

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

HCR 1005

4
5 By: Representative Ingram
6 By: Senator Whitaker

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8 **HOUSE CONCURRENT RESOLUTION**

9 TO ADOPT THE JOINT RULES OF THE SENATE AND THE HOUSE
10 OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL
11 ASSEMBLY.

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14 **Subtitle**

15 TO ADOPT THE JOINT RULES OF THE SENATE
16 AND THE HOUSE OF REPRESENTATIVES OF THE
17 EIGHTY-EIGHTH GENERAL ASSEMBLY.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL
21 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

22
23 JOINT RULES
24 OF THE
25 HOUSE OF REPRESENTATIVES
26 AND THE SENATE

27
28 Joint Session - How Convened

29 Section 1. When, by the Constitution or laws of the state, a joint
30 meeting of the Senate and House of Representatives is required, they shall
31 assemble with their clerks on the day and at the hour previously agreed on
32 for that purpose in the hall of the House of Representatives.

33
34 Officers of Joint Session

35 Section 2. When the meeting is assembled, the President of the Senate
36 and Speaker of the House shall preside in conjunction, and the meeting shall



1 be governed by such standing rules as shall have been adopted for that
2 purpose by the concurrence of both houses. They shall have power to punish
3 any person, other than a member, for disorderly or contemptuous behavior in
4 their presence, by fine and imprisonment, in the same manner and to the same
5 extent as either house may do, for like conduct before it, by the
6 Constitution and laws of this state.

7 (A) Any member of either house who shall be guilty of
8 disorderly behavior in the presence of the meeting may be punished by the
9 house of which he or she is a member, in the same manner as if the offense
10 had been committed in the presence of that house.

11 (B) The Secretary of the Senate and the Clerk of the House
12 shall both keep records of the proceedings, to be entered on the Journal of
13 their respective houses.

14 Manner of Presenting Bills, Etc.

15 Section 3. All bills, resolutions, votes and amendments by either
16 house, to which the concurrence of both is necessary, as well as messages,
17 shall be presented to the other by the Clerk or Secretary of the house from
18 which they are sent or by the assistant secretary or assistant clerk.
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20 Contents of Bills

21 Section 4. No bill or resolution shall be passed by either house
22 containing more than one subject, which shall be expressed in the title.
23 House bills and resolutions shall have at least one House sponsor, and Senate
24 bills and resolutions shall have at least one Senate Sponsor. House bills,
25 House concurrent resolutions, and House joint resolutions may have Senate
26 sponsors, and Senate bills, Senate concurrent resolutions, and Senate joint
27 resolutions may have House sponsors.
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29 Notice of Bill Rejection

30 Section 5. When a bill or resolution which has passed one house shall
31 be rejected by the other, notice thereof shall be given to the house in which
32 the same shall have passed.
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34 Engrossment of Bills

35 Section 6. After adoption of an amendment on the floor of the Senate,
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1 regardless whether the bill or resolution originated in the House or the
2 Senate, the Senate shall engross the bill or resolution as amended. After
3 the adoption of the amendment on the floor of the House of Representatives,
4 regardless whether the bill or resolution originated in the House or the
5 Senate, the House of Representatives shall engross the bill or resolution as
6 amended.

7 This rule may be waived by the President Pro Tempore of the Senate or
8 in his absence the Chairman of Senate Rules Committee, or the Speaker of the
9 House of Representatives.

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Enrollment of Bills

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Section 7. When a bill shall have passed both houses, it shall be
13 enrolled by the enrolling clerk of the house in which it originated.

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Section 8. All bills must be enrolled and reported to each house by
16 the committee designated by each house to supervise the enrolling of bills,
17 within three (3) days after their passage; provided, that if the
18 reconsideration of any bill is moved, in either house, previous to its
19 presentation to the Governor, the committee shall hold the same until action
is taken upon such motion.

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Section 9. No bill, resolution, or memorial shall be sent to the
22 Governor for his approval, unless the same shall have been clearly and fairly
enrolled without obliteration or interlineation.

