

# **RULES OF THE ARKANSAS LEGISLATIVE COUNCIL**

1. **Purpose.** The purpose of these Rules is to form a basis for the Legislative Council's operations and to inform the members of the General Assembly and the Public of the Legislative Council's procedure in order that they may properly utilize the Legislative Council's services and assist in studying problems before the General Assembly.

2. **Parliamentary Procedure.** Except as otherwise specified by these Rules, the proceedings of the Legislative Council shall be governed by the same rules as govern the House of Representatives and Senate of the General Assembly of Arkansas, so far as they are applicable, together with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

3. **Order of Business.** The regular order of business for meetings of the Legislative Council shall be as follows:

- (a) Call to order by chair.
- (b) Roll call.
- (c) Approval of minutes.
- (d) Presentation of revenue-related reports.
- (e) Report of the Executive Subcommittee.
- (f) Reports of standing subcommittees.
- (g) Reports of interim or special committees or subcommittees.
- (h) Review of communications.
- (i) Memorials.
- (j) Business carried over from previous council meetings.
- (k) New business.
- (l) New proposals and resolutions.
- (m) Report of Executive Secretary.
- (n) Adjournment.

4. **Officers.**

(a) The Legislative Council shall select from its membership a Senate Co-Chair and a House of Representatives Co-Chair, and a Senate Co-Vice Chair and a House of Representatives Co-Vice Chair who shall serve during the legislative biennium in which they are elected.

(b) The Director of the Bureau of Legislative Research shall serve as Executive Secretary of the Legislative Council.

5. **Legislative Council Subcommittees.**

(a) **Standing Subcommittees.** The Legislative Council shall have the following standing subcommittees, with five (5) or more members. The Senate members shall be appointed by the Senate Co-Chair of the Legislative Council and the House of Representatives members shall be appointed by the House of Representatives Co-Chair

of the Legislative Council. The standing subcommittees have jurisdiction of the following subject areas:

(1) **Review.** To this subcommittee shall be referred matters pertaining to:

(A) Agency requests for professional services contracts and consultant services contracts, which are subject to review by the Legislative Council as provided in Arkansas Code § 19-4-1713;

(B) Review of proposed methods of financing for capital expenditures in excess of \$50,000, which have not been approved by the General Assembly, as provided in Arkansas Code § 22-9-104;

(C) Review of requests of state agencies for leasing of motor vehicles (for more than thirty (30) days) prior to final approval of the leases by the state purchasing administrator, as provided in Arkansas Code § 22-8-102; and

(D) Review of other matters referred to the subcommittee by the Legislative Council that require Legislative Council review and that are not otherwise within the jurisdiction of another Legislative Council subcommittee;

(2) **Charitable, Penal, and Correctional Institutions.** To this subcommittee shall be referred matters pertaining to:

(A) The Department of Correction and its various units;

(B) The state correctional facilities for juveniles;

(C) The state institutions that provide institutional services for citizens of this state; and

(D) Private facilities providing institutional services and care purchased by the state for the benefit of indigent persons;

(3) **Performance Evaluation and Expenditure Review.** To this subcommittee shall be referred matters pertaining to:

(A) The financial operation and fiscal performance of state agencies, departments, and institutions, including but not limited to;

(i) Program performance and evaluation;

(ii) Efficiency in the operation of agency programs and services;

(iii) Coordination of programs and services that require the expenditure of state funds;

(iv) The stability and adequacy of the various funds and fund accounts of the state; and

(v) Other matters pertaining to agency performance and accountability in the use of public funds, which are not otherwise within the jurisdiction of another subcommittee of the Legislative Council;

(B) The organization, consolidation, merger, or abolishment of a state agency, board, commission, or program; and

(C) Other matters as may be assigned to the subcommittee by the Legislative Council;

(4) **Administrative Rules and Regulations.** To this subcommittee shall be referred matters pertaining to:

(A) Administrative rules and regulations submitted to the Legislative Council by state agencies, boards, and commissions for Legislative Council review, as required by Arkansas Code § 10-3-309; and

(B) Other matters pertaining to administrative organization, rules, regulations, and procedures as may be assigned to the subcommittee by the Legislative

Council;

(5) **Uniform Personnel Classification and Compensation Plan.** To this subcommittee shall be referred matters pertaining to:

