

By: Representative Shepherd

By: Senator Hickey

HOUSE CONCURRENT RESOLUTION

TO PROVIDE FOR AN EXTENDED RECESS OF THE NINETY-THIRD GENERAL ASSEMBLY AT THE CLOSE OF BUSINESS ON APRIL 30, 2021; TO PROVIDE FOR AN EXTENSION OF THE REGULAR SESSION OF THE NINETY-THIRD GENERAL ASSEMBLY FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS OR OVERSIGHTS, COMPLETING ITS WORK ON CONGRESSIONAL REDISTRICTING, CONSIDERING LEGISLATION RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND DISTRIBUTION OF COVID-19 RELIEF FUNDS, AND CONSIDERING THE NEED FOR FURTHER EXTENSION OF THE REGULAR SESSION OR TO ADJOURN THE NINETY-THIRD GENERAL ASSEMBLY SINE DIE ON A DATE DECLARED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS SOON AS PRACTICABLE AFTER COMPLETION OF THE WORK ON CONGRESSIONAL REDISTRICTING; TO PROVIDE THAT DURING THE EXTENDED RECESS, INTERIM COMMITTEES MAY MEET, INCLUDING THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE JOINT AUDITING COMMITTEE; TO PROVIDE THAT DURING THE EXTENDED RECESS THE LEGISLATIVE COUNCIL SHALL HAVE AUTHORITY OVER ALL ITEMS OVER WHICH IT HAS REVIEW OR APPROVAL AUTHORITY DURING THE INTERIM; AND TO PROVIDE FOR DATE EXTENSIONS IN THE EVENT OF EXTENDED RECESSES RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY.



Subtitle

TO PROVIDE FOR AN EXTENSION OF THE
REGULAR SESSION OF THE NINETY-THIRD
GENERAL ASSEMBLY; AND TO PROVIDE FOR AN
EXTENDED RECESS OF THE GENERAL ASSEMBLY.

WHEREAS, the United States Census Bureau announced on February 12, 2021, that due to “COVID-19 related delays and prioritizing the delivery of the apportionment results”, the United States Census Bureau will not be able to deliver redistricting data to states by March 31, 2021, as originally planned;

WHEREAS, the United States Census Bureau has stated that it now intends to deliver redistricting data to all states by September 30, 2021;

WHEREAS, the redistricting data from the United States Census Bureau is necessary for the work of the Ninety-Third General Assembly and its committees on State Agencies and Governmental Affairs regarding congressional redistricting;

WHEREAS, the General Assembly will not be able to conclude its business with regard to congressional redistricting prior to recessing on April 30, 2021;

WHEREAS, the COVID-19 public health emergency is ongoing, and on March 19, 2021, Governor Asa Hutchinson sent a request to the Legislative Council for an extension of the public health emergency declaration for the State of Arkansas for an additional sixty (60) days;

WHEREAS, the 117th United States Congress passed and President Biden signed the American Rescue Plan Act of 2021 on March 11, 2021, which will provide various forms of funding to state and local governments and economic relief to individuals and businesses;

WHEREAS, the United States Treasury Secretary is tasked with promulgating rules under the American Rescue Plan Act of 2021 that will

provide states with guidance on how the funds distributed under the Act may be spent, and those regulations are not expected to be available until after the General Assembly recesses on April 30, 2021;

WHEREAS, if the General Assembly enters an extended recess and does not reconvene until after receipt of the redistricting data, this will allow all acts passed during the 2021 Regular Session prior to the beginning of the extended recess, to go into effect ninety (90) days after the date the recess began, in accordance with Arkansas Constitution, Article 5, § 1, which states that a petition for referendum "shall be filed with the Secretary of State not later than ninety days after the final adjournment of the session at which such Act was passed, except when a recess or adjournment shall be taken temporarily for a longer period than ninety days, in which case such petition shall be filed not later than ninety days after such recess or temporary adjournment.";

WHEREAS, during the extended recess, interim committees of the General Assembly, including the Legislative Council and the Legislative Joint Auditing Committee would be permitted to meet and members of those committees receive per diem and mileage in the same manner as during the interim, in accordance with Arkansas Code § 10-3-211;

WHEREAS, it is in the best interests of the State of Arkansas that the authority and responsibility vested in the Legislative Council and its various subcommittees during an interim between legislative sessions be permitted during the extended recess in order to provide continuity and predictability to the state agencies that come before the committees of the General Assembly seeking review or approval of various items of state business; and

WHEREAS, the Arkansas Supreme Court in Wells v. Riviere, 269 Ark. 156 (1980), held "We do not mean to unduly limit the authority of the General Assembly to go into recess, adjourn, or reconvene as it is necessary to finish its business. That authority is clear.",

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

(a) THAT the Regular Session of the Ninety-Third General Assembly of the State of Arkansas is extended until such time that the Ninety-Third General Assembly is able to complete its work on congressional redistricting and shall adjourn sine die on a date as soon as practicable thereafter or at an earlier date as declared by the President Pro Tempore of the Senate and the Speaker of the House of Representatives;

(b) THAT under Arkansas Constitution, Article 6, § 15, prior to adjournment of the General Assembly, the Governor is afforded five (5) days after receipt of a bill to sign a bill or veto a bill, therefore from April 30, 2021, through sine die adjournment of the Ninety-Third General Assembly, the House of Representatives and the Senate shall be open so the office of the Chief Clerk of the House of Representatives and the office of the Secretary of the Senate may receive communications, vetoes of bills by the Governor, and notification of errors and oversights;

(c) THAT the Regular Session of the Ninety-Third General Assembly of the State of Arkansas shall enter into an extended recess simultaneously at the close of business in each chamber on April 30, 2021, or at such earlier time as may be agreed upon by the Senate and the House of Representatives;

(d) THAT during the extended recess, interim committees of the General Assembly, including the Legislative Council and the Legislative Joint Auditing Committee, shall be permitted to meet beginning May 1, 2021, and members of those committees receive per diem and mileage in the same manner as during the interim between legislative sessions, in accordance with Arkansas Code § 10-3-211;

(e) THAT during the extended recess, the Legislative Council shall have the same authority as is granted to it during an interim between legislative sessions with regard to all items usually reported to the Legislative Council and its subcommittees, subject to review by the

Legislative Council and its subcommittees, and subject to approval by the Legislative Council and its subcommittees, and those items shall not be taken up by the Joint Budget Committee, and any laws to the contrary are hereby superseded during this recess;

(f) THAT should the General Assembly remain in extended recess for longer than ninety (90) days, all acts that do not contain an emergency clause or a specific effective date shall become effective on the 91st day following April 30, 2021, as allowed by Arkansas Constitution, Article 5, § 1;

(g) THAT the President Pro Tempore of the Senate and the Speaker of the House of Representatives may, by joint proclamation:

- (1) Reconvene the General Assembly at any time for the purpose of:
 - (A) Considering vetoes;
 - (B) Correcting errors and oversights;
 - (C) Completing its work on congressional redistricting;
 - (D) Considering legislation related to the COVID-19 public health emergency and distribution of COVID-19 relief funds; and
 - (E) Considering the need for further extension of the Regular Session of the Ninety-Third General Assembly; or
- (2) Adjourn sine die the Regular Session of the Ninety-Third General Assembly; and

(h) THAT if the General Assembly during the course of the regular session takes an extended recess or recesses for reasons related to the COVID-19 public health emergency, the dates designated herein may be extended by a number of days equal to the length of the extended recess or recesses.