

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

HOUSE BILL 2373

5 By: Representative Broadway
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE
10 ARKANSAS CODE PERTAINING TO THE LEGISLATIVE
11 COUNCIL, THE LEGISLATIVE JOINT AUDITING
12 COMMITTEE, AND THE JOINT BUDGET COMMITTEE; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AMEND VARIOUS PROVISIONS OF
16 THE ARKANSAS CODE PERTAINING TO THE
17 LEGISLATIVE COUNCIL, THE LEGISLATIVE
18 JOINT AUDITING COMMITTEE, AND THE JOINT
19 BUDGET COMMITTEE.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 10, Chapter 3, Subchapter 2 is amended
26 to add an additional section to read as follows:

27 10-3-220. Committee membership.

28 No member of the General Assembly may be appointed as a voting member
29 of a subcommittee unless the legislator is a voting member of the parent
30 committee.
31

32 SECTION 2. Arkansas Code 10-3-301 is amended to read as follows:

33 10-3-301. Creation - Members.

34 (a) An ad interim committee of the General Assembly is hereby
35 established as the Legislative Council to consist of the following:

36 (1)(A) The Senate of the General Assembly shall select

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

5 (B) Provided, however, after January 1, 1999, the twelve
6 (12) members selected by the Senate shall be selected in accordance with
7 procedures prescribed by Senate Rules;

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

11 (3) The President Pro Tempore of the Senate, President Pro
12 Tempore Designate, ~~the immediate past President Pro Tempore of the Senate,~~
13 ~~the next preceding past President Pro Tempore if the immediate past President~~
14 ~~Pro Tempore is not a member of the Senate,~~ the Speaker Designate of the House
15 of Representatives, the Speaker of the House of Representatives, ~~the~~
16 ~~immediate past Speaker of the House of Representatives,~~ ~~the next preceding~~
17 ~~past Speaker of the House if the immediate past Speaker of the House is not a~~
18 ~~member of the House of Representatives,~~ ~~the immediate past Chairman of the~~
19 ~~Legislative Council,~~ ~~the immediate past Chairman of the Legislative Joint~~
20 ~~Auditing Committee,~~ ~~and the Chairman and Vice Chairman~~ co-chairs of the
21 Legislative Joint Auditing Committee, and the co-chairs of the Joint Budget
22 Committee shall be ex officio members of the Legislative Council and shall
23 enjoy the same rights and privileges as other Legislative Council members;

24 (4)(A) The majority party leader and minority party leader of
25 the House of Representatives or their designees, and the majority party
26 leader and the minority party leader in the Senate or their designees shall
27 be members of the Legislative Council and shall enjoy the same rights and
28 privileges as other Legislative Council members.

29 (B)(i) If the majority party leader or the minority party
30 leader in the House of Representatives elects to designate a person to serve,
31 that designation shall be subject to confirmation by the Speaker of the
32 House.

33 (ii) If the majority party leader or the
34 minority party leader in the Senate elects to designate a person to serve,
35 that designation shall be subject to confirmation by the President Pro
36 Tempore.

(b)(1) In order that there may be no vacancies on the Legislative

1 Council at any time, at the time the members are selected to the Legislative
 2 Council by the Senate and by the House, there shall also be selected, in the
 3 same manner, one (1) first alternate member and one (1) second alternate
 4 member for each regular member.

5 (2)(A) First alternate members shall also be nonvoting members
 6 of the Legislative Council and shall be entitled to per diem and mileage for
 7 attending all meetings of the Legislative Council.

8 (B) First alternate members of the Legislative Council
 9 shall have a vote in matters before the Legislative Council if the regular
 10 member which the first alternate represents is not in attendance.

11 (C) First alternate members attending as nonvoting members
 12 of the Legislative Council shall receive per diem and mileage to be paid in
 13 the same manner and from the same source as regular members of the Council.

14 (3) Second alternate members of the Council shall have a vote in
 15 matters before the Council if the regular member and the first alternate
 16 member which the second alternate represents are not in attendance.

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

20 (d)(1) Following the selection by caucus of the regular and alternate
 21 Senate members of the Legislative Council from the respective congressional
 22 districts, the President Pro Tempore of the Senate shall appoint from the
 23 membership of the Senate his first and second alternate members.

