

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL1061

By: Representative Thicksten AS ENGROSSED 2/20/87

Representative Flanagin AS ENGROSSED 1/14/87

"AN ACT TO AMEND SECTION 1 OF ACT 264 OF 1949, AS AMENDED, [ARK. STATS. 4-617], AND SECTION 2 OF ACT 105 OF 1955, AS AMENDED, [ARK.STATS. 4-702], TO PROVIDE THAT THE HOUSE OF REPRESENTATIVES AND SENATE SHALL SELECT ITS MEMBERS TO THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE JOINT AUDITING COMMITTEE FROM THE PRESENT FOUR CONGRESSIONAL DISTRICTS INSTEAD OF THE OLD SIX CONGRESSIONAL DISTRICTS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 264 of 1949 as amended, the same being Arkansas Statutes 4-617, is hereby amended to read as follows:

"Section 1. (a) An ad interim committee of the General Assembly is hereby established as a Legislative Council, which shall consist of thirty-six members to be selected as follows:

(1) The Senate of the General Assembly of Arkansas shall, sometime before adjournment of each Regular Session, select twelve (12) members with three (3) to be chosen from each of the four (4) Congressional Districts in effect on January 1, 1987, by caucus of the members of the Senate residing in the respective Congressional Districts.

(2) The House of Representatives of the General Assembly of Arkansas shall select sometime before adjournment of each regular session twenty (20) members with five (5) to be chosen from each of the four (4) Congressional Districts in effect on January 1, 1987, by caucus of the members of the House of Representatives residing in the respective Congressional Districts. Provided, no more than one (1) member shall reside in the same county.

(3) The President Pro Tem of the Senate, the Speaker of the House of

Representatives, and the chairman and vice chairman of the Legislative Joint Auditing Committee shall be ex officio members of the Legislative Council and as such shall enjoy the same rights and privileges as other Council members.

(4) Each member of the House of Representatives who was serving as an at large member of the Council on January 1, 1987, shall continue to serve as an at large member until he or she resigns that position or ceases to be a member of the House of Representatives or until a majority of the members of the House vote against his or her continuance in that position, after which the at large position formerly held by such person shall be a district position and shall be filled by caucus of House members from the appropriate Congressional District. So long as one or more of the at large members of the Council continue to serve as at large members, the number of members to be selected by caucus in each of the four Congressional Districts shall be reduced by the number of at large members on the Council residing in each of such Congressional Districts.

(b) In order that there may be no vacancies on the Committee at any time, at the time the members are selected to the Committee by the Senate and by the House, there shall also be selected at the same time and in the same manner one (1) first alternate member and one (1) second alternate member for each regular member elected from each Congressional District and for each member selected from the Senate and House of Representatives at large.

(c) In the event of a tie vote in the congressional caucus to elect members and alternates, the member or alternate shall be elected by the entire membership of the House or Senate as the case may be.

(d) Following the selection by caucus of the regular and alternate members of the Council from the respective Congressional Districts and the selection of the regular and alternate members from the Senate at large, the Speaker of the House of Representatives shall appoint from the membership of the House, and the President Pro Tem of the Senate shall appoint from the membership of the Senate their first and second alternate members who shall not be members or alternate members of the Committee selected by Congressional District caucus or by the entire membership of the House or Senate and who shall not be from the Congressional District in which the Speaker of the House or the President Pro Tem of the Senate resides. Such designation of first and second alternate members for the Speaker of the House and the President Pro Tem of the Senate shall be made prior to adjournment of each regular session

of the General Assembly and the names of such persons shall be entered upon the journal of the respective houses.

(e) A Council member shall not be eligible to serve on the Council or joint legislative committee after the November General Election when it becomes evident that said member will not serve in the next General Assembly. In such event, his place on the Council shall be filled by the first alternate from that Congressional District or if the first alternate will not serve in the next General Assembly, then the second alternate from that Congressional District shall be eligible and qualified to serve if said second alternate will serve in the next General Assembly. If the member, the first alternate and the second alternate fail to qualify then the members of the Council shall select one (1) member of the next General Assembly from the Congressional District wherein the vacancy occurs or from the Senate membership at large if the vacancy is in a position selected by vote of the entire Senate membership, to serve on the Council.

SECTION 2. Section 2 of Act 105 of 1955 as amended, the same being Arkansas Statutes 4-702, is hereby amended to read as follows:

"Section 2. (a) The Legislative Joint Auditing Committee shall consist of thirty-six members of the General Assembly to be selected as follows:

(1) The Senate of the General Assembly of Arkansas shall, sometime before adjournment of each Regular Session, select twelve (12) members with three (3) to be chosen from each of the four (4) Congressional Districts in effect on January 1, 1987, by caucus of the members of the Senate residing in the respective Congressional Districts.

(2) The House of Representatives shall, sometime before adjournment of each regular session, select twenty (20) members, with five (5) members to be selected from each of the Congressional Districts as they existed on January 1, 1987. Provided, no more than two (2) members shall reside within the same county.

(3) The Speaker of the House, the President Pro Tem of the Senate and the chairman and vice chairman of the Arkansas Legislative Council shall be ex officio members of the Committee and as such shall enjoy all the rights and privileges of other members of the Committee.

(4) Each member of the House of Representatives who was serving as an at large member of the Committee on January 1, 1987, shall continue to serve

as an at large member until he or she resigns that position or ceases to be a member of the House of Representatives or until the majority of the members of the House vote against his or her continuance in the position, after which the at large position formerly held by such person shall be a district position and shall be filled by caucus of House members from the appropriate Congressional District. So long as one or more of the at large House members of the Committee continues the number of Congressional District positions in each district shall be reduced by the number of at large members residing in the district.

(b) No member of the Legislative Joint Auditing Committee shall be a regular member of the Legislative Council, but may be a first or second alternate member of the Legislative Council.

(c) Each member of the Legislative Joint Auditing Committee shall serve until the commencement of the next regular session unless, such member fails to run for reelection as a member of either body of the General Assembly or is defeated at the November General Election for reelection to either body of the General Assembly. In the event a member is so defeated or fails to run for reelection, he shall cease to be a member of the Committee as of the date of the General Election and shall be succeeded by a first or second alternate member having the qualifications herein prescribed for membership on the Committee."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined that the House of Representatives and Senate select their members to the Legislative Council and Legislative Joint Auditing Committee from the old six Congressional Districts; that the selection from the present four Congressional Districts would be more equitable; that the selection is to be made prior to adjournment of this legislative session; and therefore, this Act must go into effect as soon as possible to grant the House and Senate the authority to change the method of selection of its members to the Legislative Council and the Joint Auditing Committee. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage

and approval.

/s/Edward F. Thicksten, et al