

## **Rules for Joint Meetings of House and Senate Committees** *for the Purpose of Administrative Rule Review under Act 781 of 2017*

**PURPOSE:** Act 781 of 2017 requires that the standing committees of the House of Representatives and the Senate meet during the interim in order to provide a recommendation to the Legislative Council to either accept or reject an agency's decision to repeal a rule. To expedite this process, the standing committees of the House and the Senate will hold joint meetings to hear and discuss the administrative rules and regulations of the various state agencies. The purpose of these rules is to establish the procedures to be applied to joint meetings of committees of the House and the Senate when meeting to fulfill their responsibilities under Act 781 of 2017.

**PROCEDURE:** Except as otherwise specified in these Rules, the proceedings of these joint meetings shall be governed by the same rules as govern the House of Representatives and the Senate of the General Assembly of the State of Arkansas, so far as they are applicable and do not conflict with one another, together with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

1. **Presiding Chair.** The Chair of the House committee and the Chair of the Senate committee shall alternate, meeting by meeting, which of the two shall preside.
2. **Agenda Items.** The standing committees of the House of Representatives and the Senate shall meet jointly for the sole purpose of considering agency rules assigned to the standing committees by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.
  - a. During these joint meetings, the committees shall consider:
    - i. The rules the agency appearing before them wishes to repeal and the corresponding justifications submitted by the agency; and
    - ii. The agency rules that will continue to be enforced by the agency and the corresponding justifications.
  - b. The standing committees are only authorized under Act 781 to make a recommendation to the Legislative Council regarding rules that an agency wishes to repeal. The committees are not authorized to make recommendations regarding rules the agency states it plans to continue to enforce, but shall make a motion to refer to group consideration pursuant to Arkansas Code § 25-15-403.
3. **Germaneness.** If the issue of germaneness of committee assignment of a rule arises in the joint meeting of the committees, the issue shall be submitted in writing by the chairs of the joint committees to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for their final determination.
4. **Public Comment.** When hearing from an agency regarding the repeal of an administrative rule, the joint committees shall allow an agency representative and the public to comment on the rule. A sign-up sheet for comment on the rules on

the agenda shall be made available to the public at each meeting of the standing committees.

5. **Recommendation to the Legislative Council.** The House and Senate committees shall make a recommendation to the Administrative Rules and Regulations Subcommittee of the Legislative Council to either accept or reject the agency's decision to repeal a rule. If the House and Senate committees are not in agreement with regard to their recommendations for any rule, they may submit separate recommendations to the subcommittee.
6. **Quorum.**
  - a. The Senate committee consists of eight (8) members. Five (5) Senate committee members constitute a quorum of the Senate committee.
  - b. The House standing committee consists of twenty (20) members.
    - i. Eleven (11) House committee members constitute a quorum of the House committee.
    - ii. Provided, however, that in accordance with House Rule 66, the Speaker of the House shall not be included for the purpose of determining what is a majority of a standing committee, unless present at the time of the vote.
  - c. The membership number for House Select committees varies, but a quorum shall consist of a majority of the committee membership.
7. **Action.** An affirmative vote of a majority of the members present when a quorum is present in each committee shall be required in order to take action on any issue before the committees.
  - a. **Voice Vote.** The presiding chair may call for a voice vote of the committees voting jointly on any issue before the committees.
  - b. **Separation of the Vote.** Upon the request of one (1) member of either committee, a separate voice vote of the committees shall be taken, and a majority of the members present in each committee when a quorum is present in each committee will be required for passage of the motion before them.
  - c. **Roll Call.** In order to conduct a roll call vote, one (1) member of either committee shall make a request to separate the vote of the committees. Following the determination to separate the vote, a roll call of the Senate committee shall be conducted if one (1) member of the Senate committee requests a roll call. A roll call of the House committee shall be conducted if two (2) members of the House committee request a roll call.
  - d. **Batching.** The joint committee may vote on agency rules in batches. If a member of either the House or Senate committee would like to pull out a rule for separate discussion and consideration, the rule shall be placed on the agenda for the next joint meeting of the standing committees and will be taken up for consideration at that meeting whether the requesting member is present or not.