(A) The State Uniform Personnel Classification and Compensation Plan;

(B) The adequacy of position classification and pay schedule of state agencies and institutions;

(C) Consideration of matters that require Legislative Council advice in regard to the administration of the State Personnel Classification and Compensation Plan; and

(D) The duties of the General Assembly to establish the maximum number of employees, and the maximum annual salaries of all officials and employees of state government;

(6) **Policy-Making.** To this subcommittee shall be referred matters pertaining to:

(A)(i) Review of study proposals referred to interim committees by members thereof, which have not previously been reviewed by the Legislative Council as to germaneness.

(ii) The subcommittee shall submit its recommendations to the Legislative Council concerning the germaneness of the study proposals to the subject areas assigned to the interim committee as provided by law; and

(B) Review and make recommendations to the Legislative Council regarding requests from interim committees for the allocation of funds and personnel for interim committee study projects to be funded from monies appropriated to the Legislative Council for interim committee study purposes;

(7) **Hospital and Medicaid Study.** To this subcommittee shall be referred all matters pertaining to:

(A) Hospitals;

(B) Medicaid;

(C) Incentives for the establishment of rural hospitals, clinics and other rural medical facilities;

(D) Incentives for physicians practicing in rural areas; and

(E) Any and all related matters;

(8) **Claims Review.** To this subcommittee shall be referred all matters pertaining to claims referred from the Arkansas State Claims Commission;

(9) **Game & Fish/State Police.** To this subcommittee shall be referred all matters pertaining to the Arkansas Game & Fish Commission and State Police;

(10) **Litigation Reports Oversight.** To this subcommittee shall be referred all matters pertaining to:

(A) Receipt of notification of lawsuits affecting the state; and

(B) Review of the lawsuits including the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and other information that will enable the Legislative Council to determine the action that may be necessary to protect the interests of the General Assembly and the State of Arkansas; and

(11) **Higher Education.** To this subcommittee shall be referred matters pertaining to:

(A) Four-year institutions of higher education;

- (B) Two-year institutions of higher education;
- (C) Technical education;
- (D) Vocational education;
- (E) Adult education;
- (F) College and career readiness;
- (G) Private institutions of higher education; and
- (H) Any related matters as may be assigned to the subcommittee by the

Legislative Council.

(b) **Select Subcommittees.** The Co-Chairs of the Legislative Council may designate subcommittees to assist in the administration of the affairs of the Legislative Council and of the Bureau of Legislative Research, including but not limited to the following:

(1) **Executive Subcommittee.**

(A) This subcommittee shall consist of:

- (i) The House of Representatives Co-Chair;
- (ii) The Senate Co-Chair;
- (iii) The immediate past Co-Chairs of the Legislative Council; and
- (iv) Other members as prescribed by Arkansas Code § 10-3-303(f).

(B) The Co-Chairs of the Legislative Council shall serve as the Co-Chairs of the subcommittee.

(C) The subcommittee shall assist the House of Representatives Co-Chair and the Senate Co-Chair and the Director of the Bureau of Legislative Research in regard to:

- (i) The development of proposed policies governing the Legislative Council;
- (ii) Personnel policies and matters pertaining to the operation of the Bureau of Legislative Research; and
- (iii) Review and offer instruction to the Bureau of Legislative Research with respect to requests received from members of the General Assembly for distribution of letters, documents, or other information to all members of the General Assembly and to other states.

(D) The Director of the Bureau of Legislative Research shall report to and regularly seek the review and advice of the Executive Subcommittee as may be required by the subcommittee under Arkansas Code § 10-3-303.

(2) **Other Select Subcommittees.** The House of Representatives Co-Chair and Senate Co-Chair may from time to time with the approval of the Legislative Council name such other select subcommittees and define their duties as they deem necessary to assist in the internal operation and affairs of the Legislative Council and the Bureau of Legislative Research.

(c) **Other Subcommittees.** In addition to the standing and select subcommittees, other subcommittees may be created by the Legislative Council from time to time. Special subcommittees of the Legislative Council may be established only upon suspension of the Rules.

