

1 State of Arkansas

Call Item 3

2 80th General Assembly

A Bill

3 First Extraordinary Session, 1995

HOUSE BILL 1003

4 By: Representatives Hogue, Flanagin, McGinnis, Dietz, Capps, Maddox,
5 Townsend, Jones, George, Schexnayder, Stewart, Hunton, D. Wood, Baker,
6 Choate, B. Wood, Calhoun, Rorie, and Fletcher

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For An Act To Be Entitled

10 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
11 RELATING TO THE TEN SUBJECT MATTER INTERIM COMMITTEES OF
12 *THE HOUSE OF REPRESENTATIVES AND OF THE SENATE; TO AMEND*
13 *VARIOUS SECTIONS OF THE ARKANSAS CODE TO CLARIFY THE*
14 *SOURCE OF PAYMENT OF PER DIEM AND MILAGE TO FIRST*
15 *ALTERNATE MEMBERS; AND FOR OTHER PURPOSES."*

16

17

Subtitle

18 "RELATING TO THE TEN SUBJECT MATTER
19 INTERIM COMMITTEE OF THE HOUSE OF
20 REPRESENTATIVES AND OF THE SENATE."

21

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

23

24 SECTION 1. Arkansas Code 10-3-203(3)(A), first paragraph, is amended
25 to read as follows:

26 "(3)(A) The following ten (10) subject matter interim committees of
27 each house of the General Assembly, with the House committees to each consist
28 of the twenty (20) members of the House of Representatives and the Senate
29 committees to each consist of the seven (7) members of the Senate who compose
30 the respective standing committees of the House and Senate having comparable
31 subject matter jurisdiction, plus such other non-voting members as may be
32 selected pursuant to rules of the House of Representatives and the Senate who
33 shall be entitled to per diem and mileage for attending meetings of the
34 committees. The respective House and Senate committees may meet separately
35 or the House and Senate committees of comparable subject matter jurisdiction

1 may meet jointly."

2

3 SECTION 2. Arkansas Code 10-3-203(3)(B) and (C) are amended to read as
4 follows:

5 "(B) Members of the ten (10) interim House committees and the ten (10)
6 interim Senate committees established in this subsection may also serve as
7 members of the Legislative Council or of the Legislative Joint Auditing
8 Committee.

9 (C) Any member of the House of Representatives who sponsors a proposal
10 or resolution providing for a study which is referred to one (1) of the ten
11 (10) House interim committees and any member of the Senate who sponsors a
12 proposal or resolution providing for a study which is referred to one of the
13 ten (10) Senate interim committees may serve as an ex officio member of that
14 committee during the conduct of the study resulting from his proposal or
15 resolution."

16

17 SECTION 3. Arkansas Code 10-3-204 is amended to read as follows:

18 "10-3-204. Interim Committee Chairmen.

19 The chairman and vice chairman of each House standing committee which
20 composes a House interim committee shall serve as chairman and vice chairman
21 of the House interim committee and the chairman and vice chairman of each
22 Senate standing committee which composes a Senate interim committee shall
23 serve as chairman and vice chairman of the Senate interim committee. If the
24 House and Senate interim committees of comparable subject matter jurisdiction
25 elect to meet jointly the chairman of the House committee and the chairman of
26 the Senate committee may alternately serve as chairman of the interim
27 committee in such manner as they agree."

28

29 SECTION 4. Arkansas Code 10-3-205 is amended to read as follows:

30 "10-3-205. Staff - Assignment and duties.

31 (a) The Director of the Bureau of Legislative Research shall have the
32 responsibility of employing the necessary professional and clerical personnel
33 to staff the interim committees. He shall, after conferring with the chairman
34 of each of the committees, assign such staff to the committees as may be
35 needed to carry out the functions and duties of the committee, within the

1 limitations of the staff available.

2 (b) Staff personnel assigned to each committee shall assist the
3 chairman of the committee in preparing agendas, notices of meetings,
4 undertaking research and writing research memoranda, taking and preparing
5 minutes, reports, and recommendations of the committee and shall provide
6 other assistance as may be necessary to assist the committee in carrying out
7 its functions and duties.

