

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 Council's procedure in order that they may properly utilize the 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 Council shall be governed by the same rules as govern the House 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 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 ~~committees~~ 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.** The Council shall select from its membership a Senate Co-Chair and a House Co-Chair, and a Senate Co-Vice Chair and a House Co-Vice Chair who shall serve during the legislative biennium in which they are elected. The Director of the Bureau of Legislative Research shall serve as Executive Secretary of the Council.
5. **Legislative Council ~~Committees~~ Subcommittees.**
 - (a) **Standing ~~Committees~~ Subcommittees.** The Council shall have the following standing ~~committees~~ subcommittees, with five or more members. ~~The~~ the Senate members ~~to shall~~ be appointed by the Senate Co-Chair of the Council and the House members ~~to shall~~ be appointed by the House Co-Chair of the Council, ~~with the following subject areas to be within the jurisdiction of the respective standing committees.~~ The standing subcommittees have jurisdiction of the following subject areas:
 - (1) **Review.** To this ~~committee~~ subcommittee shall be referred 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.

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.

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

Review of other matters referred to the ~~Committee~~ subcommittee by the Legislative Council, which require Council review and which are not otherwise within the jurisdiction of another Legislative Council ~~committee~~ subcommittee.

(2) Charitable, Penal, and Correctional Institutions. To this ~~Committee~~ subcommittee shall be referred matters pertaining to the Department of Correction and its various units; the state correctional facilities for juveniles; the state institutions which provide institutional services for citizens of this state; and private facilities providing institutional services and care purchased by the state for the benefit of indigent.

(3) Performance Evaluation and Expenditure Review. To this ~~Committee~~ subcommittee shall be referred matters pertaining to the financial operation and fiscal performance of state agencies, departments, and institutions, including but not limited to, program performance and evaluation, efficiency in the operation of agency programs and services, coordination of programs and services which requires the expenditure of state funds, the stability and adequacy of the various fund and fund accounts of the state, and other matters pertaining to agency performance and accountability in the use of public funds, which are not otherwise within the jurisdiction of another ~~committee~~ subcommittee of the Council; and matters pertaining to the organization, consolidation, merger, or abolishment of a state agency, board, commission, or program, and such other matters as may be assigned to the ~~Committee~~ subcommittee by the Council.

(4) Administrative Rules and Regulations. To this ~~Committee~~ subcommittee shall be assigned matters pertaining to 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 such other matters pertaining to administrative organization, rules, regulations, and procedures as may be assigned to the ~~Committee~~ subcommittee by the Legislative Council.

(5) Uniform Personnel Classification and Compensation Plan. To this ~~Committee~~ subcommittee shall be referred matters pertaining to the State Uniform Personnel Classification and Compensation Plan; matters pertaining to the adequacy of position classification and pay schedule of state agencies and institutions; consideration of matters which require Legislative Council advice in regard to the administration of the State Personnel Classification and Compensation Plan; other matters pertaining to 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. This ~~Committee~~ subcommittee shall, ~~prior to each Council meeting;~~
(A) review Review study proposals referred to interim committees by members thereof, which have not previously been reviewed by the Council as to germaneness, and shall submit recommendations to the Council concerning the germaneness of the study proposals to the subject areas assigned to the Committee, as provided by law;

(B) ~~review~~ Review payments of per diem and mileage paid to Co-Chairs of interim committees for attending board and commission meetings and for attending to other business in behalf of the committee, performed by ~~such~~ the Co-Chairs on occasions other than meetings of ~~such~~ the committees or ~~committees~~ subcommittees thereof, and matters pertaining to the development of policies governing the payments by the Legislative Council;

and

(C) ~~review~~ Review and make recommendations to the 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 Council for interim committee study purposes.

(7) **Hospital and Medicaid Study.** To this ~~Committee~~ subcommittee shall be assigned all matters pertaining to hospitals, Medicaid, incentives for the establishment of rural hospitals, clinics and other rural medical facilities, incentives for physicians practicing in rural areas, and any and all related matters.

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

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

(10) **Litigation Reports Oversight.** This subcommittee shall be responsible for receiving notification of lawsuits affecting the state and reviewing 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.