(d) **Alternate Member Assignments.** Alternate members of the Legislative Council shall have the same subcommittee assignments as regular members, but shall serve on the subcommittees only upon absence of regular members. However, an alternate member shall not serve as a chair or vice chair of the subcommittee except

upon becoming a regular member. When it becomes apparent that a regular member of the Legislative Council will no longer be serving as a member of the Legislative Council, his or her alternate, upon becoming a regular member, may request new subcommittee assignments.

(e) **Temporary Ex Officio Non-Voting Members of Subcommittees.** Any regular member of the Legislative Council who introduces a proposal for study by the Legislative Council shall be a non-voting ex officio member of the subcommittee to which the proposal is referred for study.

(f) **Chairs of Subcommittees.**

(1) No member shall serve as chair of more than one (1) standing subcommittee.

(2) The chairs of subcommittees of the Legislative Council, other than the Executive Subcommittee, shall serve at the pleasure of the Legislative Council Co-Chair of the house to which the subcommittee chair is a member.

(g) **Meetings of Subcommittees.** A Legislative Council subcommittee shall not meet during a regularly scheduled meeting of the Legislative Council.

(h) **Powers of Subcommittees.**

(1) A subcommittee of the Legislative Council shall consider only those matters that have been duly referred to it by the Legislative Council.

(2)(A) A subcommittee shall not:

(i) Embark upon any study unless the study shall have been directed by the Legislative Council; or

(ii) Make or undertake any investigation unless:

(a) The nature and purposes of the investigation have been filed in writing as a proposal in the manner provided in these rules; and

(b) The study has been approved at a regular meeting of the Legislative Council by a two-thirds (2/3) vote of the entire membership of the Legislative Council.

(B)(i) If a subcommittee determines, during the course of any study referred to it that an investigation is necessary for the proper determination of the matter under study, the subcommittee shall, in writing, report the facts to the Legislative Council.

(ii) The report shall be filed with the Director of the Bureau of Legislative Research at least six (6) days in advance of the next regular meeting of the Legislative Council and placed on the agenda of the meeting.

(iii) If the Legislative Council approves the investigation by a two-thirds (2/3) vote of the entire membership, the investigation may be undertaken by the subcommittee within such limits as the Legislative Council may direct.

(3) The chair of a subcommittee shall have the authority to call a subcommittee meeting if and when there is sufficient work to warrant the meeting, and the chair shall notify the Director of the Bureau of Legislative Research of the time of the subcommittee meeting in order to avoid conflicting dates in subcommittee meetings.

(4) The House of Representatives Co-Chair and the Senate Co-Chair and House of Representatives Co-Vice Chair and Senate Co-Vice Chair of the Legislative Council shall be ex officio members of each subcommittee of the Legislative Council.

6. **Offices.** The Legislative Council shall maintain offices in the State Capitol, and

meetings shall be held at such offices, but the House of Representatives Co-Chair and Senate Co-Chair may call any meeting at any other place.

#### **7. Legislative Council Meetings.**

(a) Regular meetings of the Legislative Council shall be held on the third Friday of each month, with the House of Representatives Co-Chair and Senate Co-Chair alternating the chair, unless otherwise agreed by the Co-Chairs.

(b) The Co-Chairs may cancel any regular meeting date upon six (6) days' written notice to the members.

(c) Special meetings may be called by the Co-Chairs upon six (6) days' written notice thereof, or upon vote by the Legislative Council, at such additional times as may be deemed desirable.

(d) All meetings of the Legislative Council shall be open to the public except that executive sessions may be held as authorized by law.

#### **8. Quorum and Action.**

(a)(1) **Legislative Council Meeting.** A majority of the members of the Legislative Council, or their alternates, shall constitute a quorum for the transaction of all business.

(2) Except as otherwise provided by these rules, an affirmative vote of a majority of the members present shall be required for any issue or matter.

(3) Upon the request of any three (3) members of the Legislative Council, a separate vote of House of Representatives members and Senate members shall be taken on any issue or matter before the Legislative Council and approval of a majority of the members present from the House of Representatives and a majority of the members present from the Senate shall be required for the issue or matter.

(b) **Legislative Council Subcommittee Meeting.** A majority of the membership of a subcommittee of the Legislative Council shall constitute a quorum and a majority vote of the full membership of a subcommittee of the Legislative Council shall be necessary for action on any matter.