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Signing of Bills

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Section 10. After examination and report by the committee responsible
27 for enrolling bills, each bill shall be signed by the Speaker of the House of
Representatives and by the President of the Senate. Each page of a bill
28 shall be signed by the Speaker of the House of Representatives on the right
29 margin, and shall be signed by the President of the Senate on the left margin
30 of each page. The Speaker of the House of Representatives and the President
31 of the Senate shall manually sign each page of each bill, or may provide, at
32 their option and under their supervision, for the affixing thereto of their
33 facsimile signature in the manner and procedure provided by Act 69 of 1959.
34 (Arkansas Code §§ 21-10-101 thru 21-10-106)

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Announcement of Message

1 dilatory motion shall be entertained by the presiding officer.

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3 Deadline for the Introduction of Bills

4 Section 16. (A) An "appropriation bill" means a bill by the General
5 Assembly that authorizes the expenditure of moneys if moneys are available.

6 (B)(1) No appropriation bill shall be filed for
7 introduction in either the House of Representatives or the Senate later than
8 the fiftieth (50th) day of a regular session except upon consent of two-
9 thirds (2/3) of the members elected to each house; and, no other bill shall
10 be filed for introduction in either the House of Representatives or the
11 Senate later than the fifty-fifth (55th) day of a regular session, except
12 upon consent of two-thirds (2/3) of the members elected to each house. When
13 the filing deadline for any bills or resolutions ends on Saturday or Sunday,
14 the deadline is hereby extended until the close of business the following
15 Monday.

16 (2) Any proposed legislation affecting any publicly supported
17 retirement system or pension plan to be considered by the General Assembly at
18 a regular session shall be introduced in the General Assembly during the
19 first fifteen (15) calendar days of a regular session.

20 (3) No such bill shall be introduced after the fifteenth (15th)
21 day of a regular session unless its introduction is first approved by a
22 three-fourths (3/4) vote of the full membership of each house of the General
23 Assembly.

24 (C)(1) No appropriation bill shall be filed for
25 introduction in either the House of Representatives or the Senate later than
26 the fifteenth (15th) day of a fiscal session except upon consent of two-
27 thirds (2/3) of the members elected to each house.

28 (2) For a fiscal session, a non-appropriation bill shall not be
29 filed for introduction until a concurrent resolution authorizing the
30 introduction of the bill has been approved by a vote of two-thirds (2/3) of
31 the members elected to each house and the concurrent resolution becomes
32 effective.

33 (3) A concurrent resolution authorizing the introduction of a
34 non-appropriation bill in a fiscal session shall not be filed for
35 introduction in either the House of Representatives or the Senate later than
36 the first (1st) day of a fiscal session.

1 Representatives unless such bill or resolution has been prepared for
2 introduction by an automated bill preparation system developed by the Bureau
3 of Legislative Research.

4 (1) The Bureau of Legislative Research shall establish and
5 operate, in cooperation with the appropriate officials of the House of
6 Representatives and the Senate, an automated bill preparation system in which
7 all bills and resolutions, as defined herein, shall be prepared for
8 introduction. Such system shall be designed in a manner which will permit
9 either or both houses of the General Assembly to install compatible and
10 interconnecting electronic equipment for the preparation of bills and
11 resolutions in the same format as prepared by the Bureau of Legislative
12 Research for introduction in either house of the General Assembly.

13 (2) The Bureau of Legislative Research shall provide the
14 Secretary of the Senate and the Chief Clerk of the House of Representatives
15 access by electronic medium to the central bill files in which bills and
16 resolutions recorded in the automated bill preparation system are stored, to
17 enable the engrossing rooms of the respective houses to have ready access
18 thereto for enrollment of engrossed amendments adopted to such bills and
19 resolutions.

20 (3) As used herein:

21 (a) "resolutions" shall mean all resolutions prepared for
22 introduction which require the concurrence of both houses of the General
23 Assembly for the adoption thereof, and shall include resolutions prepared for
24 consideration by only the house in which introduced;

25 (b) "automated bill preparation system" shall mean an
26 automated system using word processors, computers, or other electronic
27 devices for the typing and preparation of bills and resolutions (as defined
28 herein) for introduction by members of the General Assembly in either the
29 Senate or the House of Representatives, and shall include the following
30 features:

31 (i) a separate identification number, to be placed
32 upon each page of the original and each copy thereof prepared for
33 introduction in the General Assembly;

34 (ii) a method of electronically recording the
35 contents of each bill and resolution for ready access for retrieval and
36 engrossment purposes;

1 (iii) security features to protect the automated
2 bill preparation files from access by unauthorized persons, and to maintain
3 the integrity and confidentiality of drafts of bills and resolutions prepared
4 by the Bureau of Legislative Research for members of the General Assembly
5 which have not been filed for introduction; and

6 (iv) such other features as deemed to be necessary
7 and advisable by the Bureau of Legislative Research after consulting with the
8 appropriate officials of the House of Representatives and the Senate.

