

# **Ninety-Third General Assembly – Arkansas Senate Procedures**

## **Senate Business Meeting Called under Senate Rule 24.10(f)**

*As Adopted July 18, 2022*

**1. Purpose.** In order to provide for a fair hearing process related to allegations of violations of the Senate’s Code of Ethics, the Arkansas Senate of the Ninety-Third General Assembly of the State of Arkansas adopts these procedures for conducting a business meeting of the Senate called by the President Pro Tempore of the Senate pursuant to Senate Rule 24.10(f).

**2. Public Meeting.** A business meeting of the Senate called under Senate Rule 24.10(f), to hear recommendations and findings related to an alleged violation of the Senate’s Code of Ethics, shall be open to in-person attendance by the public and members of the press. The meeting shall not be live streamed by the Senate.

### **3. Presiding Officer.**

(a) In accordance with Senate Rule 2.01(c), the “President Pro Tempore shall have the authority to convene the members of the Senate between sessions for the purpose of addressing any matter that affects the business of the full Senate.”

(b)(i) If the President Pro Tempore is a party to the ethics matter that is the subject of the business meeting under these procedures, then without objection he or she shall designate a Senator to serve as the presiding officer for the business meeting related to that matter.

(ii) The President Pro Tempore shall call the business meeting to order, prior to relinquishing the chair to his or her designee.

(c) The presiding officer shall have the authority, subject to being overridden by a majority of the members, to make determinations regarding germaneness of testimony, presentations, closing statements, debate, and questions being presented to the Senate. If the presiding officer finds that testimony, presentations, closing statements, debate, or questions from a presenter, a witness, or a Senator participating in debate on a motion is not germane to the findings and recommendations of the Senate Ethics Committee that are the subject of the hearing or of the particular motion being debated, the following will apply:

(i) The first ruling by the presiding officer that testimony or debate is not germane to the matter before the Senate, will result in the presiding officer advising the Senator to restrict his or her statements or questions to only those that are germane;

(ii) A second ruling by the presiding officer that testimony or debate is not germane, will result in the Senator being instructed to take his or her seat, and that Senator will be barred from participating in the remainder of the proceedings, but will still be allowed to vote on any motions. The presiding officer may direct staff to turn off the Senator’s microphone if he or she does not comply.

(d) The presiding officer may establish a deadline for submission of a list of witnesses to be called to testify and exhibits that will be presented at the business meeting by the Senate Ethics Committee Chair, or his or her designee, and the Respondent.

**4. Oath to be Administered.** The Senate Ethics Committee Chair, or his or her designee, the Respondent, and any witnesses called by the parties shall be placed under oath by the presiding officer prior to beginning his or her testimony to the Senate.

**5. Presentation by Senate Ethics Committee Chair.** Following opening comments by the presiding officer, the Chair of the Senate Ethics Committee, or his or her designee, shall present the findings and recommendations of the committee.

(a) The presentation shall not exceed one (1) hour in length.

(b) Senators will be permitted to ask questions of the Senate Ethics Committee chair, or his or her designee, upon conclusion of the presentation and calling of any witnesses by the presenter. The time for questions from Senators will not be included in the one (1) hour time limit.

**6. Respondent Presentation.** Following the conclusion of the presentation by the Senate Ethics Committee chair, or his or her designee, the Senator who is the subject of the committee's findings and recommendations (the "Respondent") may make a presentation to the Senate.

(a) The presentation shall not exceed one (1) hour in length.

(b) Senators will be permitted to ask questions of the Respondent upon conclusion of his or her presentation. The time for questions from Senators will not be included in the one (1) hour time limit.

(c) During the hearing, the Respondent shall be seated at the table designated for the Respondent rather than in his or her regular seat in the Senate chamber. The Respondent may return to his or her regular seat for the purpose of voting.

(d) A Respondent may bring his or her own legal counsel to the Senate business meeting at which the Senate Ethics Committee recommendations regarding the respondent are being heard. Respondent's legal counsel will only be allowed in the Senate chamber in an advisory capacity to the Respondent, and shall not address the Senate, question witnesses, or make objections to the presiding officer. Respondent's legal counsel shall be seated next to Respondent at the table designated for the Respondent only.

**7. Witnesses.** Each presenter – the Senate Ethics Committee Chair, or his or her designee, and the Respondent – are permitted to call witnesses relevant to the recommendations and arguments that he or she is presenting to the Senate.

(a) The presenter may call witnesses following his or her initial presentation to the Senate.