#### **9. Motions.**

(a) **Motion to Reconsider.** The vote on a proposition may once be reconsidered by a majority vote of the total membership of the Legislative Council, but once a vote has been taken to reconsider, a further motion to reconsider is not in order.

(b) **Motion to Expunge.** The record on any action taken by the Legislative Council may be expunged by a two-thirds (2/3) vote of the total membership of the Legislative Council.

(c) **Second to Motions Required.** Action may only be taken by the Legislative Council after a motion and a second have been recognized by the Legislative Council Co-Chairs, the CO-Vice Chairs, or the Co-Chair designee.

**10. Roll Call.** A roll call shall be taken upon any question upon demand of three (3) members.

**11. Agenda.** On or before six (6) days prior to the date of any meeting of the Legislative Council, the Executive Secretary shall prepare and mail to each member of

the Legislative Council the agenda or program to be considered at the meeting.

## 12. **Proposals, Resolutions and Memorials.**

(a) Matters of legislative and governmental interest may be brought to the attention of the Legislative Council in three (3) ways:

(1)(A) **Proposals.** Those matters that call for study and research by the Legislative Council or an interim committee should be submitted in the form of a proposal. Any member of the General Assembly may submit a proposal. Each proposal shall bear a descriptive title, and bear the name of the sponsor.

(B) Proposals must be filed with the Executive Secretary at least six (6) days before the meeting at which they are to be considered. New proposals shall not be accepted by the Legislative Council after the August meeting of the second year of the biennium.

(C)(i) Proposals shall be filed in or referred to the interim committee to which the subject matter of the proposal is germane. Identical proposals or substantially identical proposals shall be filed in or referred to only one (1) interim committee.

(ii) If identical or substantially identical proposals are filed in more than one (1) interim committee, the Policy-Making Subcommittee shall make the determination as to which interim committee the subject matter of the proposals is most germane. If the subject matter of the identical or substantially identical proposals can be considered germane to more than one interim committee, the interim committee that adopted the proposal first will retain the proposal.

(iii) The sponsor of each of the identical or substantially identical proposals shall be a non-voting ex officio member of the committee that retains the proposal for study under subdivision (a)(1)(C)(ii) of this section for the purposes of that study.

(iv) The requirements of subdivision (a)(1)(C) of this section are not applicable to ISP 2011-169 (House Education Committee) and ISP 2011-170 (House Aging Children and Youth, Legislative & Military Affairs Committee; and Senate Children and Youth Committee).

(2)(A) **Resolutions.** Those matters that call for the consensus of the Legislative Council on a particular subject or that urge an official or body such as the United States Congress to take or not take certain actions or adopt a certain policy, should be submitted in the form of resolutions and may be submitted by any member of the General Assembly.

(B) Resolutions must be filed at least six (6) days in advance of the meeting at which they are to be considered.

(3) **Memorials.** Memorials that pay tribute to the memory of a deceased person may be submitted to the Legislative Council by any member of the General Assembly at any time without prior approval.

(b)(1) Under the heading "(j) New Business" in the Order of Business, Rule 3, announcements may be made, and any member of the Legislative Council shall be privileged to bring up for discussion routine matters or proposals for future consideration or action.

(2) The matters, however, shall be regarded as suggestions only, and must be brought within the requirements of this Rule 12 requiring proposals, resolutions, and

memorials to be reduced to writing and presented formally before final consideration.

### **13. Study and Report.**

(a) Each study proposal referred to the Legislative Council by the General Assembly, or on request of a member or members of the General Assembly, and each study undertaken by the Legislative Council on its own motion, shall be the subject of such research and recommendation as the Legislative Council may determine.

(b) The House of Representatives Co-Chair and the Senate Co-Chair, or the Legislative Council, shall refer study proposals to the appropriate joint interim committee or the appropriate standing Legislative Council subcommittee in accordance with Arkansas Code § 10-3-313(b)(1)(B) whenever a committee or subcommittee study is deemed appropriate.

(c) The Bureau of Legislative Research shall compile the information and prepare drafts of proposed legislation in connection with each study as may be directed by the Legislative Council or appropriate interim committee or the Legislative Council subcommittee to which the study was referred.

