

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Beatty

A Bill

HOUSE BILL 1211

For An Act To Be Entitled

"AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE LAW GOVERNING
THE SELECTION OF ALTERNATE MEMBERS TO THE LEGISLATIVE
COUNCIL AND THE LEGISLATIVE JOINT AUDITING COMMITTEE."

Subtitle

"MAKE TECHNICAL CORRECTIONS IN THE LAW
GOVERNING THE SELECTION OF ALTERNATE
MEMBERS TO THE LEGISLATIVE COUNCIL AND
LEGISLATIVE JOINT AUDITING COMMITTEE."

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

SECTION 1. Arkansas Code 10-3-301 is amended to read as follows:

"§ 10-3-301. Creation - Members.

(a) An ad interim committee of the General Assembly is hereby
established as a Legislative Council, which shall consist of thirty-six (36)
members to be selected as follows:

(1) The Senate of the General Assembly shall select sometime
before adjournment of each regular session twelve (12) members, with three
(3) members to be chosen from each of the four (4) congressional districts of
the state in effect on January 1, 1987, by caucus of the members of the
Senate residing in their respective congressional districts;

(2) The House of Representatives of the General Assembly shall
select twenty (20) members in accordance with the procedure prescribed by
House Rules;

(3) The President Pro Tempore of the Senate, the immediate past
President Pro Tempore of the Senate, the Speaker of the House of
Representatives, the immediate past Speaker of the House of Representatives,

1 and the Chairman and Vice Chairman of the Legislative Joint Auditing
2 Committee shall be ex officio members of the Legislative Council and shall
3 enjoy the same rights and privileges as other council members.

4 (b) In order that there may be no vacancies on the Council at any
5 time, at the time the members are selected to the Council by the Senate ,
6 there shall also be selected at the same time and in the same manner, one (1)
7 first alternate member and one (1) second alternate member for each regular
8 member selected from each congressional district and for each member selected
9 from the Senate at large. House alternates shall be chosen pursuant to House
10 rules.

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

15 (d) Following the selection by caucus of the regular and alternate
16 members of the Council from the respective caucus district caucus or
17 congressional districts and the selection of the regular and alternate
18 members from the Senate at large, 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 first and
21 second alternate members. These members shall not be members or alternate
22 members of the Council selected by congressional district caucus or caucus
23 district caucus or by the entire membership of the House or Senate and shall
24 not be from the congressional district in which the Speaker of the House or
25 the President Pro Tempore of the Senate resides. The designation of first and
26 second alternate members for the Speaker of the House and President Pro
27 Tempore of the Senate shall be made prior to adjournment of each regular
28 session of the General Assembly. The names of the persons shall be entered
29 upon the journal of the respective houses.

30 (e) *A Council member shall not be eligible to serve on the Council*
31 *after the November general election when it becomes evident that the member*
32 *will not serve in the next General Assembly. In that event, (i) if he or*
33 *she is a member of the Senate, his or her place on the Council shall be*
34 *filled by the first alternate from that congressional district, or if the*
35 *first alternate will not serve in the next General Assembly, then the second*

1 alternate from that congressional district shall be eligible and qualified to
2 serve if the second alternate will serve in the next General Assembly; and
3 (ii) if he or she is a House member his or her place shall be filled as
4 provided in House Rules. If the Council member who is also a member of the
5 Senate, his or her first alternate, and his or her second alternate fail to
6 qualify, then the members of the Council shall select to serve on the Council
7 one (1) member of the Senate from the congressional district wherein the
8 vacancy occurs or from the Senate membership at large if the vacancy is in a
9 position selected by vote of the entire Senate membership to serve on the
10 Council. If the Council member or alternate is a member of the House the
11 vacancy shall be filled as provided in House Rules."

12 (f) The Cochairmen of the Joint Budget Committee shall be ex officio
13 voting members of the Legislative Council."

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15 SECTION 2. Arkansas code 10-3-404 is amended to read as follows:

16 "§ 10-3-404. Tenure - Vacancies - Alternates.

17 (a) Each member of the Legislative Joint Auditing Committee shall
18 serve until the commencement of the next regular session of the General
19 Assembly unless the member fails to run for reelection as a member of either
20 house of the General Assembly or is defeated at the November general election
21 for reelection to either house of the General Assembly. In the event a member
22 is defeated or fails to run for reelection, he shall cease to be a member of
23 the Committee as of the date of the general election and if the person is a
24 member of the Senate he or she shall be succeeded by a first or second
25 alternate member having the qualifications herein prescribed for membership
26 on the Committee. If the Committee member is a member of the House, the
27 vacancy shall be filled as provided in House Rules.

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

1 his or her place on the Committee shall be filled according to House Rules.

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

9 (d) In order that there may be no vacancies on the Committee at any
10 time, at the time the members are elected to the Committee by the Senate,
11 there shall also be elected at the same time and in the same manner one (1)
12 first alternate member and one (1) second alternate member for each regular
13 member elected for each congressional district and for each regular member
14 elected at large. House alternates shall be chosen in accordance with House
15 rules.

16 (e) Each alternate member shall, at the time he is elected, be a
17 member of the legislative body by whom he is elected. The tenure of
18 membership of each alternate member shall be controlled by the provisions of
19 subsection (a) of this section regulating the tenure of the membership of
20 each person initially elected to serve on the Committee."
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22 SECTION 3. All provisions of this act of a general and permanent
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
24 Code Revision Commission shall incorporate the same in the Code.

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26 SECTION 4. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 5. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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/s/Rep. Beatty