

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1730

5 By: Representatives Williams, Vines
6

For An Act To Be Entitled

8 AN ACT TO REPEAL VARIOUS OBSOLETE PROVISIONS IN TITLE
9 10 OF THE ARKANSAS CODE REGARDING THE GENERAL
10 ASSEMBLY; AND FOR OTHER PURPOSES.
11

Subtitle

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13
14 TO REPEAL VARIOUS OBSOLETE PROVISIONS IN
15 TITLE 10 OF THE ARKANSAS CODE REGARDING
16 THE GENERAL ASSEMBLY.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 10-3-208 is repealed because the same
22 subpoena power is conferred by Arkansas Code § 10-2-307.

23 ~~10-3-208. Subpoenas.~~

24 ~~Each committee of the Senate or of the House of Representatives or~~
25 ~~joint interim committee has the power and authority upon approval of a~~
26 ~~majority of the members of the committee to subpoena persons, documents, and~~
27 ~~records.~~
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29 SECTION 2. Arkansas Code § 10-3-903 is repealed because the personnel
30 of the Joint Performance Review Committee are employed by the Bureau of
31 Legislative Research.

32 ~~10-3-903. Employment of personnel.~~

33 ~~The Joint Performance Review Committee is authorized to employ such~~
34 ~~personnel as necessary to carry out the provisions of this subchapter.~~
35

36 SECTION 3. Arkansas Code § 10-3-1104(c), regarding the authority of



1 the Joint Interim Committee on Legislative Facilities to provide rented
 2 quarters to house agencies that are temporarily relocated, is repealed
 3 because the appropriation used to pay for agencies to move out of the Capitol
 4 has expired.

5 ~~(c) If, after proper investigation and the exhausting of all other~~
 6 ~~reasonable alternatives, the Joint Interim Committee on Legislative~~
 7 ~~Facilities deems it necessary to require any of the state agencies currently~~
 8 ~~housed in space which under the provisions of this subchapter is made~~
 9 ~~available for legislative use to vacate the space, the Joint Interim~~
 10 ~~Committee on Legislative Facilities may use funds appropriated in Acts 1973,~~
 11 ~~No. 572, § 1, to provide rented quarters to house any such agency until space~~
 12 ~~for the agency becomes available in a state-owned facility.~~

13
 14 SECTION 4. Arkansas Code § 10-3-1110 is repealed because the
 15 appropriation for which the disbursing agent was responsible has expired.

16 ~~10-3-1110. Disbursing agent.~~

17 ~~The Director of the Bureau of Legislative Research shall be, ex~~
 18 ~~officio, the disbursing agent of the appropriation made in Acts 1973, No.~~
 19 ~~572, § 1, and all disbursements shall be upon the direction or authorization~~
 20 ~~of the Joint Interim Committee on Legislative Facilities. Any additional bond~~
 21 ~~required of the director as disbursing agent of the funds appropriated in~~
 22 ~~Acts 1973, No. 572, § 1, shall be paid from the funds appropriated therein.~~

23
 24 SECTION 5. Arkansas Code § 10-3-1505 is repealed because the due date
 25 for a mandatory report on a feasibility study regarding a final resolution of
 26 various desegregation cases in the state expired on December 1, 2006.

27 ~~10-3-1505. Comprehensive study.~~

28 ~~(a)(1) The Desegregation Litigation Oversight Subcommittee may conduct~~
 29 ~~a comprehensive feasibility study to facilitate a final resolution of the~~
 30 ~~various desegregation cases in the state to which the State of Arkansas or~~
 31 ~~its officers are a party.~~

32 ~~(2) The study shall address matters as determined by the~~
 33 ~~Desegregation Litigation Oversight Subcommittee.~~

34 ~~(b)(1) The Desegregation Litigation Oversight Subcommittee may~~
 35 ~~commission the assistance of experts or other unbiased sources to assist the~~
 36 ~~Desegregation Litigation Oversight Subcommittee in the completion of a~~