(d)(1) Each Legislative Council subcommittee shall consider each matter referred to it and shall report to the Legislative Council with respect thereto at the earliest possible date.

(2) The Legislative Council shall report the findings and recommendations to the General Assembly in connection with each matter submitted to it for study as the Legislative Council may determine to be informative and advisory to the General Assembly.

(e) Whenever any member of the General Assembly, who is not a regular member of the Legislative Council, presents a study proposal to the Legislative Council, the member of the General Assembly shall be privileged to appear before the Legislative Council on one (1) occasion and explain the purpose of the study, and shall be entitled to draw per diem and mileage therefor at the same rate as authorized by law for regular Legislative Council members.

### **14. Reports by the Bureau of Legislative Research.**

(a) Reports by the Bureau of Legislative Research shall be impartial and comprehensive, and shall set out clearly such relevant information as may be useful to the interim committees, the Legislative Council and the General Assembly on each proposal studied.

(b) A copy of each report made by the Bureau of Legislative Research shall, upon completion, be made available to members of the General Assembly, the governor, and other persons as may be designated by the Legislative Council, upon their request therefor.

### **15. Bills.**

(a) Any proposed legislation growing out of study and research by the Legislative Council and recommended by the Legislative Council shall be sponsored in the General Assembly by the chair and vice chair of the interim committee that recommended the legislation.

(b) If the chair, vice chair, or both elect not to introduce the legislation, the House



of Representatives Co-Chair and Senate Co-Chair of the Legislative Council may designate one (1) or more Legislative Council members to sponsor the legislation.

**16. Legislative Institute.** During the fall preceding each regular session of the General Assembly, the Legislative Council, together with the Senate, the House of Representatives, and the Legislative Joint Auditing Committee, shall sponsor and conduct a Legislative Institute for the purpose of:

- (a) Training new members in parliamentary procedure and bill drafting techniques;
- (b) Acquainting them with the work of the Legislative Council and the Bureau of Legislative Research, the Legislative Joint Auditing Committee and its staff, and other agencies established to assist legislators; and
- (c) Other related matters.

**17. Emergency Action.**

(a) Whenever a matter that requires Legislative Council review or advice is filed with the Legislative Council office for consideration at the next regular meeting of the Legislative Council, or the subcommittee to which the matter is normally referred, and the Chief Fiscal Officer of the State states, in writing, that the matter requires immediate action, the Co-Chairs of the Legislative Council may institute "Emergency Action Procedures" for the consideration of the matter, if they determine that it is in the best interest of the agency, or that immediate action is essential to enable the agency to perform essential services.

(b) "Emergency Action Procedures" shall consist of:

(1) The Co-Chairs of the Legislative Council determining that there is sufficient justification to consider the matter by Emergency Action Procedures;

(2) Consideration of the matter by the Co-Chairs of the Legislative Council, and the co-chairs of the subcommittee to which the matter is normally presented for review; and

(3) The chair and vice chair, or co-chairs, of the affected subcommittee, and the Co-Chairs of the Legislative Council are unanimous in their evaluation that emergency review or advice is advisable, then the House of Representatives Co-Chair and Senate Co-Chair may act on behalf of the Legislative Council in regard thereto.

(c) All matters considered under the emergency procedures shall be reported in writing to the Legislative Council at its next regular meeting.

**18. Rules.**

(a) The rules of the Legislative Council may be adopted by an affirmative separate vote of a majority of the members of the House of Representatives and a majority of the members of the Senate.

(b) The rules of the Legislative Council may be amended by an affirmative separate vote of two-thirds (2/3) of the members of the House of Representatives and two-thirds (2/3) of the members of the Senate. Amendments to the rules may be made after six (6) days' written notice of intent thereof.

(c) The rules of the Legislative Council may be suspended by an affirmative vote of two-thirds (2/3) of a quorum.

(d) Unless suspended or amended, or changed by law, these rules shall continue in full force and effect as the temporary rules for the Legislative Council during the future

successive biennial periods until permanent rules have been adopted by the Legislative Council.

**19. Subpoena Powers.**

(a)(1) The subpoena powers of the Legislative Council shall be exercised only upon the two-thirds (2/3) vote of the entire membership of the Legislative Council at a regular meeting, after notice shall have been given in writing to all Legislative Council members setting forth the purpose or purposes for which the subpoena powers are to be used.