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

(1) **Executive Subcommittee.** To consist of the House Co-Chair and Senate Co-Chair and immediate past Co-Chairs of the Legislative Council, and such other members as prescribed by law, ~~to~~. The Co-Chairs of the Legislative Council shall serve as the Co-Chairs of the subcommittee. The subcommittee shall assist the House Co-Chair and the Senate Co-Chair and the director of the Bureau of Legislative Research in regard to: (A) the development of proposed policies governing the Legislative Council; (B) personnel policies and matters pertaining to the operation of the Bureau of Legislative Research; and (C) to 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. The director shall report to and regularly seek the review and advice of the Executive Subcommittee prior to taking actions impacting upon the operations of the Bureau of Legislative Research as required as may be required by the subcommittee under Arkansas Code § 10-3-303.

(2) **Other Select Subcommittees.** The House Co-Chair and Senate Co-Chair may from time to time with the approval of the Council name such other select ~~committees~~ 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 ~~Committees~~ Subcommittees.** In addition to the standing and select ~~committees~~ subcommittees herein designated subcommittees, other ~~committees~~ subcommittees may be created by the Council from time to time.

(d) **Alternate Member Assignments.** Alternate members of the Legislative Council shall have the same ~~committee~~ subcommittee assignments as regular members, but shall serve on such the committees subcommittees only upon absence of regular members. ~~Provided that~~ However, an alternate member shall not serve as a Chair or Vice Chair of the ~~committee subcommittee~~ subcommittee except upon becoming a regular member. When it becomes apparent that a regular member of the Council will no longer be serving as a member of the Council, his or her alternate, upon becoming a regular member, may request new ~~committee~~

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 Council shall be an ex officio member of the ~~committee~~ subcommittee, without having a vote, to which the proposal is referred for study.

(f) **Chairs of Subcommittees.**

(1) No member shall serve as Chair of more than one standing ~~Committee~~ subcommittee.

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

6. **Offices.** The Legislative Council shall maintain offices in the State Capitol, and meetings shall be held at such offices, but the House Co-Chair and Senate Co-Chair may call any meeting at any other place.

7. **Meetings.** Regular meetings of the Legislative Council shall be held on the third Friday of each month, with the House and Senate Co-Chairs alternating the chair, unless otherwise agreed by the Co-Chairs, but the Co-Chairs may cancel any ~~such~~ regular meeting date upon six days' written notice to the members. Special meetings may be called by the Co-Chairs upon six days' written notice thereof, or upon vote by the Council, at such additional times as may be deemed desirable.

8. **Meetings Open to Public.** All meetings of the Council shall be open to the public except that executive sessions may be held as authorized by law.

9. **Quorum.**

(a) A majority of the members of the Council, or their alternates, shall constitute a quorum for the transaction of all business. 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. Upon the request of any three (3) members of the Council, a separate vote of House members and Senate members shall be taken on any issue or matter before the Council and approval of a majority of the members present from the House and a majority of the members present from the Senate shall be required for the issue or matter.

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

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

11. **Agenda.** On or before six days prior to the date of any meeting of the Council, the executive secretary shall prepare and mail to each member of the Council the agenda or program to be considered at such meeting.

12. **Proposals, Resolutions and Memorials.** Matters of legislative and governmental interest may be brought to the attention of the Council in three ways:

(a) **Proposals.** Those matters which call for study and research by the 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. Proposals must be filed with the Executive Secretary at least six days before the meeting at which they are to be considered. New proposals shall not be accepted by the Council after the August meeting of the second year of the biennium.

(b) **Resolutions.** Those matters which call for the consensus of the Council on a particular subject or which 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. Resolutions must be filed at least six days in advance of the meeting at which they are to be considered.

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

13. **Study and Report.** 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 Council may determine. The House Co-Chair and the Senate Co-Chair, or the Council, shall refer study proposals to the appropriate joint interim committee or the appropriate standing Council subcommittee in accordance with ~~the provisions of Section 19 of Act 1055 of 1991~~ Arkansas Code § 10-3-313(b)(1)(B) whenever a committee or subcommittee study thereof is deemed appropriate. Special ~~committees~~ subcommittees of the Council may be established only upon suspension of the Rules. The ~~Research Department~~ Bureau of Legislative Research shall compile ~~such~~ the information and prepare drafts of proposed legislation in connection with each study as may be directed by the Council or appropriate interim committee or the Council ~~committee~~ subcommittee to which the study was referred. Each Council ~~committee~~ subcommittee shall consider each matter referred to it and shall report to the Council with respect thereto at the earliest possible date. The Legislative Council shall report ~~such~~ the findings and recommendations to the General Assembly in connection with each matter submitted to it for study as the Council may determine to be informative and advisory to the General Assembly.