24 (2) The designation of first and second alternate members by the
 25 President Pro Tempore of the Senate shall be made prior to adjournment of
 26 each regular session of the General Assembly.

27 (3)(A) The selection and designation of first and second
 28 alternate members from the membership of the House of Representatives shall
 29 be in accordance with the procedure prescribed by House Rules.

30 (B) Notwithstanding any provision of this section to the
 31 contrary, after January 1, 1999, the selection and designation of first and
 32 second alternate members from the membership of the Senate shall be in
 33 accordance with the procedure prescribed by Senate rules.

34 (4) The names of the persons shall be entered upon the journal
 35 of the respective houses.

36 (e)(1)(A)(i) A Senate Legislative Council member shall not be eligible

1 to serve on the Legislative Council after the November general election when
2 it becomes evident that the member will not serve in the next General
3 Assembly.

4 (ii) In that event, his place on the Legislative
5 Council shall be filled by the first alternate from that congressional
6 district, or if the first alternate will not serve in the next General
7 Assembly, then the second alternate from that congressional district shall be
8 eligible and qualified to serve if the second alternate will serve in the
9 next General Assembly.

10 (iii) If the member, the first alternate, and the
11 second alternate fail to qualify, then the Senate members of the Legislative
12 Council shall select to serve on the Legislative Council one (1) member of
13 the next General Assembly from the congressional district wherein the vacancy
14 occurs or from the Senate membership at large if the vacancy is in a position
15 selected by vote of the entire Senate membership to serve on the Legislative
16 Council.

17 (B) Notwithstanding any provision of this section to the
18 contrary, after January 1, 1999, tenure of membership and the means of
19 filling vacant positions for Senate Legislative Council members shall be as
20 prescribed by Senate Rules.

21 (2) Tenure of membership and means of filling vacant positions
22 for House Legislative Council members shall be as prescribed by House Rules.

23 ~~(f)(1) The chairpersons of the Joint Budget Committee shall be ex~~
24 ~~officio voting members of the Legislative Council.~~

25 ~~(2)~~ The House chairperson of the Joint Budget Committee may
26 designate the House vice chairperson and other House chairpersons of Joint
27 Budget Committee subcommittees as ex officio nonvoting members of the
28 Legislative Council, thereby authorizing their attendance at meetings of the
29 Legislative Council and its subcommittees.

30 (g) The House chairpersons and vice chairpersons of the Review/PEER
31 Subcommittee, and the Personnel Subcommittee of the Joint Budget Committee
32 shall serve on the corresponding subcommittees of the Legislative Council as
33 ex officio nonvoting members.

34

35 SECTION 3. Arkansas Code 10-3-306 is amended to read as follows:
36 10-3-306. Investigations - Witnesses - Recommendations.

1 (a) The Legislative Council shall have authority to conduct
 2 investigations pertaining to the operation of any state agency, institution,
 3 department, or office.

4 (b) After its organization, the Council shall proceed to investigate
 5 all state departments, agencies, institutions, and all other activities
 6 supported, either in whole or in part, by state funds.

7 (c) In connection with any investigation, it shall have the right and
 8 power to subpoena witnesses and to issue subpoena duces tecum. The ~~chairman~~
 9 co-chairs of the Council ~~is~~ are authorized to administer oaths.

10 (d) The Council shall make proper recommendations to each General
 11 Assembly as to the appropriations required by all agencies, institutions, and
 12 departments for their efficient and economical operation.

13
 14 SECTION 4. Arkansas Code 10-3-308 is amended to read as follows:

15 10-3-308. Presession budget briefings - Compensation.

16 (a)(1) The Legislative Council is authorized to conduct or cause to be
 17 conducted budget briefings for members and members-elect of the General
 18 Assembly during the presession budget hearings conducted by the Legislative
 19 Council and the Joint Budget Committee preceding each regular session of the
 20 General Assembly for the purpose of informing interested members and members-
 21 elect of the General Assembly concerning budget requests, executive
 22 recommendations, and Legislative Council and Joint Budget Committee
 23 recommendations regarding the budgets for the various state agencies,
 24 institutions, departments, and programs.