(2) The notice shall include the names of all persons to be subpoenaed and the description of all books, documents, or records to be subpoenaed.

(b) All hearings at which witnesses or documents, books and records are subpoenaed shall be held before the entire membership of the Legislative Council.

(c) No subcommittee of the Legislative Council shall have the authority to issue subpoenas.

**20. Expenses of Legislative Council Co-Chairs and Legislative Council Members and Alternates.**

(a) The Co-Chairs of the Legislative Council, or any designated appointee, shall be authorized to draw per diem and mileage for any meetings attended concerning Legislative Council business.

(b)(1) The Co-Chairs of the Legislative Council are authorized to designate regular members of the Legislative Council to attend regional or national meetings of The Council of State Governments, its affiliated organizations, or other regional or national conferences, or meetings of state officials.

(2) Beginning July 27, 2011 [effective date of Acts 2011, Nos. 48 and 71], the travel authorization is also subject to approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, in accordance with Arkansas Code § 10-2-224(b)(2)(B).

(3) The members shall be reimbursed only for their reasonable and necessary transportation, meals, lodging and other expenses incurred in attending the meetings.

(c) Alternate members of the Legislative Council shall not be designated to attend the meetings and receive reimbursement for expenses in connection therewith, except upon approval of the Legislative Council.

(d) In no event may members of the General Assembly who are not members or alternates of the Legislative Council be designated to attend the conferences and receive reimbursement for expenses therefor from Legislative Council funds.

**21. Subcommittee on Interstate Cooperation.** The House of Representatives Co-Chair and the Senate Co-Chair of the Legislative Council shall have the authority to designate the members of the Legislative Council on the Arkansas Commission on Interstate Cooperation as a subcommittee of the Legislative Council to be known as the "Subcommittee on Interstate Cooperation", and the members of the subcommittee shall be authorized to attend the meetings of the Arkansas Commission on Interstate Cooperation and draw per diem and mileage therefor.

**22. Legislative Council Policy Relative to Lame Duck Members.** The terms of House of Representatives membership shall be determined by the Rules of the House of

Representatives. The terms of Senate membership shall be determined by the Rules of the Senate.

**23. Staff Services and Special Procedures for Joint Interim Committees.**

(a)(1) The Bureau of Legislative Research shall make available staff assistance from its various divisions to assist the interim committees and members thereof in the performance of their respective legislative duties.

(2) In order to provide for the equitable distribution of staff time and services among the interim committees, the Director of the Bureau of Legislative Research may, from time to time, submit reports to the Legislative Council of the workload of the staff, the requests received from each of the interim committees, and the ability to adequately furnish the services requested.

(b)(1) In the event an interim committee desires to seek a grant of federal or private funds for a special study project, or to obtain the services of staff assistance not available through the Bureau of Legislative Research, the interim committee shall submit a request, in writing, to the Legislative Council outlining:

- (A) The need and sources of the funds;
- (B) The projects for which the funds will be used;
- (C) The staff positions that will need to be created;
- (D) The maximum annual salary rate for each position; and
- (E) Other pertinent information.

(2) If the Legislative Council determines that the funds and services are not available through the Bureau of Legislative Research, or other funds available to the Legislative Council, the Legislative Council may authorize:

(A) The House of Representatives Co-Chair and Senate Co-Chair of the Legislative Council, or the Director of the Bureau of Legislative Research, to submit a request for the funds, to be administered by the Bureau of Legislative Research; or

(B) The Co-Chairs of the interim committee to make the application for the federal or private grant to be administered with procedures outlined in the request submitted by the interim committee and approved by the Legislative Council, and in accordance with the appropriate fiscal laws and procedures of the state.

(c) No interim committee shall make an application for, or receive a grant of funds, from a private person, company, firm, corporation, or other organization without first obtaining the approval of the Legislative Council.

**24. Budget Hearing Special Rules.** The Legislative Council, Senate members of the Joint Budget Committee, and the House Budget Committee members shall, at the beginning of the biennial pre-session budget hearings, which shall commence after the October 1 preceding the next regular session of the General Assembly, in accordance with Arkansas Code § 10-3-507(a), adopt appropriate special budget hearing rules.