws of this state governing the powers, functions, and duties of the ~~joint~~  
8 interim committees of the General Assembly. Nothing in those sections is  
9 intended to modify or repeal any of the existing laws governing the powers,  
10 functions, and duties of any of the ~~joint~~ interim committees of the General  
11 Assembly, including the Legislative Council and the Legislative Joint Auditing  
12 Committee, except to provide for separate interim committees of the House of  
13 Representatives and the Senate and to authorize comparable House and Senate  
14 committees to meet jointly during the interim if they choose to do so."

15

16 SECTION 14. Arkansas Code 10-3-308(b) is amended to read as follows:

17 "(b) Each member of the General Assembly who will serve during the  
18 upcoming regular session of the General Assembly and each member-elect of the  
19 General Assembly shall be entitled to attend the budget briefings conducted  
20 pursuant to the provisions of this section. Each member attending the budget  
21 briefings shall be entitled to per diem and mileage for attending briefings at  
22 the rate prescribed by law for members of the General Assembly who attend  
23 meetings of the ~~joint~~ interim committees of the General Assembly, to be  
24 payable from moneys appropriated for payment of per diem and mileage for  
25 attendance at meetings of ~~joint~~ interim committees."

26

27 SECTION 15. Arkansas Code 10-3-309(f)(1) is amended to read as follows:

28 "(f)(1) In addition, before any rule or regulation of any agency of the  
29 state may be revised, promulgated, amended, or changed, a copy of the rule or  
30 amendment to existing rules shall be filed with the ~~joint~~ interim committee of  
31 the Arkansas General Assembly having responsibility for review of that agency  
32 under Acts 1977, No. 100 [expired]."

33

34 SECTION 16. Arkansas Code 10-3-313 is amended to read as follows:

35 "§ 10-3-313. Meetings - Agenda - Procedures and practices.

36 (a)(1) The Legislative Council Subcommittees on Review, Administrative

1 Rules and Regulations, and Performance Evaluation and Expenditure Review shall  
2 meet monthly on a date approximately two (2) weeks preceding the date on which  
3 regular meetings of the ~~joint~~ interim committees are held.

4 (2) At such meetings, the respective subcommittees shall screen the  
5 various matters required by law to be submitted to the Legislative Council by  
6 the state agencies and which have heretofore been referred to the respective  
7 subcommittees by the Legislative Council and shall determine which of such  
8 matters need further review and which are routine and need no further review  
9 or both.

10 (3) Those matters which the respective subcommittees determine need  
11 further review shall be referred to the respective subject matter ~~joint~~  
12 interim committee, which such committee referral shall be made by the  
13 subcommittee after taking into consideration the committee which is usually  
14 assigned such matters by the respective houses as well as the workload of the  
15 various ~~joint~~ interim committees, it being the intent to allow as much  
16 meaningful participation by the members in as many committees as possible.

17 (b)(1)(A) At the next regular meeting of a ~~joint~~ interim committee, all  
18 matters referred to the committee by the Legislative Council or appropriate  
19 subcommittee of the Council shall be placed on the agenda for review by the  
20 committee.

21 (B) When any member of the Arkansas General Assembly  
22 submits any proposal or issue to the Legislative Council for legislative study  
23 or review or input, the Legislative Council shall refer the matter as follows:

24 (i) If the proposal states a preference on  
25 referral, the proposal shall be referred to the committee of preference unless  
26 the proposal is clearly not germane to that committee as determined by the  
27 Legislative Council;

28 (ii) If the proposal was initiated by the  
29 Legislative Council or by a member of the Legislative Council, the Legislative  
30 Council may appoint a subcommittee to conduct such study;

31 (iii) All other proposals shall be assigned to  
32 the appropriate ~~joint~~ interim committee.

33 (2) Notice that such item is being placed on the meeting agenda  
34 of said joint interim committee may be furnished to the various state agencies  
35 involved upon direction of the cochairmen of the ~~joint~~ interim committee in  
36 order that the agency may be represented at such ~~joint~~ interim committee

1 meeting to explain the item and to answer questions in regard thereto if  
2 raised by the committee.

3           (3) Upon conclusion of the committee's consideration of an item,  
4 the committee or designated subcommittee thereof shall notify the state agency  
5 that it has completed its review of the item.