25 (2) If at any time during the Legislative Council and Joint
 26 Budget Committee biennial hearings preceding each regular session of the
 27 General Assembly it appears that there is not sufficient interest or
 28 attendance by members and members-elect of the General Assembly to justify
 29 continuation of budget briefings, the ~~Chairman and Vice Chairman~~ co-chairs of
 30 the Legislative Council are authorized to terminate any further briefings
 31 during that particular biennial budget session.

32 (b) Each member of the General Assembly who will serve during the
 33 upcoming regular session of the General Assembly and each member-elect of the
 34 General Assembly shall be entitled to attend the budget briefings conducted
 35 pursuant to the provisions of this section. Each member attending the budget
 36 briefings shall be entitled to per diem and mileage for attending briefings

1 at the rate prescribed by law for members of the General Assembly who attend
2 meetings of the interim committees of the General Assembly, to be payable
3 from moneys appropriated for payment of per diem and mileage for attendance
4 at meetings of interim committees.

5

6 SECTION 5. Arkansas Code 10-3-309 is amended to read as follows:

7 10-3-309. Review of state agency rules, regulations, amendments,
8 revisions, etc.

9 (a)(1) In the passage of this section, the General Assembly is aware
10 of the significant number of laws which have been enacted granting to boards,
11 commissions, departments, and administrative agencies of state government the
12 authority to promulgate and enforce rules and regulations. The General
13 Assembly is further aware that ample safeguards have not been established
14 whereby the General Assembly may be informed of circumstances in which
15 administrative rules and regulations do not conform to legislative intent.

16 (2) It is the purpose of this section to establish a method for
17 continuing legislative review of such rules and regulations whereby the
18 General Assembly may, at each legislative session, take remedial steps to
19 correct abuses of rule-making authority or clarify legislative intent with
20 respect to the rule-making authority granted the administrative boards,
21 commissions, departments, or agencies.

22 (b) Whenever a state agency shall finalize the promulgation of a rule
23 or regulation or a revision, amendment, or change in such regulation, a copy
24 shall be filed with the Bureau of Legislative Research if the rule or
25 regulation contains any changes from the initial filing of the rule or
26 regulation.

27 (c) A state agency shall notify the Legislative Council of its
28 intention to repeal any rule or regulation which is on file with the
29 Legislative Council.

30 (d)(1) The research staff of the Bureau of Legislative Research of the
31 Legislative Council shall study and review all current rules, or proposed
32 rules, and all adopted amendments and revisions of rules by state agencies
33 and shall report to the Legislative Council in regard thereto.

34 (2) The Legislative Council shall act in an advisory capacity to
35 the General Assembly with respect to administrative rules and procedures and
36 shall report to the General Assembly at each regular session of all

1 administrative rules and regulations which the Legislative Council believes
2 to be contrary to legislative intent or promulgated without legislative
3 authority. In addition, the Legislative Council shall submit appropriate
4 legislation to the General Assembly to correct any such finding.

5 (e)(1)(A) Before any rule or regulation of any agency of the state may
6 be revised, promulgated, amended, or changed, a copy of the rule or amendment
7 to existing rules and a financial impact statement shall be filed with the
8 Arkansas Legislative Council, at least thirty (30) days before the expiration
9 of the period for public comment on the rule, pursuant to the Arkansas
10 Administrative Procedure Act, as amended, § 25-15-201 et seq., or other acts
11 pertaining to the rule-making authority of that agency.

12 (B) The scope of the financial impact statement shall be
13 determined by the agency, but shall include, at a minimum, the estimated cost
14 of complying with the rule or regulation and the estimated cost for the
15 agency to implement the rule or regulation.

16 (C) If the agency has reason to believe that the
17 development of a financial impact statement will be so speculative as to be
18 cost prohibitive, the agency shall submit a statement and explanation to that
19 effect.

20 (D) If the purpose of a state agency rule or regulation is
21 to implement a federal rule or regulation, the financial impact statement
22 shall be limited to any incremental additional cost of the state rule or
23 regulation as opposed to the federal rule or regulation.