9 (B) All bills and resolutions introduced in the House and
10 Senate shall be prepared on 8 1/2 x 11 inch paper. A computer generated
11 original and eight (8) copies of the bill or resolution, or a photocopy of an
12 original computer generated copy with eight (8) additional copies thereof,
13 shall be prepared for introduction. The original computer generated copy
14 shall be placed in the manuscript cover provided for the official copy of
15 bills or resolutions and a photocopy of the computer generated original shall
16 be placed in the manuscript cover provided for the duplicate copy, with the
17 eight (8) copies thereof to be attached thereto in such manner as may be
18 prescribed by the respective houses. In addition, eight (8) copies of the
19 caption on each bill or resolution shall be prepared and attached thereto at
20 the time of introduction.

21 (C) Upon the introduction of each bill and resolution, the
22 appropriate clerks of the respective houses shall cause the original signed
23 copy thereof (which is contained in the official bill or resolution
24 manuscript cover) to be identified as the official copy by perforation or
25 stamping on the left margin of each page thereof the words "HOUSE ORIGINAL"
26 to be placed on each official original copy of House bills and resolutions,
27 and the words "SENATE ORIGINAL" to be placed on the left margin of each
28 official original copy of Senate bills and resolutions. Whenever any bill or
29 resolution is amended, the engrossed page or pages thereof shall be
30 perforated in the same manner as the original introduced copy. Only the
31 original signed copy of a bill or resolution and engrossed pages thereof
32 shall be perforated or stamped as provided herein.

33 (D) If any person shall unlawfully perforate any
34 fraudulent or counterfeit copy of any bill or resolution for the purpose of
35 intentionally inserting in any bill or resolution any page or provision
36 thereof for the purpose of altering the bill or resolution as introduced,

1 such person shall be in contempt of the House or Senate, or both House and
2 Senate, and shall be punished accordingly. If any person shall make any
3 alteration, change or erasure in any original copy of a bill or resolution as
4 originally introduced, except upon direction of the House or Senate, or both
5 House and Senate, or upon direction of the appropriate committees on
6 engrossed or enrolled bills, such person shall be in contempt of the House or
7 Senate, or both of them and shall be punished accordingly. In addition, such
8 person shall be subject to such fine and imprisonment as may be imposed by
9 the laws of this State for fraud.

10 (E)(1) Only bills and amendments to bills which meet the
11 requirements of this subsection (E) may be introduced into the Senate or the
12 House of Representatives.

13 (2) Except as provided in subsections (E)(5), (6) and (8), all
14 bills and amendments to bills shall reflect the changes proposed in the
15 existing law by:

16 (a) over striking all language of the existing law which
17 is proposed to be deleted; and

18 (b) underlining all new language proposed to be added to
19 the existing law. At the top of the first page of the bill shall appear
20 language substantially similar to the following: "Stricken language would be
21 deleted from present law. Underlined language would be added to present
22 law."

23 (3) Except as provided in subsections (E)(5), (6) and (8), all
24 resolutions proposing amendments to the Arkansas Constitution and amendments
25 to resolutions shall reflect the changes proposed in the existing
26 Constitution by:

27 (a) over striking all language of the existing
28 Constitution which is proposed to be deleted; and

29 (b) underlining all new language proposed to be added to
30 the existing Constitution. At the top of the first page of the bill shall
31 appear language substantially similar to the following: "Stricken language
32 would be deleted from the present Constitution. Underlined language would be
33 added to present Constitution."

34 (4) Except as provided in subsections (E)(5), (6) and (8), all
35 resolutions proposing changes in the rules of the Senate or House or the
36 joint rules of the Senate and House shall reflect the changes proposed in the

1 existing rule by:

2 (a) over striking all language of the existing rule which
3 is proposed to be deleted; and

4 (b) underlining all new language proposed to be added to
5 the existing rule. At the top of the first page of the resolution shall
6 appear language substantially similar to the following: "Stricken language
7 would be deleted from present rule. Underlined language would be added to
8 present rule."