8 (c) If any interim committee finds that the staff assigned to that
9 committee is inadequate or that separate or additional staffing is necessary
10 on a temporary or permanent basis in order to enable the committee to carry
11 out its functions and duties, the chairman of the committee may file a
12 request for additional staff with the Director of the Bureau of Legislative
13 Research who shall present the request to the Legislative Council for its
14 consideration or the committee may request the House of Representatives or
15 Senate to employ such separate or additional staff pursuant to the authority
16 granted in Section 20 of Act 1312 of 1995."

17

18 SECTION 5. Arkansas Code 10-3-206 is amended to read as follows:

19 "10-3-206. Meetings.

20 (a) Each of the subject matter interim committees may meet at such
21 times and for such duration as it deems necessary to properly carry out its
22 functions and duties. If any committee shall find it necessary for the
23 committee to meet in excess of twelve (12) days per year, it shall report the
24 necessity for any additional meeting to the Legislative Council. If funds are
25 available to hold additional meetings, the Council shall so advise the
26 requesting committee.

27 (b) The Chairman of each of the subject matter interim committees
28 shall confer with the Director of the Bureau of Legislative Research in
29 arranging meeting dates for the committees in order to avoid conflicting
30 committee meetings and in order to assure maximum utilization of available
31 staff and facilities for meetings of the committees."

32

33 SECTION 6. Arkansas Code 10-3-209 is amended to read as follows:

34 "10-3-209. Expenses of members.

35 (a) The Director of the Bureau of Legislative Research of the

1 Legislative Council shall be the disbursing officer of the funds appropriated
2 for paying per diem, expenses, and mileage to members of the General Assembly
3 attending regular and special meetings and other committee-related activities
4 of the interim committees of the General Assembly as provided by law, unless
5 specific provisions are made to the contrary.

6 (b) Payments for per diem and mileage for attendance by members of the
7 Senate and House of Representatives at meetings of interim committees shall
8 be upon written claims filed therefor."

9

10 SECTION 7. Arkansas Code 10-3-210(a) is amended to read as follows:

11 "(a) Members of the interim committees may be authorized to attend
12 regional or national conferences of legislators or other public officials
13 where attendance thereat will serve a beneficial legislative purpose. Members
14 shall be entitled to receive reimbursement for reasonable and necessary
15 expenses for travel, meals, lodging, and other authorized expenses incurred
16 in connection therewith."

17

18 SECTION 8. Arkansas Code 10-3-212(b) is amended to read as follows:

19 "(b) The members of the two (2) committees shall be entitled to
20 receive per diem at the rate set for attendance at meetings of the subject
21 matter interim committees of the House and Senate for attending joint or
22 separate meetings of the committees. Members shall also be entitled to
23 mileage reimbursement as provided by law."

24

25 SECTION 9. Arkansas Code 10-3-214(a) is amended to read as follows:

26 "(a) In addition to the functions and duties of the Legislative
27 Council which are prescribed by law, it shall be the responsibility of the
28 Legislative Council, in order to coordinate the efforts of the interim
29 committees and to avoid duplication of effort by such committees, to review
30 and screen all study resolutions referred by the General Assembly and all
31 study proposals sponsored by members of the General Assembly during the
32 interim and approved by the Legislative Council. It shall either refer the
33 study resolutions or study proposals to the appropriate interim committee for
34 study or, in unusual cases, retain the study proposal or resolution and
35 conduct the study. Nothing in this act, however, shall be construed to alter

1 or diminish the exclusive interim and pre-session budget jurisdiction and
2 authority of the Legislative Council as now prescribed by law."

3

4 SECTION 10. Arkansas Code 10-3-215 is amended to read as follows:

5 "10-3-215. Study expenses.