24 (2) The Bureau of Legislative Research of the Legislative
25 Council shall review the proposed revised or amended rule or regulation and
26 shall, if it is believed that the rule or regulation is contrary to
27 legislative intent, file a statement thereof with the Legislative Council.

28 (3) In either event, the proposed rule or regulation and any
29 comment thereon prepared by the Bureau of Legislative Research shall be
30 submitted to the Legislative Council at the next regular meeting following
31 its filing with the Legislative Council.

32 (4) If, at such meeting, the Legislative Council, after having
33 considered the proposed rule or regulation, or the proposed change of an
34 existing rule or regulation of the agency, determines that the proposed rule,
35 regulation, or change is, in the opinion of the Legislative Council, contrary
36 to legislative intent, the ~~Chairman~~ co-chairs of the Legislative Council

1 shall file a statement in writing with the state agency proposing to
2 promulgate said rule or regulation, setting forth the Legislative Council's
3 conclusions in regard to the proposed rule or regulation. The statement shall
4 be filed with the state agency on or before the date the hearings are to be
5 held on the rule pursuant to the Administrative Procedure Act, as noted
6 above.

7 (f)(1) In addition, before any rule or regulation of any agency of the
8 state may be revised, promulgated, amended, or changed, a copy of the rule or
9 amendment to existing rules shall be filed with the interim committee of the
10 Arkansas General Assembly having responsibility for review of that agency
11 under Acts 1977, No. 100 [expired].

12 (2) The filing shall be made at least thirty (30) days before
13 the expiration of the period for public comment on the rule pursuant to the
14 Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq., or
15 other acts pertaining to the rulemaking authority of the agency.

16 (g) As used in this section, "state agency" means any office, board,
17 commission, department, council, bureau, or other agency of state government
18 having authority by statute enacted by the General Assembly to promulgate or
19 enforce the administrative rules and regulations.

20

21 SECTION 6. Arkansas Code 10-3-312 is amended to read as follows:

22 10-3-312. Notification of lawsuits affecting state.

23 (a) In order that the General Assembly may take whatever steps it
24 deems necessary concerning lawsuits which may affect the State of Arkansas,
25 its officials, or its financial resources:

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

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

36 (b) The notice given by the Attorney General or by the director or

1 administrative head of a state agency to the Director of the Bureau of
2 Legislative Research who is the Executive Secretary of the Legislative
3 Council shall include the style of the case being litigated, the identity of
4 the tribunal before which the matter has been filed, a brief description of
5 the issues involved, and other information that will enable the Legislative
6 Council, or the Joint Budget Committee, to determine the action that may be
7 deemed necessary to protect the interests of the General Assembly and the
8 State of Arkansas in that matter.

9 (c) Upon receipt of the notice, the Director of the Bureau of
10 Legislative Research who is the Executive Secretary of the Arkansas
11 Legislative Council shall, during the interim between legislative sessions,
12 transmit a copy of the notice to the ~~Chairman~~ co-chairs of the Legislative
13 Council and to the ~~Cochairmen~~ co-chairs of the Joint Budget Committee during
14 legislative sessions, in order that those committees may schedule that matter
15 upon their respective agendas at the earliest possible date.

16 (d) During the interim between legislative sessions, the Legislative
17 Council shall, and during legislative sessions the Joint Budget Committee
18 shall, determine whether the General Assembly has an interest in the
19 litigation and, if so, take whatever action deemed necessary to protect the
20 General Assembly's and the state's interest in that matter.

21

22 SECTION 7. Arkansas Code 10-3-316 is amended to read as follows:

23 10-3-316. Charitable, Penal and Correctional Institutions
24 Subcommittee.

25 The ~~Chairman~~ co-chairs of the Legislative Council shall appoint a
26 member of the Senate Interim Committee on City, County and Local Affairs and
27 a member of the House Interim Committee on City, County and Local Affairs to
28 serve as members of the Charitable, Penal and Correctional Institutions
29 Subcommittee of the Legislative Council.

30

31 SECTION 8. Arkansas Code 10-3-403 is amended to read as follows:

32 10-3-403. Members - Selection.