9 (5) This subsection (E) may be waived by the President Pro
10 Tempore of the Senate or in his absence, the Chairman of the Senate Rules
11 Committee, or the Speaker of the House of Representatives.

12 (6) Markups are not required of the following:

13 (a) appropriation sections, state agencies regular salary
14 sections, and state agencies extra help sections contained within a bill if
15 the sections do not specifically amend existing law;

16 (b) sections which allocate funds within the Revenue
17 Stabilization Law or within the General Improvement Fund Distribution Law;
18 and

19 (c) sections which amend Arkansas Code §§ 21-5-208(b) and
20 21-5-209(e).

21 (7) It shall be the duty of the Chairman of the Joint Budget
22 Committee to have a schedule prepared which reflects the amounts approved by
23 the Joint Budget Committee for each category for each fund within the Revenue
24 Stabilization Law to provide funding for the budget enacted by the General
25 Assembly and a schedule reflecting the proposed distribution of General
26 Improvement funds. The schedule reflecting the allocation of funds in the
27 Revenue Stabilization Law for the next fiscal year shall be submitted to each
28 body of the Arkansas General Assembly at least three (3) days prior to the
29 day at which the same is to be considered for final passage. The schedule
30 reflecting the allocation of funds in the General Improvement Fund
31 Distribution Law for the next biennium shall be submitted to each body of the
32 Arkansas General Assembly at least three (3) days prior to the day at which
33 the same is to be considered for final passage.

34 (8) Markups are not required on sections that are substantially
35 the same as the following boiler-plate sections:

36

1 “SECTION. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
2 authorized by this Act shall be limited to the appropriation for such agency
3 and funds made available by law for the support of such appropriations; and
4 the restrictions of the State Purchasing Law, the General Accounting and
5 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
6 Procedures and Restrictions Act, the Higher Education Expenditure
7 Restrictions Act, where applicable, and regulations promulgated by the
8 Department of Finance and Administration, as authorized by law, shall be
9 strictly complied with in disbursement of said funds.

10
11 SECTION. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in
12 this Act for Maintenance and General Operation shall be expended in payment
13 for services of attorneys, unless the agency shall first make a request in
14 writing to the Attorney General of the State of Arkansas to provide the
15 required legal services. The Attorney General’s Office shall provide the
16 required legal services, or, if the Attorney General’s Office shall determine
17 that sufficient personnel are not available to provide the requested legal
18 services, the Attorney General shall certify the same to the agency and may
19 authorize the agency to employ legal counsel and to expend monies
20 appropriated for Maintenance and General Operations thereof, if:

21 (1) The Attorney General determines, and certifies in writing,
22 that such agency needs the advice or assistance of legal counsel, and

23 (2) The Attorney General consents in writing to the employment
24 of the legal counsel to be retained by the agency.

25 Such certification shall be required with respect to each
26 instance of the employment of special legal counsel, or shall be required
27 annually with respect to legal counsel employed on a retainer basis. A copy
28 of such certification shall be entered in the official minutes of the agency,
29 and shall be retained in the fiscal records of the agency for audit purposes.

30
31 SECTION. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
32 obligations otherwise incurred in relation to the project or projects
33 described herein in excess of the State Treasury funds actually available
34 therefore as provided by law. Provided, however, that institutions and
35 agencies listed herein shall have the authority to accept and use grants and
36 donations including Federal funds, and to use its unobligated cash income or

1 funds, or both available to it, for the purpose of supplementing the State
2 Treasury funds for financing the entire costs of the project or projects
3 enumerated herein. Provided further, that the appropriations and funds
4 otherwise provided by the General Assembly for Maintenance and General
5 Operations of the agency or institutions receiving appropriation herein shall
6 be not be used for any of the purposes as appropriated in this Act.

7 (B) The restrictions of any applicable provisions of the
8 State Purchasing Law, the General Accounting and Budgetary Procedures Law,
9 the Revenue Stabilization Law and any other applicable fiscal control laws of
10 this State and regulations promulgated by the Department of Finance and
11 Administration, as authorized by law, shall be strictly complied with in
12 disbursement of any funds provided by this Act unless specifically provided
13 otherwise by law.