6           (4) The purpose of this subsection is to enable appropriate ~~joint~~  
7 interim committees of the General Assembly and the various state agencies to  
8 jointly discuss the various matters referred to the respective committees in  
9 order to enable the committees to perform a legislative oversight function of  
10 keeping the General Assembly informed with respect to activities of the  
11 various agencies and to enable state agencies to receive the benefit of  
12 recommendations and comments of the respective ~~joint~~ interim committees  
13 concerning various actions or proposed actions of the agencies.

14           (5) The respective ~~joint~~ interim committees of the General  
15 Assembly are hereby authorized to adopt appropriate procedures and practices,  
16 including the utilization of subcommittees, to enable the committee to carry  
17 out its responsibilities under the provisions of this section."  
18

19           SECTION 17. Arkansas Code 10-3-507(c) is amended to read as follows:

20           "(c) The members shall be entitled to receive per diem and mileage for  
21 attendance at such pre-session budget hearings of the Legislative Council at  
22 the same rates provided by law for attendance at meetings of the ~~joint~~ interim  
23 committees of the General Assembly, and payment therefor shall be made as  
24 follows:

25           (1) Regular members of the Legislative Joint Auditing Committee  
26 who are appointed to the Legislative Council shall receive per diem and  
27 mileage for attendance at Legislative Council pre-session budget hearings from  
28 funds appropriated for the Legislative Joint Auditing Committee;

29           (2) Members of either house of the General Assembly who are not  
30 regular members of the Legislative Council or regular members of the  
31 Legislative Joint Auditing Committee shall receive such per diem and mileage  
32 from funds appropriated for the payment of per diem and mileage for attendance  
33 at meetings of the ~~joint~~ interim committees of the General Assembly; and

34           (3) Members of the Legislative Council shall receive per diem and  
35 mileage from funds appropriated for the support of the Legislative Council."  
36



1 SECTION 18. Arkansas Code 10-3-603(c) is amended to read as follows:

2 "(c)(1) Members of the committee shall receive per diem for attending  
3 meetings of the committee or other official business of the committee at the  
4 rate provided by law for attendance by members of the General Assembly at  
5 meetings of ~~joint~~ interim committees and, in addition, shall receive mileage  
6 for travel in attending meetings or other official business of the committee  
7 at the rate provided by law for state employees.

8 (2) Per diem and mileage of members of the Joint Committee on  
9 Legislative Printing Requirements and Specifications shall be paid from any  
10 appropriation made for paying per diem, expenses, and mileage of members of  
11 the ~~joint~~ interim committees."  
12

13 SECTION 19. Arkansas Code 10-3-820(a) and (b) are amended to read as  
14 follows:

15 "(a) The members of the House of Representatives and the Senate  
16 appointed at each regular session of the General Assembly to the Joint  
17 Committee on Energy shall constitute a joint interim committee of the General  
18 Assembly to function in the interim between the sine die adjournment or  
19 extended recess of the regular session of each General Assembly until the  
20 convening of the next regular session of the General Assembly, or reconvening  
21 of the current General Assembly, during an extended recess. This joint interim  
22 committee shall be known as the Joint Interim Committee on Energy and shall  
23 function in addition to the other ~~joint~~ interim committees of the General  
24 Assembly established by law. In the event a vacancy shall occur on the Joint  
25 Interim Committee on Energy, the vacancy shall be filled in the same manner as  
26 provided for the initial appointment.

27 (b) The Joint Interim Committee on Energy shall make continuing studies  
28 of energy resources and problems, either initiated by the committee or  
29 referred to it by either house of the General Assembly for study, in the  
30 interim between sessions of the General Assembly. Interim study proposals and  
31 resolutions filed with the Legislative Council under the provisions of § 10-3-  
32 214 for review and referral to the appropriate germane ~~joint~~ interim committee  
33 of the General Assembly, relating to energy, shall be referred to the Joint  
34 Interim Committee on Energy. The committee shall undertake each study referred  
35 to it by members of the General Assembly or by the Legislative Council and  
36 shall submit a report of its findings and recommendations in regard to each

1 study request prior to the convening of the next regular session of the  
2 General Assembly."