1 ~~comprehensive feasibility study to facilitate a final resolution.~~

2 ~~(2) The costs of the study may be paid from funds appropriated~~
 3 ~~to the Bureau of Legislative Research for the purpose of conducting studies~~
 4 ~~or other sources.~~

5 ~~(c) A report of the study shall be presented to the House Committee on~~
 6 ~~Education and the Senate Committee on Education on or before December 1,~~
 7 ~~2006.~~

8
 9 SECTION 6. Arkansas Code § 10-3-2103(b)(1), concerning investigations
 10 by the House and Senate committees on Education, is amended to amend a
 11 reference to § 10-3-208, which is repealed in this act:

12 (b)(1) In connection with any investigation, the House Committee on
 13 Education and the Senate Committee on Education shall have the right and the
 14 power to subpoena witnesses and to issue subpoena duces tecum, pursuant to §
 15 ~~10-3-208~~ § 10-2-307.

16
 17 SECTION 7. Arkansas Code §§ 10-6-101 – 10-6-115 are repealed because
 18 those Code sections are superseded by provisions in the Arkansas Constitution
 19 that provide for the replacement of members of the General Assembly.

20 ~~10-6-101. Title.~~

21 ~~This chapter shall be known as the “Emergency Interim Legislative~~
 22 ~~Succession Act”.~~

23
 24 ~~10-6-102. Policy.~~

25 ~~The General Assembly declares that:~~

26 ~~(1) Recent technological developments make possible an enemy~~
 27 ~~attack of unprecedented destructiveness which may result in the death or~~
 28 ~~inability to act of a large proportion of the membership of the General~~
 29 ~~Assembly;~~

30 ~~(2) To conform in time of attack to existing legal requirements~~
 31 ~~pertaining to the General Assembly would be impracticable, would admit of~~
 32 ~~undue delay, and would jeopardize continuity of operation of a legally~~
 33 ~~constituted General Assembly; and~~

34 ~~(3) It is therefore necessary to adopt as special provisions~~
 35 ~~this chapter as set out for the effective operation of the General Assembly.~~

36

1 ~~10-6-103. Definitions.~~

2 ~~As used in this chapter:~~

3 ~~(1) "Attack" means any action or series of actions taken by an~~
4 ~~enemy of the United States resulting in substantial damage or injury to~~
5 ~~persons or property in this state whether through sabotage, bombs, missiles,~~
6 ~~shellfire, or atomic, radiological, chemical, bacteriological, or biological~~
7 ~~means, or other weapons or methods; and~~

8 ~~(2) "Unavailable" means absent from the place of session, other~~
9 ~~than on official business of the General Assembly, or unable, for physical,~~
10 ~~mental, or legal reasons, to exercise the powers and discharge the duties of~~
11 ~~a legislator whether or not the absence or inability would give rise to a~~
12 ~~vacancy under existing constitutional or statutory provisions.~~

13
14 ~~10-6-104. Designation of emergency interim successors.~~

15 ~~(a) Each legislator shall designate not fewer than three (3) nor more~~
16 ~~than seven (7) emergency interim successors to his or her powers and duties~~
17 ~~and specify their order of succession.~~

18 ~~(b) Each legislator shall review and, as necessary, promptly revise~~
19 ~~the designations of emergency interim successors to his or her powers and~~
20 ~~duties to ensure that at all times there are at least three (3) qualified~~
21 ~~emergency interim successors.~~

22
23 ~~10-6-105. Status, qualifications, and term of successors.~~

24 ~~(a) An emergency interim successor is one who is designated for~~
25 ~~possible temporary succession to the powers and duties, but not the office,~~
26 ~~of a legislator.~~

27 ~~(b) No person shall be designated or serve as an emergency interim~~
28 ~~successor unless under the Constitution and statutes he or she may hold the~~
29 ~~office of the legislator to whose powers and duties he or she is designated~~
30 ~~to succeed, but no constitutional or statutory provision prohibiting a~~
31 ~~legislator from holding another office or prohibiting the holder of another~~
32 ~~office from being a legislator shall be applicable to an emergency interim~~
33 ~~successor.~~