14. **Reports.** Reports by the ~~Research Department~~ 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 Council and the General Assembly on each proposal studied.

15. **Distribution of Reports.** A copy of each report made by the ~~Research Department~~ Bureau of Legislative Research shall, upon completion, be made available to members of the General Assembly, to the governor, and to such other persons as may be designated by the Council, upon their request therefor.

16. **General Discussion.** Under the heading " (j) New Business" in the Order of Business, Rule 3, announcements may be made, and any member of the Council shall be privileged to bring up for discussion routine matters or proposals for future consideration and action. ~~Such~~ The matters, however, shall be regarded as suggestions only, and must be brought within the rule requiring proposals, resolutions and memorials to be reduced to writing and presented formally before final consideration.

17. **Bills.** Any proposed legislation growing out of study and research by the Legislative

Council and recommended by the Council shall be sponsored in the General Assembly by the Chair and Vice Chair of the committee which recommended ~~such~~ the legislation. If the Chair, ~~and/or~~ Vice Chair, or both elect not to introduce ~~such~~ the legislation, the House Co-Chair and Senate Co-Chair of the Council may designate one or more Council members to sponsor ~~such~~ the legislation.

18. Legislative Institute. During the fall preceding each regular biennial 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 training new members in parliamentary procedure and bill drafting techniques, 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 other related matters.

19. Emergency Action.

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

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

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

(b)(2) Consideration of ~~such~~ the matter by the Co-Chairs, and/or the Co-Chairs of the ~~Committee~~ subcommittee to which ~~such~~ the matter is normally presented for review; and

(c)(3) ~~Such~~ The Chair and Vice Chair, or Co-Chairs, of the affected ~~Committee~~ subcommittee, and the Co-Chairs of the Legislative Council are unanimous in their evaluation that emergency review or advice is advisable, then, ~~in said event~~, the House Co-Chair and Senate Co-Chair may act on behalf of the Legislative Council in regard thereto.

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

20. 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 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 of the members of the House and two-thirds of the members of the Senate. Amendments to the rules may be made after six days' written notice of intent thereof.

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

21. Reconsideration and Expunge. The vote on a proposition may once be reconsidered by a majority vote of the total membership of the Council, but once a vote has been taken to reconsider, a further motion to reconsider is not in order. The record on any action taken by the Council may be expunged by a two-thirds majority vote of the total membership of the Council.

22. Subpoena Powers. The subpoena powers of the Council shall be exercised only upon the two-thirds vote of the entire membership of the Council at a regular meeting, after notice shall have been given in writing to all Council members setting forth the purpose or purposes for which ~~such~~ the subpoena powers are to be used, which notice shall include the names of all persons to be subpoenaed and the description of all books, documents, or records to be subpoenaed. All hearings at which witnesses or documents, books and records are subpoenaed shall be held before the entire membership of the Council. No ~~committee~~ subcommittee of the Council shall have the authority to issue subpoenas.

23. Continuation of Rules. 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 future successive biennial periods until permanent rules have been adopted by the Council.

24. Powers of Council Committees Subcommittees.

(a) A ~~Committee~~ subcommittee of the Council shall consider only those matters which have been duly referred to it by the Council, and no ~~committee~~ subcommittee shall embark upon any study unless the ~~same~~ study shall have been directed by the Council. No ~~Committee~~ subcommittee shall have the authority to make or undertake any investigation unless the nature and purposes of ~~such~~ the investigation shall have been filed in writing as a proposal in the manner provided in these rules, and the ~~same~~ study shall have been approved at a regular meeting of the Council by a two-thirds vote of the entire membership of the Council. If a ~~committee~~ subcommittee shall determine, during the course of any study referred to it that an investigation is necessary for a proper determination of the matter under study, ~~such~~ the ~~Committee~~ subcommittee shall, in writing, report ~~such~~ the facts to the Council, which report shall be filed with the director at least six days in advance of the next regular meeting of the council and placed on the agenda of ~~such~~ the meeting, and if the Council shall approve ~~such~~ the investigation by a two-thirds vote of the entire membership, ~~such~~ the investigation may be undertaken by ~~such~~ the ~~committee~~ subcommittee within such limits as the Council may direct. The Chair of a ~~Committee~~ subcommittee shall have the authority to call a ~~Committee~~ subcommittee meeting if and when there is sufficient work to warrant ~~such~~ the meeting, and the Chair shall notify the director of the time of ~~such~~ the ~~Committee~~ subcommittee meeting in order to avoid conflicting dates in ~~Committee~~ subcommittee meetings.

