

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

HCR 1015

4
5 By: Representative Shepherd
6 By: Senator Hickey

7
8 **HOUSE CONCURRENT RESOLUTION**

9 TO PROVIDE FOR AN EXTENDED RECESS OF THE NINETY-THIRD
10 GENERAL ASSEMBLY AT THE CLOSE OF BUSINESS ON APRIL
11 30, 2021; TO PROVIDE FOR AN EXTENSION OF THE REGULAR
12 SESSION OF THE NINETY-THIRD GENERAL ASSEMBLY FOR THE
13 PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS OR
14 OVERSIGHTS, COMPLETING ITS WORK ON CONGRESSIONAL
15 REDISTRICTING, CONSIDERING LEGISLATION RELATED TO THE
16 COVID-19 PUBLIC HEALTH EMERGENCY AND DISTRIBUTION OF
17 COVID-19 RELIEF FUNDS, AND CONSIDERING THE NEED FOR
18 FURTHER EXTENSION OF THE REGULAR SESSION OR TO
19 ADJOURN THE NINETY-THIRD GENERAL ASSEMBLY SINE DIE ON
20 A DATE DECLARED BY THE PRESIDENT PRO TEMPORE OF THE
21 SENATE AND THE SPEAKER OF THE HOUSE OF
22 REPRESENTATIVES AS SOON AS PRACTICABLE AFTER
23 COMPLETION OF THE WORK ON CONGRESSIONAL
24 REDISTRICTING; TO PROVIDE THAT DURING THE EXTENDED
25 RECESS, INTERIM COMMITTEES MAY MEET, INCLUDING THE
26 LEGISLATIVE COUNCIL AND THE LEGISLATIVE JOINT
27 AUDITING COMMITTEE; TO PROVIDE THAT DURING THE
28 EXTENDED RECESS THE LEGISLATIVE COUNCIL SHALL HAVE
29 AUTHORITY OVER ALL ITEMS OVER WHICH IT HAS REVIEW OR
30 APPROVAL AUTHORITY DURING THE INTERIM; AND TO PROVIDE
31 FOR DATE EXTENSIONS IN THE EVENT OF EXTENDED RECESSES
32 RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY.



Subtitle

1
2 TO PROVIDE FOR AN EXTENSION OF THE
3 REGULAR SESSION OF THE NINETY-THIRD
4 GENERAL ASSEMBLY; AND TO PROVIDE FOR AN
5 EXTENDED RECESS OF THE GENERAL ASSEMBLY.
6

7 WHEREAS, the United States Census Bureau announced on February 12,
8 2021, that due to "COVID-19 related delays and prioritizing the delivery of
9 the apportionment results", the United States Census Bureau will not be able
10 to deliver redistricting data to states by March 31, 2021, as originally
11 planned;
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13 WHEREAS, the United States Census Bureau has stated that it now intends
14 to deliver redistricting data to all states by September 30, 2021;
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16 WHEREAS, the redistricting data from the United States Census Bureau is
17 necessary for the work of the Ninety-Third General Assembly and its
18 committees on State Agencies and Governmental Affairs regarding congressional
19 redistricting;
20

21 WHEREAS, the General Assembly will not be able to conclude its business
22 with regard to congressional redistricting prior to recessing on April 30,
23 2021;
24

25 WHEREAS, the COVID-19 public health emergency is ongoing, and on March
26 19, 2021, Governor Asa Hutchinson sent a request to the Legislative Council
27 for an extension of the public health emergency declaration for the State of
28 Arkansas for an additional sixty (60) days;
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30 WHEREAS, the 117th United States Congress passed and President Biden
31 signed the American Rescue Plan Act of 2021 on March 11, 2021, which will
32 provide various forms of funding to state and local governments and economic
33 relief to individuals and businesses;
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35 WHEREAS, the United States Treasury Secretary is tasked with
36 promulgating rules under the American Rescue Plan Act of 2021 that will