3

4 SECTION 20. Arkansas Code 10-3-822(a) is amended to read as follows:

5 "(a) The per diem and mileage, including reimbursement for expenses for  
6 attending out-of-state meetings as provided by law, shall be paid from funds  
7 appropriated for per diem, mileage, and expenses of members of the General  
8 Assembly for attending ~~joint~~ interim committee meetings or from other funds  
9 provided by law for that purpose."

10

11 SECTION 21. Arkansas Code 10-3-902(3) is amended to read as follows:

12 "(3) Refer specific problems regarding the operation of state  
13 government to appropriate ~~joint~~ interim committees of the General Assembly for  
14 continuing study;"

15

16 SECTION 22. Arkansas Code 10-3-1101(b)(1) is amended to read as  
17 follows:

18 "(1) The members of the committee shall receive per diem at the rate  
19 provided by law for attendance by members of the General Assembly at meetings  
20 of ~~joint~~ interim committees for each day in attending meetings of the  
21 committee or performing other duties as authorized by the committee."

22

23 SECTION 23. Arkansas Code 10-3-1104(a) is amended to read as follows:

24 "(a) The committee shall review the existing usage of the space  
25 presently used by the General Assembly in the State Capitol Building, and  
26 shall make such reallocations thereof, or improvements thereto, as in the  
27 judgment of the committee are necessary to serve the needs of the Senate and  
28 the House of Representatives, their respective standing committees, and the  
29 several ~~joint~~ interim committees of the General Assembly and legislative staff  
30 services."

31

32 SECTION 24. Arkansas Code 10-3-1322(a) is amended to read as follows:

33 "(a)(1) Members of the Joint Interim Committee on Children and Youth  
34 shall be entitled to per diem and mileage for attending each meeting of the  
35 Joint Interim Committee on Children and Youth or in attending to committee-  
36 authorized business at the same rate as provided by law for members of the

1 General Assembly for attending meetings of the ~~joint~~ interim committees of the  
2 General Assembly.

3           (2) The per diem and mileage, including reimbursement for  
4 expenses for attending out-of-state meetings as provided by law, shall be paid  
5 from funds appropriated for per diem, mileage, and expenses for members of the  
6 General Assembly for attending ~~joint~~ interim committee meetings or from other  
7 funds provided by law for that purpose."

8

9           SECTION 25. Arkansas Code 10-3-1401(a)(2) is amended to read as  
10 follows:

11           "(2) The members shall be entitled to per diem and mileage, at the  
12 rates prescribed by law for members of ~~joint~~ interim committees of the General  
13 Assembly, to be paid from funds appropriated for paying per diem and mileage  
14 of ~~joint~~ interim committees."

15

16           SECTION 26. Arkansas Code 10-3-1502(c) is amended to read as follows:

17           "(c) All per diem and mileage for legislative members shall be paid  
18 from the ~~joint~~ interim committee funds for the ~~Joint Interim Committee House~~  
19 and Senate Interim Committees on Education. Nonlegislative members shall be  
20 paid from funds available through the Department of Education at the same rate  
21 as legislative members."

22

23           SECTION 27. Arkansas Code 10-3-1601(d) is amended to read as follows:

24           "(d) Members of the committee shall be entitled to receive per diem and  
25 expenses for their attendance at committee meetings at the same rate as  
26 members of the General Assembly receive for attendance of ~~joint~~ interim  
27 committees."

28

29           SECTION 28. Arkansas Code 10-3-1704(b)(1)(B)(i) is amended to read as  
30 follow:

31           "(i) Interim study proposals and resolutions filed with the Legislative  
32 Council under the provisions of <sup>§</sup> 10-3-214 for review and referral to the  
33 appropriate germane ~~joint~~ interim committee of the General Assembly, relating  
34 to advanced communications and information technology, shall be referred to  
35 the Joint Committee on Advanced Communications and Information Technology."

36

1 SECTION 29. Arkansas Code 10-3-1707(a) is amended to read as follows:

2 "(a) The per diem and mileage, including reimbursement for expenses for  
3 attending out-of-state meetings as provided by law, shall be paid from funds  
4 appropriated for per diem, mileage, and expenses of members of the General  
5 Assembly for attending ~~joint~~ interim committee meetings or from other funds  
6 provided by law for that purpose."

