

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 2/4/87

HOUSE BILL 1079

By: Representative Mahony

"AN ACT TO ESTABLISH A MECHANISM FOR ALERTING THE GENERAL ASSEMBLY AS TO LITIGATION INVOLVING THE STATE SO THAT THE GENERAL ASSEMBLY WILL BE APPRISED AS SOON AS POSSIBLE OF LITIGATION IN WHICH IT HAS AN INTEREST; AND FOR OTHER PURPOSES."

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

SECTION 1. In order that the General Assembly may take whatever steps it deems necessary concerning lawsuits which may affect the State of Arkansas, its officials or its financial resources, the Attorney General shall notify the Director (Executive Secretary) of the Arkansas Legislative Council as soon as possible after the Attorney General becomes involved in such litigation. Upon receipt of such notice, the Director (Executive Secretary) of the Arkansas Legislative Council shall, during the interim between legislative sessions, transmit a copy of such notice to the Chairman of the Arkansas Legislative Council and to the Cochairmen of the Joint Budget Committee during legislative sessions, in order that such committees may schedule such matter upon their respective agendas at the earliest possible date.

The Arkansas Legislative Council shall, during the interim between legislative sessions, and the Joint Budget Committee shall, during legislative sessions, determine whether the General Assembly has an interest in the litigation and, if so, take whatever action it deems necessary to protect the Legislature's and/or the State's interest in such matter. Furthermore, when any State agency or any entity which receives an appropriation of funds from the General Assembly becomes involved in litigation without representation by the Attorney General, the director or administrataive head of such agency shall notify the Director (Executive Secretary) of the Arkansas Legislative Council as soon as possible, in which event notice of said matter shall be

given by the Director (Executive Secretary) to the Arkansas Legislative Council or to the Joint Budget Committee in the manner aforementioned, in order that such committees may take whatever action deemed necessary to protect the Legislature's or the State's interest in such matter.

SECTION 2. The notice given by the Attorney General or by the director or administrative head of a State agency to the Director (Executive Secretary) of the Arkansas Legislative Council, shall include the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and such other information that will enable the Arkansas Legislative Council, or the Joint Budget Committee, to determine the action that may be deemed necessary to protect the interest of the Legislature and/or the State of Arkansas in such matter.

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

/s/Jody Mahony