6 (a)(1) Whenever an interim committee of the Arkansas General Assembly
7 deems it necessary or advisable, in connection with any interim study
8 activity authorized by law or undertaken by the committee, to hire
9 consultants, actuaries, special technical or clerical employees, or other
10 assistance in connection with any such study, a written request shall be
11 filed with the Legislative Council. This request shall outline the nature or
12 purposes of the study, the need or necessity of hiring such special
13 consultants, actuaries, technical or clerical employees, or other assistance,
14 and the estimated amount required for the assistance.

15 (2) If the Legislative Council deems that uncommitted funds are
16 available for that purpose and that the request for funds for hiring
17 consultants, actuaries, technical or clerical employees, or other assistance
18 will serve a useful purpose and that the cost is justified, the Legislative
19 Council, after seeking the advice of the interim committee which made the
20 request, may proceed to employ such consultants, actuaries, technical or
21 clerical employees, or provide other assistance and may make payment from the
22 funds appropriated for interim committee study expenses.

23 (b) The Legislative Council may use the funds appropriated for interim
24 committee study expenses in the same manner as other interim committees, as
25 set out in this section.

26 (c) It is the intent of the procedures set out in this section that
27 the Legislative Council shall coordinate, control, and authorize expenditures
28 for interim committee study expenses whenever the Legislative Council deems
29 the expenditures to be in the interest of comprehensive studies or research
30 projects authorized by law or by appropriate action taken by the respective
31 interim committees."

32

33 SECTION 11. Arkansas Code 10-3-217 is amended to read as follows:

34 "10-3-217. Proposed bills - Filing - Action by committee.

35 (a) For the purpose of expediting the work of the interim committees

1 of the General Assembly and to encourage each committee to develop bills for
2 prompt introduction upon the convening of each session of the General
3 Assembly, any member of the General Assembly may file drafts of proposed
4 bills for consideration by the appropriate germane interim committee for
5 study, review, modification, and action thereon by such committee. In
6 addition, interim committees may cause drafts of bills to be prepared to
7 carry out the findings and recommendations of the interim committees which
8 result in recommendations for corrective or remedial legislation to be
9 submitted to the next-following session of the General Assembly.

10 (b) Proposed bills may be filed with interim committees as follows:

11 (1) By a member of the General Assembly filed directly with the
12 interim committee of which he is a member if the bill is germane to such
13 committee;

14 (2) By a member of the General Assembly filed with the
15 Legislative Council for referral to the appropriate interim committee of the
16 General Assembly;

17 (3) By the Governor or a state agency filed with the appropriate
18 germane interim committee or filed with the Legislative Council for referral
19 to the germane interim committee for study and review.

20 (c) All bills presented by the Governor and state agencies for interim
21 committee study shall be approved for study only upon a majority vote of the
22 committee, without that action creating a presumption of favorable action by
23 the committee on the bill, upon conclusion of its study.

24 (d) Bills filed directly with an interim committee shall be reviewed
25 by the Legislative Council for the purpose of determining that the bill is
26 germane to the committee, and may be re-referred to the germane interim
27 committee if the Legislative Council determines that the bill is not germane
28 to the committee with which filed.

29 (e) Upon conclusion of its study and hearings on a proposed bill, the
30 committee shall take action as follows:

31 (1) Upon the favorable vote of a majority of the members of the
32 committee or if the committee is meeting as a joint committee of the House of
33 Representatives and the Senate, then upon the favorable vote of a majority of
34 the Senate members of the committee and a majority of the House members of
35 the committee, approve the bill, including any amendments that may be agreed

1 to by the committee, for prefiling as a committee bill with the next
2 following regular session of the General Assembly; or

3 (2) Reject the proposed bill as a committee bill; or

4 (3) Take no action thereon.

5 (f) Any bill approved by an interim committee, whether a committee of
6 one house or a joint meeting of committees of both houses, for introduction
7 at the next regular session of the General Assembly shall be prefiled as a
8 committee bill by either the House chairman or the Senate chairman of the
9 committee in the manner provided for prefiling of bills preceding the
10 convening of each regular session of the General Assembly. However, the
11 prefiling of the bill in the House of Representatives and the Senate by the
12 chairman or cochairmen of the interim committee as a committee bill shall be
13 solely for the purpose of presenting the bill to the next regular session of
14 the General Assembly for consideration in the manner provided in the rules of
15 the respective houses. The bill shall be considered by each house and by the
16 appropriate committee thereof in the same manner as other bills are
17 considered by the General Assembly.