(b)(i) A presenter shall not call a witness who was not previously designated as a witness to provide testimony at the hearing before the Senate Ethics Committee during its investigation of the allegations that are the subject of the business meeting.

(ii) If a presenter desires to call a witness who was not called previously, he or she may make a motion to allow the witness. As part of the motion, the presenter shall provide information to the Senate regarding how the witness' testimony will further his or her case before the Senate and why the witness was not called during committee process.

(iii) If eighteen (18) or more Senators vote to allow the testimony of the witness, the witness shall be called and placed under oath.

(c)(i) If a witness is unable to attend the business meeting in person, due to unavoidable reasons such as previously scheduled travel or illness, he or she may be permitted to testify before the Senate virtually via Zoom.

(ii) When testifying via Zoom, the witness shall be administered the oath by the presiding officer prior to giving any testimony.

(iii) The witness shall be able to be seen and heard by the Senators in the Senate chamber at all times during his or her testimony.

## **8. Exhibits and Documents.**

(a) Each presenter – the Senate Ethics Chair or his or her designee and the Respondent – may provide and refer to exhibits during his or her presentation relevant to the recommendations and arguments he or she is presenting to the Senate.

(b)(i) A presenter shall not present or refer to an exhibit that was not provided to the Senate Ethics Committee during its investigation of the allegations that are the subject of the business meeting.

(ii) If a presenter desires to introduce an exhibit that was not previously provided, he or she may make a motion to allow introduction of the exhibit. As part of the motion, the presenter shall provide information to the Senate regarding how the exhibit will further his or her case before the Senate and why the exhibit was not provided during the committee process.

(iii) If eighteen (18) or more Senators vote to allow the introduction of the exhibit, copies of the exhibit shall be provided to all Senators.

**9. Closing Statements.** The Senate Ethics Committee Chair, or his or her designee, and the Respondent shall each be permitted to make closing statements.

(a) The Respondent shall make his or her closing statement upon conclusion of questions from Senators following his or her presentation and calling of any witnesses.

(b) The Senate Ethics Committee chair, or his or her designee, shall make his or her closing statement upon conclusion of the Respondent's closing statement.

(c) Each party shall have a maximum of fifteen (15) minutes to present his or her closing statement to the Senate.

**10. Determination of Ethics Violation.** Upon completion of his or her closing statement, the Senate Ethics Committee Chair, or his or her designee, shall make a motion that the Senate finds a violation of the Senate's Code of Ethics. The motion shall name the Senator who is alleged to have violated the Code of Ethics and the provision of the Code of Ethics alleged to have been violated. A separate motion shall be made for each provision of the Senate's Code of Ethics alleged to have been violated and a vote taken on each motion separately.

**11. Penalties.** If a Senator is found to have violated one or more provisions of the Senate's Code of Ethics, the Senate shall proceed to discipline the member.

(a)(i) Immediately following the vote determining a violation has occurred, the Senate Ethics Committee Chair, or his or her designee, shall move that the Senate discipline the member in accordance with the Ethics Committee recommendation.

(ii) This motion is subject to substitution or amendment.

(b) If a letter of caution or letter of reprimand is authorized, the letter shall be authored by the presiding officer.

**12. Debate.** Following a motion made during the business meeting, Senators will have the opportunity to speak either for or against the motion. A Senator participating in debate shall limit his or her comments to only those that are germane to the motion and shall be subject to the rulings regarding germaneness by the presiding officer, as set forth in Section 3.(c) of these procedures.

**13. Voting.** The requirements for voting on a determination of ethics violation and imposition of penalties are set forth in Senate Rules 24.10 and 24.11.

(a) Eighteen (18) or more votes are required to find a Senator in violation of the Senate's Code of Ethics.

(b) The pairing of votes shall not be recognized.

(c)(i) The roll shall be called by the Secretary of the Senate, or another individual designated by the presiding officer.

(ii) Each Senator shall respond at the time his or her name is called by voting yea, nay, present or abstain. Failure to respond will be documented as abstaining from the vote. A Senator shall not be allowed to pass during the roll call.

(d) A member may only be suspended or expelled by an affirmative vote of two thirds (2/3) of the membership of the Senate.

**14. Senators Physically Present at Senate Chamber.** A Senator must be physically present in the chamber in order to cast his or her vote in the proceedings. Senators shall not be allowed to participate in these proceedings via Zoom or other virtual means.

**15. Senate Rules Applicable.** The Rules of the Senate, to the extent that they are not in conflict with these procedures, shall apply.