33 (a) The Legislative Joint Auditing Committee shall consist of ~~thirty-~~
34 ~~seven (37)~~ members of the General Assembly to be selected as follows:

35 (1)(A) Sometime before adjournment of each regular session, the
36 Senate shall select twelve (12) members, with three (3) to be chosen from

1 each of the four (4) congressional districts in effect on January 1, 1987, by
 2 caucus of the Senators residing in their respective congressional districts.

3 (B)(i) At the time of selecting members, the Senate shall
 4 also select in the same manner one (1) first alternate and one (1) second
 5 alternate for each member selected.

6 (ii) The first alternates shall also be nonvoting
 7 members of the committee and shall be entitled to receive per diem and
 8 mileage for attending all meetings of the committee.

9 (iii) First alternate members of the committee shall
 10 have a vote in matters before the committee if the regular member which the
 11 first alternate represents is not in attendance.

12 (iv) Second alternate members of the committee shall
 13 have a vote in matters before the committee if the regular member and first
 14 alternate member which the second alternate represents are not in attendance.

15 (v) First alternate members attending as nonvoting
 16 members of the committee shall receive per diem and mileage to be paid in the
 17 same manner and from the same source as regular members of the committee.

18 (2)(A) The House of Representatives shall select twenty (20)
 19 members in accordance with the procedure prescribed by House Rules.

20 (B)(i) At the time of selecting members, the House shall
 21 also select in the same manner one (1) first alternate and one (1) second
 22 alternate for each member selected.

23 (ii) The first alternates shall also be nonvoting
 24 members of the committee and shall be entitled to receive per diem and
 25 mileage for attending all meetings of the committee.

26 (iii) First alternate members of the committee shall
 27 have a vote in matters before the committee if the regular member which the
 28 first alternate represents is not in attendance.

29 (iv) Second alternate members of the committee shall
 30 have a vote in matters before the committee if the regular member and first
 31 alternate member which the second alternate represents are not in attendance.

32 (v) First alternate members attending as nonvoting
 33 members of the committee shall receive per diem and mileage to be paid in the
 34 same manner and from the same source as regular members of the committee.

35 (3) The Speaker of the House, the President Pro Tempore of the
 36 Senate, ~~the immediate past chairman of the Legislative Joint Auditing~~

1 ~~Committee,~~ the Speaker Designate of the House of Representatives, the
2 President Pro Tempore Designate of the Senate, the co-chairs of the Joint
3 Budget Committee, and the ~~Chairman and Vice Chairman~~ co-chairs of the
4 Arkansas Legislative Council shall be ex officio members of the committee and
5 shall enjoy all the rights and privileges of other members of the committee.

6 (b) If as a result of a tie vote in any congressional district caucus
7 held as above provided, there should be a failure to nominate any member or
8 alternate as a representative of the district, the requirement of a caucus
9 nomination shall be dispensed with. The member or alternate shall then be
10 elected by the body of the General Assembly which the member or alternate is
11 expected to represent on the Committee.

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

15

16 SECTION 9. Arkansas Code 10-3-405 is amended to read as follows:

17 10-3-405. Meetings.

18 The Committee shall meet upon call or announcement by the ~~chairman~~ co-
19 chairs or upon petition of ten (10) of the regular members of the Committee.
20 The official meeting place of the Committee shall be in that portion of the
21 Capitol assigned to the General Assembly by § 10-3-1105. However, the
22 Committee may meet at any other designated place it may deem necessary to the
23 carrying out of its official business.

24

25 SECTION 10. Arkansas Code 10-3-406 is amended to read as follows:

26 10-3-406. Meetings during legislative session.

27 (a) The Legislative Joint Auditing Committee is authorized to meet and
28 transact its normal business during all legislative sessions hereafter as
29 provided herein.

30 (b) Meetings of the Legislative Joint Auditing Committee during the
31 legislative session shall be called by the ~~Chairman~~ co-chairs of the
32 Legislative Joint Auditing Committee who shall be the ~~person~~ persons who
33 served in this capacity prior to the commencement of the current General
34 Assembly. In such meetings, the primary consideration should be given to
35 matters that require immediate attention and that cannot wait until the new
36 Legislative Joint Auditing Committee is appointed and organized.

