

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: S2/26/97 S3/7/97

A Bill

SENATE BILL 215

4
5 By: Senator Bell
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For An Act To Be Entitled

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9 "AN ACT TO ESTABLISH THE LITIGATION OVERSIGHT *SUBCOMMITTEE*
10 *OF THE LEGISLATIVE COUNCIL*; AND FOR OTHER PURPOSES."

Subtitle

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13 "TO ESTABLISH THE LITIGATION OVERSIGHT
14 *SUBCOMMITTEE OF THE LEGISLATIVE*
15 *COUNCIL*."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a) There is established a Litigation Oversight
20 Subcommittee of the Legislative Council.

21 (b) The Subcommittee consists of five (5) members from the Senate and
22 five (5) members from the House of Representatives. The Chairman of the
23 Legislative Council shall appoint all members and from those members, a
24 chairman. The Chairman and Vice-chairman of the Legislative Council shall
25 serve as ex officio members.

26 (c) Members of the Litigation Oversight Subcommittee are entitled to
27 per diem, mileage, and expense reimbursement at the same rate, in the same
28 manner, and from the same appropriation and funding as the legislators who
29 attend interim committee meetings of the General Assembly.

30 (d) The Bureau of Legislative Research shall furnish staff assistance
31 as requested by the Litigation Oversight Subcommittee.
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33 SECTION 2. (a) The Litigation Oversight Subcommittee shall:

34 (1) monitor the state's participation in any case in which the
35 state or any state agency is a defendant and in which the Subcommittee
36 determines that significant state resources or policy issues are at risk;

37 (2) promulgate standards for the reporting of cases;

1 (3) examine possible methods to reduce the potential for State
2 liability in pending and future litigation;

3 (4) make recommendations for legislation to the Governor and to
4 the Legislative Council; and

5 (5) report to the Legislative Council on all of its activities.

6 (b) The Legislative Council shall review all Litigation Oversight
7 Subcommittee actions and may accept or reject any actions of the Subcommittee.

8 (c) The Litigation Oversight Subcommittee may:

9 (1) enter into contracts for professional and consulting
10 services;

11 (2) issue subpoenas and compel the attendance of persons before
12 it for the purpose of examining issues pending before the committee;

13 (3) take any action it deems necessary to protect the interests
14 of the State or the General Assembly.

15 (d) The Litigation Oversight Subcommittee is exempt from the provisions
16 of Arkansas Code Annotated § 19-4-1701, et seq. and § 25-16-702.

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18 SECTION 3. Arkansas Code § 10-3-312 is amended to read as follows:

19 "(a) In order that the ~~General Assembly~~ Litigation Oversight
20 Subcommittee may take whatever steps it deems necessary concerning lawsuits
21 which may affect the State of Arkansas, its officials, or its financial
22 resources:

23 (1) The Attorney General shall notify the Director of the Bureau
24 of Legislative Research ~~who is the Executive Secretary of the Arkansas~~
25 ~~Legislative Council~~ as soon as possible after the Attorney General becomes
26 involved in such litigation;

27 (2) When any state agency or any entity which receives an
28 appropriation of funds from the General Assembly becomes involved in
29 litigation without representation by the Attorney General, the director or
30 administrative head of the agency shall notify the Director of the Bureau of
31 Legislative Research ~~who is the Executive Secretary of the Legislative Council~~
32 as soon as possible.

33 (b) The notice given by the Attorney General or by the director or
34 administrative head of a state agency to the Director of the Bureau of
35 Legislative Research ~~who is the Executive Secretary of the Legislative Council~~
36 shall include:

1 (1) the style of the case being litigated;
2 (2) the identity of the tribunal before which the matter has been
3 filed;
4 (3) a brief description of the issues involved; and
5 (4) other information that will enable the ~~Legislative Council,~~
6 ~~or the Joint Budget Committee,~~ Litigation Oversight Subcommittee to determine
7 the action that may be deemed necessary to protect the interests of the
8 General Assembly and the State of Arkansas in that matter.
9 ~~—— (d) During the interim between legislative sessions, the Legislative~~
10 ~~Council shall, and during legislative sessions the Joint Budget Committee~~
11 ~~shall, determine whether the General Assembly has an interest in the~~
12 ~~litigation and, if so, take whatever action deemed necessary to protect the~~
13 ~~General Assembly's and the state's interest in that matter.~~
14 (d) The Attorney General shall report regularly to the Litigation
15 Oversight Subcommittee on proposed settlement agreements. Neither the
16 Attorney General nor any state agency shall enter into a final settlement of
17 any litigation involving state funds in excess of fifty thousand dollars
18 (\$50,000) or other significant issues affecting the State of Arkansas without
19 seeking the advice of the Litigation Oversight Subcommittee. Either
20 cochairman of the committee may waive the requirements of this subsection if
21 the appearance before the committee by an agency would cause harm to the
22 agency in the settlement of the case or pending litigation.'

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24 SECTION 4. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 5. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 6. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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/s/Bell