18 (g) In the event an interim committee rejects a bill or fails to take
19 action thereon, any member of the General Assembly may introduce the bill at
20 the next regular session of the General Assembly, and the bill shall be
21 considered in the same manner as other bills introduced in the House of
22 Representatives or the Senate."

23

24 SECTION 12. Arkansas Code 10-3-218(b) is amended to read as follows:

25 "(b) All members of the Senate and House of Representatives who will
26 be serving in the upcoming regular biennial session of the General Assembly,
27 including the newly elected members of the Senate and House of
28 Representatives, shall be entitled to attend any or all biennial pre-session
29 budget hearings conducted by the Legislative Council and the Joint Budget
30 Committee and shall be entitled to receive per diem and mileage for attending
31 such meetings at the same rate as is provided for attendance at meetings of
32 interim committees of the General Assembly."

33

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

35 "10-3-219. Purpose of §§ 10-3-217 and 10-3-218.

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

11

12 SECTION 14. Arkansas Code 10-3-220(b) is amended to read as follows:

13 "(b) The director shall report his findings annually to the Committee
14 on Revenue and Taxation of the House of Representatives and of the Senate and
15 may make such other reports to the committees as he deems necessary."

16

17 SECTION 15. *As soon as possible after the effective date of this act
18 and from time to time thereafter, the chairman and vice chairman of the
19 Legislative Council, the Speaker of the House of Representatives, and the
20 President Pro Tempore of the Senate, meeting jointly with the chairman of the
21 Joint Budget Committee shall determine the distribution of funds appropriated
22 for ad interim committees' per diem, mileage, and out-of-state travel to the
23 separate House and Senate committees herein for the remainder of this
24 biennial period. In the event that one person occupies two or more of the
25 above named positions, they shall appoint a member of their house to serve as
26 their representative in one of the positions.*

27

28 SECTION 16. *Nothing in this act shall affect any statutorily created
29 subcommittee of a joint interim committee.*

30

31 SECTION 17. Arkansas Code 10-3-301(b) is amended to read as follows:

32 "(b) *In order that there may be no vacancies on the Council at any
33 time, at the time the members are selected to the Council by the Senate and
34 by the House, there shall also be selected in the same manner, one (1) first
35 alternate member and one (1) second alternate member for each regular member.*

1 *First alternate members shall also be non-voting members of the Council and*
2 *shall be entitled to per diem and mileage for attending all meetings of the*
3 *Council. First alternate members of the Council shall have a vote in matters*
4 *before the Council if the regular member which the first alternate represents*
5 *is not in attendance. Second alternate members of the Council shall have a*
6 *vote in matters before the Council if the regular member and the first*
7 *alternate member which the second alternate represents are not in attendance.*
8 *First alternate members attending as non-voting members of the Council shall*
9 *receive per diem and mileage to be paid in the same manner and from the same*
10 *source as regular members of the Council."*

11

12 *SECTION 18. Arkansas Code 10-3-403(a)(1) and (2) are amended to read*
13 *as follows:*

14 *"(1) Sometime before adjournment of each regular session, the Senate*
15 *shall select twelve (12) members, with three (3) to be chosen from each of*
16 *the four (4) congressional districts in effect on January 1, 1987, by caucus*
17 *of the Senators residing in their respective congressional districts. At the*
18 *time of selecting members, the Senate shall also select in the same manner*
19 *one first alternate and one second alternate for each member selected and the*
20 *first alternate shall also be non-voting members of the Committee and shall*
21 *be entitled to receive per diem and mileage for attending all meetings of the*
22 *Committee. First alternate members of the Committee shall have a vote in*
23 *matters before the committee if the regular member which the first alternate*
24 *represents is not in attendance. Second alternate members of the Committee*
25 *shall have a vote in matters before the Committee if the regular member and*
26 *first alternate member which the second alternate represents are not in*
27 *attendance. First alternate members attending as non-voting members of the*
28 *committee shall receive per diem and mileage to be paid in the same manner*
29 *and from the same source as regular members of the committee.*