1 (c) The Committee shall consist of the members of the General Assembly
2 that served on the Committee prior to the commencement of the current General
3 Assembly. If any regular member of the Committee is no longer serving in the
4 General Assembly, then this vacancy shall be assumed by the first or second
5 alternate as provided by law.

6

7 SECTION 11. Arkansas Code 10-3-407 is amended to read as follows:

8 10-3-407. Duties - Chairman.

9 (a) The duties of the Legislative Joint Auditing Committee shall be to
10 provide for the auditing of each department, institution, board, commission,
11 office, and agency of the state government for the purpose of furnishing the
12 General Assembly with information vital to the discharge of its
13 constitutional duties.

14 (b) Immediately after its organization, the Legislative Joint Auditing
15 Committee shall commence the performance of its duties herein prescribed, and
16 it shall elect ~~a chairman and a vice chairman~~ co-chairs and define their
17 duties.

18

19 SECTION 12. Arkansas Code 10-3-411 is amended to read as follows:

20 10-3-411. Investigation of state or local entities - Subpoenas -
21 Contempt.

22 (a) The Legislative Joint Auditing Committee shall have the authority
23 to conduct investigations pertaining to the financial affairs of any state
24 agency, institution, department, board, commission, or office, or pertaining
25 to the operation of any county, city, town, or school district, or any agency
26 or instrumentality thereof, whenever the Committee shall determine that
27 investigations are necessary to make a proper determination with respect to
28 the financial operations thereof, or of the collection, handling,
29 administration, or expenditure of any public funds allocated thereto.

30 (b) In connection with any investigations, the Committee shall have
31 the right and power to subpoena witnesses and to issue subpoenas duces tecum.

32 (c) All subpoenas shall be issued by the ~~chairman~~ co-chairs of the
33 Committee, ~~or by the vice chairman acting in the absence of the chairman,~~
34 after the issuance thereof has been approved by a majority vote of the
35 membership of the Legislative Joint Auditing Committee at a duly called
36 meeting with all members of the Committee having received not less than six

1 (6) days' advance notice thereof.

2 (d) The reasons for, and purposes of, the proposed subpoena or
 3 subpoenas, including the names of the persons or the nature and
 4 identification of all books, records, and documents for which subpoenas are
 5 being considered, shall be furnished in writing to the members of the
 6 Committee in the notice mailed to the members not less than six (6) days in
 7 advance of the meeting at which the question of issuing the subpoenas is to
 8 be considered. No subpoenas shall be issued under the provisions of this
 9 section until such time as any individual or the individual holding the
 10 books, records, or documents sought by the Committee has received a formal
 11 written invitation to appear before the Committee by certified registered
 12 mail, at least thirty (30) days prior to a regular or special meeting of the
 13 Legislative Joint Auditing Committee and that individual has failed or
 14 refused to appear before the Committee at such meeting.

15 (e) The ~~Chairman~~ co-chairs of the Legislative Joint Auditing Committee
 16 ~~is~~ are authorized to administer oaths.

17 (f) Subpoenas issued by the Committee shall be served by the sheriff
 18 of the county in which the person, books, records, or documents subpoenaed
 19 are located, and the sheriff shall be entitled to the same fees for the
 20 service of process as provided by law for service of process issued by the
 21 circuit court. However, the Committee may, at its option, direct the
 22 Department of Arkansas State Police to serve any subpoena.

23 (g) Witnesses subpoenaed to appear before the Committee shall be
 24 entitled to witness fees and travel allowances at the same rate as provided
 25 by law for witnesses subpoenaed to appear in civil actions in circuit court.

26 (h) The fees for the serving of subpoenas and all witness fees and
 27 travel allowances shall be paid from funds appropriated for the maintenance
 28 and operation of the Legislative Joint Auditing Committee.

29 (i) If any person subpoenaed to appear before the Committee shall fail
 30 to appear or to produce books, documents, or records subpoenaed by the
 31 Committee, the fact shall be certified to the circuit court of the county in
 32 which the hearing is held, and the circuit court shall punish the person for
 33 contempt of the General Assembly, in the same manner as punishment for
 34 contempt is imposed for failure to respond to a subpoena or directive of the
 35 circuit court.