34 ~~(c) An emergency interim successor shall serve at the pleasure of the~~
35 ~~legislator designating him or her or of any subsequent incumbent of the~~
36 ~~legislative office.~~

1
2 ~~10-6-106. Contingent designation method.~~

3 ~~(a) Prior to an attack, if for any reason the number of emergency~~
4 ~~interim successors for any legislator falls below the required minimum and~~
5 ~~remains below the minimum for a period of thirty (30) days, then the senior~~
6 ~~legislator of the same house of the judicial district in which the legislator~~
7 ~~resides shall promptly designate as many emergency interim successors as are~~
8 ~~required to achieve the minimum number, but the senior legislator shall not~~
9 ~~assign to any of his or her designees a rank in order of succession higher~~
10 ~~than that of any remaining emergency interim successor previously designated~~
11 ~~by a legislator for succession to his or her own powers and duties.~~

12 ~~(b) Each emergency interim successor designated by the senior~~
13 ~~legislator shall serve at the pleasure of the person designating him or her.~~

14 ~~(c) The legislator for whom the emergency interim successor is~~
15 ~~designated or any subsequent incumbent of his or her office may change the~~
16 ~~rank in order of succession or replace at his or her pleasure any emergency~~
17 ~~interim successor so designated.~~

18
19 ~~10-6-107. Recordation Effective dates of designation, removal.~~

20 ~~(a) Each designation of an emergency interim successor shall become~~
21 ~~effective when the legislator or the senior legislator as mentioned in § 10-~~
22 ~~6-106(a) making the designation files with the Secretary of State the~~
23 ~~successor's name, address, and rank in order of succession.~~

24 ~~(b) The removal of an emergency interim successor or change in order~~
25 ~~of succession shall become effective when the legislator so acting files this~~
26 ~~information with the Secretary of State.~~

27 ~~(c) All such data shall be open to public inspection.~~

28 ~~(d) The Secretary of State shall inform the Governor, the Arkansas~~
29 ~~Department of Emergency Management, the chief clerk of the house concerned,~~
30 ~~and all emergency interim successors of all designations, removals, and~~
31 ~~changes in order of succession.~~

32 ~~(e) The chief clerk of each house shall enter all information~~
33 ~~regarding emergency interim successors for the house in its public journal at~~
34 ~~the beginning of each legislative session and shall enter all changes in~~
35 ~~membership or order of succession as soon as possible after their occurrence.~~

36

1 ~~10-6-108. Oath of successors.~~

2 ~~Promptly after designation, each emergency interim successor shall take~~
3 ~~the oath required for the legislator to whose powers and duties he or she is~~
4 ~~designated to succeed. No other oath shall be required.~~

5
6 ~~10-6-109. Duties of successors.~~

7 ~~Each emergency interim successor shall keep himself or herself~~
8 ~~generally informed as to the duties, procedures, practices, and current~~
9 ~~business of the General Assembly, and each legislator shall assist his or her~~
10 ~~emergency interim successors to keep themselves so informed.~~

11
12 ~~10-6-110. Convening of General Assembly in event of attack—~~
13 ~~Attendance—Length of sessions.~~

14 ~~(a) In the event of an attack, the Governor shall call the General~~
15 ~~Assembly into session as soon as practicable, and in any case within ninety~~
16 ~~(90) days following the inception of the attack. If the Governor fails to~~
17 ~~issue the call, the General Assembly on the ninetieth day from the date of~~
18 ~~inception of the attack shall automatically convene at the place where the~~
19 ~~Governor then has his or her office.~~

20 ~~(b) Each legislator and each emergency interim successor, unless he or~~
21 ~~she is certain that the legislator to whose powers and duties he or she is~~
22 ~~designated to succeed or any emergency interim successor higher in order of~~
23 ~~succession will not be unavailable, shall proceed to the place of session as~~
24 ~~expeditiously as practicable.~~