(b) The House Co-Chair and Senate Co-Chair and House Co-Vice Chair and Senate Co-Vice Chair of the Council shall be ex officio members of each ~~Committee~~ subcommittee of the Council.

25. Expenses of House Co-Chair and Senate Co-Chair and Council Members and Alternates.

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

(b) The Co-Chairs of the Council are authorized to designate regular members of the 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. ~~Such~~ The members shall be reimbursed only for their reasonable and necessary transportation, meals, lodging and other expenses incurred in attending ~~such~~ the meetings.

(c) Alternate members of the Legislative Council shall not be designated to attend ~~said~~ the meetings and receive reimbursement for expenses in connection therewith, except upon approval of the Council. In no event may members of the General Assembly who are not

members or alternates of the Legislative Council be designated to attend ~~said~~ the conferences and receive reimbursement for expenses therefor from Council funds.

26. Committee on Interstate Cooperation. The House Co-Chair and the Senate Co-Chair of the Council shall have the authority to designate the members of the Council on the Arkansas Commission on Interstate Cooperation as a committee of the Council to be known as the "Committee on Interstate Cooperation", and the members of ~~such~~ the committee shall be authorized to attend the meetings of the Arkansas Commission on Interstate Cooperation and draw per diem and mileage therefor.

27. Council Policy Relative to Lame Duck Members. ~~In order that the Council can properly serve the General Assembly and promote efficiency in its operation, it is hereby mutually agreed by the membership of the Council in adopting these rules that (prior to January 1, 1999) whenever it shall be determined that any Senate member of the Council will not serve in the next regular session of the General Assembly, such member shall cease to serve on the Council, and his successor shall be determined in the manner provided for in Arkansas Code 10-3-301. In the case of Senate Council members who are members of political parties that nominate party candidates at primary elections, it shall be conclusive that a member will not serve in the next General Assembly when (1) he fails to file or qualify as a candidate for nomination to the House or Senate, or (2) when he is defeated for nomination to the House or Senate as a result of such party primary election. In the case of Senate Council members who are members of political parties that nominate party candidates at party convention, it shall be conclusive that a member will not serve in the next General Assembly when he fails to receive the party nomination as a candidate for the House or Senate at such party convention. The terms of House membership shall be determined by House Rules. The terms of Senate membership shall be determined by Senate Rules.~~

28. Proposals Presented by Members of General Assembly who are not Council Members. Whenever any member or members of the General Assembly, who are not regular members of the Legislative Council, shall present a study proposal to the Council, ~~such~~ the member or members of the General Assembly shall be privileged to appear before the Council on one occasion and explain the purpose of ~~such~~ the study, and shall be entitled to draw per diem and mileage therefor at the same rate as authorized by law for regular Council members.

29. Staff Services and Special Procedures for Joint Interim Committees.

(a) 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. 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 committees, and the ability to adequately furnish the services requested.

(b) 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 committee shall submit a request, in writing, to the Legislative Council outlining the need and sources of ~~such~~ the funds, the projects for which ~~such~~ the funds will be used, the staff positions that will need to be created, the maximum annual salary rate for each ~~such~~ position, and other pertinent information. If the Legislative

Council determines that said the funds and services are not available through the Bureau of Legislative Research, or other funds available to the Legislative Council, the Council may:

(1) authorize the House Co-Chair and Senate Co-Chair of the Legislative Council, or the director of the Bureau of Legislative Research, to submit a request for ~~such~~ the funds, to be administered by the Bureau of Legislative Research; or

(2) authorize the Co-Chairs of the committee to make the application for the federal or private grant to be administered with procedures outlined in the request submitted by the 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.

30. 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 on the Monday following the general election, adopt appropriate special budget hearing rules.