36 (j)(1) It is the intent of this section to authorize the Legislative

1 Joint Auditing Committee to issue subpoenas and to compel the attendance of
 2 witnesses, and to administer oaths when necessary, to make full
 3 investigations or determinations whenever the Committee determines them to be
 4 necessary with respect to the financial affairs of any state agency,
 5 institution, department, board, commission, or office, or pertaining to the
 6 operation of any county, city, town, or school district, or any agency of
 7 instrumentality thereof, whenever the Committee shall determine that
 8 investigations are necessary for the Committee to discharge its duties in
 9 keeping the General Assembly informed with respect to the financial
 10 operations of those state agencies, counties, or school districts, or the
 11 collection, handling, administration, or expenditure of any public funds
 12 allocated thereto. It is not the intent of this section to repeal, reduce, or
 13 diminish the authority vested by law in the Legislative Auditor to issue
 14 ~~subpoenas~~ subpoenas whenever the Legislative Auditor determines that they are
 15 necessary to assist him or his staff in making a complete audit.

16 (2) This section shall be cumulative to Acts 1955, No. 105, and
 17 all laws amendatory thereto.

18
 19 SECTION 13. Arkansas Code 10-3-421 is amended to read as follows:
 20 10-3-421. Federal Audit Subcommittee created - Membership - Chairman -
 21 Secretary.

22 (a) There is created a Federal Audit Subcommittee of the Legislative
 23 Joint Auditing Committee which shall consist of the following members:

24 (1) The ~~Chairman~~ co-chairs of the Legislative Joint Auditing
 25 Committee; and

26 ~~(2) The Vice Chairman of the Legislative Joint Auditing~~
 27 ~~Committee; and~~

28 ~~(3)(2) The immediate past Chairman of the Legislative Joint~~
 29 ~~Auditing Committee or, if the immediate past chairman is no longer a member~~
 30 ~~of the committee, the third member of the subcommittee shall be a member of~~
 31 the Legislative Joint Auditing Committee designated jointly by the other two
 32 (2) members of the subcommittee.

33 (b) The ~~Chairman~~ co-chairs of the Legislative Joint Auditing Committee
 34 shall be the ~~Chairman~~ co-chairs of the Federal Audit Subcommittee. The
 35 Legislative Auditor shall be secretary of the subcommittee.

36

SECTION 14. Arkansas Code 10-3-502 is amended to read as follows:
 10-3-502. Membership.

(a) The Joint Budget Committee shall consist of the ~~immediate past Chairman of the Legislative Council,~~ co-chairs of the Legislative Council, the co-chairs of the Legislative Joint Auditing Committee, Speaker of the House of Representatives, Speaker Designate of the House of Representatives, President Pro Tempore of the Senate, President Pro Tempore Designate of the Senate, twenty (20) members and eight (8) alternate members of the House of Representatives and twenty (20) members of the Senate.

(b)(1) The House of Representatives shall select the members and their alternates in accordance with the procedure prescribed by House Rules.

(2) The first alternate members shall also be nonvoting members of the committee and shall be entitled to receive per diem and mileage for attending meetings of the committee.

(3) First alternate members of the committee shall have a vote in matters before the committee if a regular member which the first alternate represents is not in attendance.

(4) Second alternate members of the committee shall have a vote in matters before the committee if a regular member and a first alternate member which the second alternate represents are not in attendance.

(c)(1) The Senate members of the Joint Budget Committee shall be selected as follows: Five (5) members from each congressional district as they existed on March 1, 1991, based on seniority within the Senate.

(2) One (1) Senate alternate member shall be selected from each congressional district.

(3) Alternate members shall also be nonvoting members of the committee and shall be entitled to receive per diem and mileage for attending meetings of the committee.

(4) First alternate members attending as nonvoting members of the committee shall receive per diem and mileage to be paid in the same manner and from the same source as regular members of the committee.

(d) The chairpersons of the Personnel Subcommittee, the Review Subcommittee, and the PEER Subcommittee of the Legislative Council shall serve as ex officio nonvoting members of the corresponding Joint Budget Committee subcommittees.