7

8 SECTION 30. Arkansas Code 12-12-202(e)(1)(C) is amended to read as  
9 follows:

10 "(C) Legislator members shall receive per diem, mileage, and expense  
11 reimbursement at the same rate as that prescribed for legislators for  
12 attending meetings of ~~joint~~ interim committees of the General Assembly."

13

14 SECTION 31. Arkansas Code 14-272-102(b) is amended to read as follows:

15 "(b)(1) Legislative members of the commission shall be entitled to per  
16 diem and mileage at the same rate authorized by law for attendance at meetings  
17 of ~~joint~~ interim committees of the General Assembly.

18 (2) Legislative members of the commission may receive payment for  
19 per diem and mileage from appropriated funds for the ~~joint~~ interim committees  
20 which they represent, for the ~~joint~~ interim committees on which they serve, or  
21 from appropriated funds for travel and expenses for the house of the General  
22 Assembly in which they serve."

23

24 SECTION 32. Arkansas Code 15-6-104(d)(2) is amended to read as follows:

25 "(2) The legislative members shall receive, in lieu of reimbursement  
26 for meals, lodging, and travel, the same per diem and mileage allowance for  
27 each day of attending meetings of the commission as is authorized by law for  
28 attending meetings of the ~~joint~~ interim committees of the General Assembly and  
29 shall be paid from funds appropriated for that purpose."

30

31 SECTION 33. Arkansas Code 15-12-101(b)(3) is amended to read as  
32 follows:

33 "(3) The nonvoting legislative members of the council shall receive, in  
34 lieu of reimbursement for meals, lodging, and travel, the same per diem and  
35 mileage allowance for each day in attending meetings of the council as is  
36 authorized by law for attending meetings of ~~joint~~ interim committees of the

1 General Assembly and shall be paid from funds appropriated for that purpose."  
2

3 SECTION 34. Arkansas Code 16-7-102(b)(2) is amended to read as follows:

4 "(2) Legislator members shall receive per diem, mileage, and expense  
5 reimbursement at the same rate as that prescribed for legislators for  
6 attending meetings of ~~joint~~ interim committees of the General Assembly."  
7

8 SECTION 35. Arkansas Code 16-63-406(b) is amended to read as follows:

9 "(b) Any and all proceedings and suits pending in any of the courts in  
10 this state in which any attorney for either party to any suit is a member of  
11 the Legislative Council, the Legislative Joint Auditing Committee, or any  
12 ~~joint~~ interim committee of the General Assembly, shall be stayed, or reset if  
13 scheduled, if the proceeding or hearing has been scheduled on the day  
14 immediately prior to, the day immediately after, or the day upon which the  
15 Legislative Council, Legislative Joint Auditing Committee, or any ~~joint~~  
16 interim committee is meeting if the attorney is a member, or an alternate  
17 member attending in the place of a regular member, of the committee which is  
18 meeting and the attorney requests the continuance of the court no less than  
19 three (3) days before the proceeding is to commence."  
20

21 SECTION 36. Arkansas Code 19-4-607(3) is amended to read as follows:

22 "(3) Consult frequently with the Legislative Council and the  
23 legislative ~~joint~~ interim committees to determine that the annual operations  
24 plan and the performance reports defined in § 19-4-609 are useful tools for  
25 the General Assembly to utilize in determining the performance of agencies and  
26 in carrying out its constitutional duties."  
27

28 SECTION 37. Arkansas Code 19-4-1716(g) is amended to read as follows:

29 "(g) The Joint Interim Committee on Public Health, Welfare, and Labor  
30 shall report to the other ~~joint~~ interim committees and to the General Assembly  
31 on the success of including performance evaluation provisions in professional  
32 services and consultant services contracts with regard to the legislative  
33 intent of this section and make recommendations with regard to the expansion,  
34 continuation, or termination of the use of performance evaluation provisions  
35 in professional services and consultant services contracts."  
36

1 SECTION 38. Arkansas Code 20-77-202(d) is amended to read as follows:

2 "(d) The members of the commission shall serve without pay but shall be  
3 reimbursed for reasonable and necessary expenses incurred for meals, lodging,  
4 and travel in attending commission meetings and in the performance of duties  
5 of the commission from funds appropriated for that purpose. The legislative  
6 members of the commission shall receive, in lieu of reimbursement for meals,  
7 lodging, and travel, the same per diem and mileage allowance for each day in  
8 attending meetings of the commission as is authorized by law for attending  
9 meetings of ~~joint~~ interim committees of the General Assembly and shall be paid  
10 from funds appropriated for that purpose."