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

4
5 WHEREAS, if the General Assembly enters an extended recess and does not
6 reconvene until after receipt of the redistricting data, this will allow all
7 acts passed during the 2021 Regular Session prior to the beginning of the
8 extended recess, to go into effect ninety (90) days after the date the recess
9 began, in accordance with Arkansas Constitution, Article 5, § 1, which states
10 that a petition for referendum "shall be filed with the Secretary of State
11 not later than ninety days after the final adjournment of the session at
12 which such Act was passed, except when a recess or adjournment shall be taken
13 temporarily for a longer period than ninety days, in which case such petition
14 shall be filed not later than ninety days after such recess or temporary
15 adjournment.";

16
17 WHEREAS, during the extended recess, interim committees of the General
18 Assembly, including the Legislative Council and the Legislative Joint
19 Auditing Committee would be permitted to meet and members of those committees
20 receive per diem and mileage in the same manner as during the interim, in
21 accordance with Arkansas Code § 10-3-211;

22
23 WHEREAS, it is in the best interests of the State of Arkansas that the
24 authority and responsibility vested in the Legislative Council and its
25 various subcommittees during an interim between legislative sessions be
26 permitted during the extended recess in order to provide continuity and
27 predictability to the state agencies that come before the committees of the
28 General Assembly seeking review or approval of various items of state
29 business; and

30
31 WHEREAS, the Arkansas Supreme Court in Wells v. Riviere, 269 Ark. 156
32 (1980), held "We do not mean to unduly limit the authority of the General
33 Assembly to go into recess, adjourn, or reconvene as it is necessary to
34 finish its business. That authority is clear.",

1 NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE
3 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:
4

5 (a) THAT the Regular Session of the Ninety-Third General Assembly of
6 the State of Arkansas is extended until such time that the Ninety-Third
7 General Assembly is able to complete its work on congressional redistricting
8 and shall adjourn sine die on a date as soon as practicable thereafter or at
9 an earlier date as declared by the President Pro Tempore of the Senate and
10 the Speaker of the House of Representatives;
11

12 (b) THAT under Arkansas Constitution, Article 6, § 15, prior to
13 adjournment of the General Assembly, the Governor is afforded five (5) days
14 after receipt of a bill to sign a bill or veto a bill, therefore from April
15 30, 2021, through sine die adjournment of the Ninety-Third General Assembly,
16 the House of Representatives and the Senate shall be open so the office of
17 the Chief Clerk of the House of Representatives and the office of the
18 Secretary of the Senate may receive communications, vetoes of bills by the
19 Governor, and notification of errors and oversights;
20

21 (c) THAT the Regular Session of the Ninety-Third General Assembly of
22 the State of Arkansas shall enter into an extended recess simultaneously at
23 the close of business in each chamber on April 30, 2021, or at such earlier
24 time as may be agreed upon by the Senate and the House of Representatives;
25

26 (d) THAT during the extended recess, interim committees of the General
27 Assembly, including the Legislative Council and the Legislative Joint
28 Auditing Committee, shall be permitted to meet beginning May 1, 2021, and
29 members of those committees receive per diem and mileage in the same manner
30 as during the interim between legislative sessions, in accordance with
31 Arkansas Code § 10-3-211;
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33 (e) THAT during the extended recess, the Legislative Council shall
34 have the same authority as is granted to it during an interim between
35 legislative sessions with regard to all items usually reported to the
36 Legislative Council and its subcommittees, subject to review by the

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

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

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

13 (1) Reconvene the General Assembly at any time for the purpose of:

14 (A) Considering vetoes;

15 (B) Correcting errors and oversights;

16 (C) Completing its work on congressional redistricting;

17 (D) Considering legislation related to the COVID-19 public
18 health emergency and distribution of COVID-19 relief funds; and

19 (E) Considering the need for further extension of the
20 Regular Session of the Ninety-Third General Assembly; or

21 (2) Adjourn sine die the Regular Session of the Ninety-Third
22 General Assembly; and

23
24 (h) THAT if the General Assembly during the course of the regular
25 session takes an extended recess or recesses for reasons related to the
26 COVID-19 public health emergency, the dates designated herein may be extended
27 by a number of days equal to the length of the extended recess or recesses.

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