30 *(2) The House of Representatives shall select twenty (20) members in*
31 *accordance with the procedure prescribed by House Rules. At the time of*
32 *selecting members, the House shall also select in the same manner one first*
33 *alternate and one second alternate for each member selected and the first*
34 *alternates shall also be non-voting members of the Committee and shall be*
35 *entitled to receive per diem and mileage for attending all meetings of the*

1 *Committee. First alternate members of the Committee shall have a vote in*
2 *matters before the committee if the regular member which the first alternate*
3 *represents is not in attendance. Second alternate members of the Committee*
4 *shall have a vote in matters before the Committee if the regular member and*
5 *first alternate member which the second alternate represents are not in*
6 *attendance. First alternate members attending as non-voting members of the*
7 *committee shall receive per diem and mileage to be paid in the same manner*
8 *and from the same source as regular members of the committee."*

9

10 *SECTION 19. Arkansas Code 10-3-502(b) and (c) are amended to read as*
11 *follows:*

12 *"(b) The House shall select the members and their alternates in*
13 *accordance with the procedure prescribed by House Rules. The first alternate*
14 *members shall also be non-voting members of the Committee and shall be*
15 *entitled to receive per diem and mileage for attending meetings of the*
16 *Committee. First alternate members of the Committee shall have a vote in*
17 *matters before the Committee if a regular member which the first alternate*
18 *represents is not in attendance. Second alternate members of the Committee*
19 *shall have a vote in matters before the Committee if a regular member and a*
20 *first alternate member which the second alternate represents are not in*
21 *attendance.*

22 *(c) The Senate members of the Joint Budget Committee shall be selected*
23 *as follows: Five (5) members from each congressional district as they*
24 *existed on March 1, 1991, based on seniority within the Senate. One (1)*
25 *Senate alternate member shall be selected from each congressional district.*
26 *Alternate members shall also be non-voting members of the Committee and shall*
27 *be entitled to receive per diem and mileage for attending meetings of the*
28 *Committee. First alternate members attending as non-voting members of the*
29 *committee shall receive per diem and mileage to be paid in the same manner*
30 *and from the same source as regular members of the committee."*

31

32 *SECTION 20. Section 21 of Act 1312 of 1995 is amended to read as*
33 *follows:*

34 *"Section 21. In the event that an elected constitutional officer*
35 *relocates his/her office and related staff from the State Capitol Building,*

1 and does not have authorized in his/her biennial appropriation act an amount
2 sufficient to pay the moving costs, rent, costs of making necessary
3 modifications to the rented space, or other costs associated with the move,
4 the Bureau of Legislative Research of the Arkansas Legislative Council may
5 expend from appropriations authorized for the Bureau such additional funds as
6 may be required to assist such elected constitutional officer in paying the
7 additional costs. The Secretary of State and the Joint Interim Committee on
8 Legislative Facilities shall jointly decide who shall occupy the vacated
9 areas."

10

11 SECTION 21. All provisions of this act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

14

15

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

21

22 SECTION 23. All laws and parts of laws in conflict with this act are
23 hereby repealed.

24

25 SECTION 24. EMERGENCY. It is hereby found and determined by the
26 General Assembly that the current law relating to the operation of interim
27 committees of the General Assembly unduly restricts the interim work of the
28 General Assembly by authorizing committees to meet only as joint committees
29 of the House of Representatives and the Senate; that in order to enable the
30 Senate and House of Representatives to efficiently and effectively perform
31 their interim duties, it is necessary that the interim committees of each
32 house be authorized to meet either jointly or separately and that this act
33 should be given effect immediately to accomplish this purpose. Therefore, an
34 emergency is hereby declared to exist and this act being necessary for the
35 preservation of the public peace, health and safety shall be in full force

1 and effect from and after its passage and approval.

2 */s/ Bobby Hogue, et al.*

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