11

12 SECTION 39. Arkansas Code 21-5-408(a)(2) is amended to read as follows:

13 "(2) Legislator members shall receive per diem, mileage, and expense  
14 reimbursement at the same rate as that prescribed for legislators for  
15 attending meetings of ~~joint~~ interim committees of the General Assembly."

16

17 SECTION 40. Arkansas Code 22-3-502(b)(3) is amended to read as follows:

18 "(3) The nonvoting legislative members of the commission shall be  
19 entitled to receive per diem and mileage for attending commission meetings at  
20 the same rate as provided by law for attending meetings of the ~~joint~~ interim  
21 committees of the General Assembly, and the allowances shall be paid from  
22 funds appropriated for that purpose."

23

24 SECTION 41. Arkansas Code 24-7-605(a)(1)(A)(ii) is amended to read as  
25 follows:

26 "(ii) These meetings shall include, but not be limited to, the  
27 Legislative Council, the Legislative Joint Auditing Committee, the ~~joint~~  
28 interim committees, and special legislative committees."

29

30 SECTION 42. Arkansas Code 25-16-906(c) is amended to read as follows:

31 "(c) State board members who are also members of the General Assembly  
32 shall continue to receive mileage, expense reimbursement, and per diem as  
33 prescribed for legislators attending meetings of ~~joint~~ interim committees of  
34 the General Assembly."

35

36 SECTION 43. Arkansas Code 25-15-103(b) is amended to read as follows:

1           "(b) Any and all administrative hearings before an agency of this state  
2 in which any attorney for either party to any suit is a member of the  
3 Legislative Council, the Legislative Joint Auditing Committee, or any ~~joint~~  
4 interim committee of the General Assembly shall be stayed, or reset if  
5 scheduled, if the proceeding or hearing has been scheduled on the day  
6 immediately prior to, the day immediately after, or the day upon which the  
7 Legislative Council, Legislative Joint Auditing Committee, or any ~~joint~~  
8 interim committee is meeting and if the attorney is a member of the committee  
9 which is meeting, or an alternate member attending in the place of a regular  
10 member, and the attorney requests the continuance of the court no less than  
11 three (3) days before the proceeding is to commence."

12

13           SECTION 44. Arkansas Code 25-26-103(e)(2) is amended to read as  
14 follows:

15           "(2) Legislator members shall receive per diem, mileage, and expense  
16 reimbursement at the same rate as that prescribed for legislators for  
17 attending meetings of ~~joint~~ interim committees of the General Assembly."

18

19           SECTION 45. Arkansas Code 27-3-103(e)(2) is amended to read as follows:

20           "(2) The legislative members shall receive in lieu of reimbursement for  
21 meals, lodging, and travel the same per diem and mileage allowance for each  
22 day of attending meetings of the council as is authorized by law for attending  
23 meetings of the ~~joint~~ interim committees of the General Assembly and shall be  
24 paid from funds appropriated for that purpose."

25

26           SECTION 46. Arkansas Code 10-3-301(a) is amended to read as follows:

27           <sup>Ⓢ</sup>(a) An ad interim committee of the General Assembly is hereby estab-  
28 lished as the Legislative Council to consist of the following:

29                   (1) The Senate of the General Assembly shall select sometime  
30 before adjournment of each regular session twelve (12) members, with three (3)  
31 members to be chosen from each of the four (4) congressional districts of the  
32 state in effect on January 1, 1987, by caucus of the members of the Senate  
33 residing in their respective congressional districts. Provided, however,  
34 after January 1, 1999, the twelve (12) members selected by the Senate shall be  
35 selected in accordance with procedures prescribed by Senate Rules;

36                   (2) The House of Representatives of the General Assembly shall