25 ~~(c) At such session or at any session in operation at the inception of~~
26 ~~the attack and at any subsequent sessions, limitations on the length of~~
27 ~~sessions and on the subjects which may be acted upon shall be suspended.~~

28
29 ~~10-6-111. Location.~~

30 ~~Whenever in the event of an attack or upon finding that an attack may~~
31 ~~be imminent, the Governor deems the place of session then prescribed unsafe,~~
32 ~~he or she may change it to any place within or without the state which he or~~
33 ~~she deems safer and more convenient.~~

34
35 ~~10-6-112. Assumption and exercise of powers and duties of legislator—~~
36 ~~Ouster.~~

1 ~~(a) If in the event of an attack a legislator is unavailable, his or~~
2 ~~her emergency interim successor highest in order of succession who is not~~
3 ~~unavailable shall exercise the powers and assume the duties of the legislator~~
4 ~~except for the power and duty to appoint emergency interim successors.~~

5 ~~(b) An emergency interim successor shall exercise these powers and~~
6 ~~assume these duties until the incumbent legislator, an emergency interim~~
7 ~~successor higher in order of succession, or a legislator appointed or elected~~
8 ~~and legally qualified can act.~~

9 ~~(c) Each house of the General Assembly, in accordance with its own~~
10 ~~rules, shall determine who is entitled under the provisions of this chapter~~
11 ~~to exercise the powers and assume the duties of its members.~~

12 ~~(d) All constitutional and statutory provisions pertaining to ouster~~
13 ~~of a legislator shall be applicable to an emergency interim successor who is~~
14 ~~exercising the powers and assuming the duties of a legislator.~~

15
16 ~~10-6-113. Quorum and vote requirements.~~

17 ~~In the event of an attack:~~

18 ~~(1) Quorum requirements for the General Assembly shall be~~
19 ~~suspended; and~~

20 ~~(2) Where the affirmative vote of a specified proportion of~~
21 ~~members for approval of a bill, resolution, or other action would otherwise~~
22 ~~be required, the same proportion of those voting thereon shall be sufficient.~~

23
24 ~~10-6-114. Privileges, immunities, and compensation of successors.~~

25 ~~(a) When an emergency interim successor exercises the powers and~~
26 ~~assumes the duties of a legislator, he or she shall be accorded the~~
27 ~~privileges and immunities, compensation, allowances, and other perquisites of~~
28 ~~office to which a legislator is entitled.~~

29 ~~(b) In the event of an attack, each emergency interim successor,~~
30 ~~whether or not called upon to exercise the powers and assume the duties of a~~
31 ~~legislator, shall be accorded the privileges and immunities of a legislator~~
32 ~~while traveling to and from a place of session and shall be compensated for~~
33 ~~his or her travel in the same manner and amount as a legislator.~~

34 ~~(c) This section shall not in any way affect the privileges,~~
35 ~~immunities, compensation, allowances, or other perquisites of office of an~~
36 ~~incumbent legislator.~~

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~~10-6-115. Termination of operation of this chapter—Extension.~~

~~(a) The authority of emergency interim successors to succeed to the powers and duties of legislators, the operation of the provisions of this chapter relating to quorum, the number of affirmative votes required for legislative action, and limitations on the length of sessions and the subjects which may be acted upon shall expire two (2) years following the inception of an attack, but nothing in this chapter shall prevent the resumption before that time of the filling of legislative vacancies and the calling of elections for the General Assembly in accordance with applicable constitutional and statutory provisions.~~

~~(b) The Governor, acting by proclamation, or the General Assembly, acting by concurrent resolution, may from time to time extend or restore the authority or the operation of any of the provisions upon a finding that events rendered the extension or restoration necessary, but no extension or restoration shall be for a period of more than one (1) year.~~

SECTION 8. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have full force and effect, and so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts amending or repealing the appropriate parts of the Arkansas Code of 1987.