1 select twenty (20) members in accordance with the procedure prescribed by  
2 House Rules;

3 (3) The President Pro Tempore of the Senate, President Pro  
4 Tempore Designate, the immediate past President Pro Tempore of the Senate, the  
5 next-preceding past President Pro Tempore if the immediate past President Pro  
6 Tempore is not a member of the Senate, the Speaker Designate of the House of  
7 Representatives, the Speaker of the House of Representatives, the immediate  
8 past Speaker of the House of Representatives, the next-preceding past Speaker  
9 of the House if the immediate past Speaker of the House is not a member of the  
10 House of Representatives, and the Chairman and Vice Chairman of the Legisla-  
11 tive Joint Auditing Committee shall be ex officio members of the Legislative  
12 Council and shall enjoy the same rights and privileges as other Council  
13 members-;

14 (4) The majority party leader and minority party leader of the  
15 House of Representatives or their designees, and the majority party leader and  
16 the minority party leader in the Senate or their designees shall be members of  
17 the Legislative Council and shall enjoy the same rights and privileges as  
18 other Council members. If the majority party leader or the minority party  
19 leader in the House of Representatives elects to designate a person to serve,  
20 that designation shall be subject to confirmation by the Speaker of the House.  
21 If the majority party leader or the minority party leader in the Senate  
22 elects to designate a person to serve, that designation shall be subject to  
23 confirmation by the President Pro Tempore."

24  
25 SECTION 47. Arkansas Code 10-3-302 is amended to read as follows:

26 (a) ~~The members of the Council shall elect one (1) of its members as~~  
27 ~~chairman, and any~~ The House members of the Legislative Council shall select  
28 one of their number as Council Co-Chairperson and one of their number as  
29 Council Co-Vice-Chairperson. The Senate members of the Legislative Council  
30 shall select one of their number as Council Co-Chairperson and one of their  
31 number as Council Co-Vice-Chairperson. The House Co-Chairperson shall appoint  
32 all House Council members to Council subcommittees and the Senate Co-Chairper-  
33 son shall appoint all Senate Council members of Council subcommittees. The  
34 House Co-Chairperson shall appoint a House Council member as Co-Chairperson of  
35 each Council subcommittee and the Senate Co-Chairperson shall appoint a Senate  
36 Council member as Co-Chairperson of each Council subcommittee. The Senate



1 chairperson and the House chairperson shall alternate in presiding at meetings  
2 of the Legislative Council unless the two chairpersons shall agree otherwise.

3 Any other officers shall be elected as the Council may deem necessary. The  
4 Council shall elect an executive secretary who shall serve as secretary of the  
5 Council at all of its meetings but without a vote.

6 (b) ~~Each member shall be entitled to one (1) vote on any matter before~~  
7 ~~the Council, and a majority vote of the membership shall be required on all~~  
8 ~~matters. Twelve (12) members shall be necessary to constitute a quorum. Upon~~  
9 the request of any three (3) members of the Council, a separate vote of House  
10 members and Senate members shall be taken on any issue or matter brought  
11 before the Council and approval of each house shall be required for the  
12 action. The adoption or amendment of the rules of the Legislative Council  
13 shall require approval by a separate vote of Senate Council members and House  
14 Council members.

15

16 SECTION 48. All provisions of this act of a general and permanent  
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
18 Code Revision Commission shall incorporate the same in the Code.

19

20 SECTION 49. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

25

26 SECTION 50. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

28

29 SECTION 51. EMERGENCY. It is found and determined by the General  
30 Assembly of the State of Arkansas that this act affects the method of  
31 selection of alternate members of the Legislative Council and Legislative  
32 Joint Auditing Committee and that this act is immediately necessary for proper  
33 continuity and efficiency in State government. Therefore an emergency is  
34 declared to exist and this act being immediately necessary for the  
35 preservation of the public peace, health and safety shall become effective on  
36 the date of its approval by the Governor. If the bill is neither approved nor

1 vetoed by the Governor, it shall become effective on the expiration of the  
2 period of time during which the Governor may veto the bill. If the bill is  
3 vetoed by the Governor and the veto is overridden, it shall become effective  
4 on the date the last house overrides the veto.

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/s/Rep. Beatty

APPROVED: 4-14-97