14
15 SECTION. LEGISLATIVE INTENT. It is the intent of the General Assembly
16 that any funds disbursed under the authority of the appropriations contained
17 in this Act shall be in compliance with the stated reasons for which this Act
18 was adopted, as evidenced by the Agency Requests, Executive Recommendations
19 and Legislative Recommendations contained in the budget manuals prepared by
20 the Department of Finance and Administration, letters, or summarized oral
21 testimony in the official minutes of the Arkansas Legislative Council or
22 Joint Budget Committee which relate to its passage and
23 adoption.

24
25 SECTION. GENERAL REPEALER. All laws and parts of law in conflict with
26 this act are hereby repealed.”

27 Section 19. (A) Once a Senate bill has passed the House of
28 Representatives and returned to the Senate, it may not be subsequently
29 amended in the Senate unless the House expunges the vote by which it passed
30 the bill and any amendments to the bill and the Senate expunges the vote by
31 which the bill was passed and places the bill on second reading.

32 (B) Once a House bill has passed the Senate and has been
33 returned to the House, it may not be subsequently amended in the House unless
34 the Senate expunges the vote by which it passed the bill and any amendments
35 to the bill and the House expunges the vote by which the bill was passed and
36 places the bill on second reading.

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Submission of Bills to Governor

Section 20. Whenever any Senate bill shall be approved by the House of Representatives and enrolled by the Senate, the Secretary of the Senate or one of his or her authorized agents shall without delay, deliver the same to the Governor or his or her designated representative and take receipt thereof, which receipt shall be returned to the Senate and entered in the Journal. Whenever any House bill shall be approved by the Senate and enrolled by the House, the Chief Clerk of the House or one of his or her authorized agents shall, without delay, deliver the same to the Governor or his or her designated representative and take receipt thereof, which receipt shall be returned to the House and entered in the Journal. In the event the Governor, or his or her designated representative, shall refuse to accept delivery of any such bill, the Secretary of the Senate, or the Chief Clerk of the House, or their designated agents, as the case may be, shall forthwith serve the same by handing the bill to either the Governor or to any employee of the Governor's office, and shall return a certificate to the Senate or the House as the case may be, of the date and time of such delivery and of the name of the person to whom delivered and such certificate shall be entered in the Journal of the Senate or the Journal of the House, as the case may be, and shall constitute proof of delivery of said bill to the Governor in determining the period of time in which the Governor has to sign the same or return it to the Senate or the House with his veto as provided in the Constitution of the State of Arkansas.

Joint Committee on Constitutional Amendments

Section 21. The Joint Committee on Constitutional Amendments shall consist of the members of the Senate Committee on State Agencies and Governmental Affairs and the members of the House Committee on State Agencies and Governmental Affairs. No proposed constitutional amendment shall be recommended to either house of the General Assembly except upon the affirmative vote of a majority of the Senate members of the Joint Committee on Constitutional Amendments and an affirmative vote of a majority of the House members of the Joint Committee on Constitutional Amendments. No resolution proposing a constitutional amendment shall be filed in either the House of Representatives or the Senate after the thirty-first (31st) day of

1 each regular session of the General Assembly. All resolutions proposing
2 constitutional amendments shall be referred to the Joint Committee on
3 Constitutional Amendments. Other resolutions proposing constitutional
4 amendments shall not be reported to or considered by either house of the
5 General Assembly until the original recommendations of the Joint Committee on
6 Constitutional Amendments are disposed of by both Houses. A resolution
7 proposing a constitutional amendment may be considered only during a regular
8 session.

9 10 Joint Meetings of Senate and House Committees

11 Section 22. The standing and select Committees of the Senate and the
12 House of Representatives are authorized to hold joint meetings upon call of
13 the Chairpersons of the two committees involved or by one-half (1/2) or more
14 of the members of both committees involved.

15 16 Correction of Obvious Errors

17 Section 23. The Secretary of the Senate and the Chief Clerk of the
18 House are authorized, subject to approval by the appropriate designated
19 committee, to correct obvious errors occurring in documents originating in
20 the House and the Senate respectively, provided that each such correction is
21 noted on the bill jacket and is documented by a "correction note" at the end
22 of the official daily journal for the date on which the correction was made.

23 24 Assigning Bill and Resolution Numbers

25 Section 24. In assigning numbers to bills and resolutions introduced
26 in the Senate and House of Representatives, Senate bills and resolutions
27 shall be numbered commencing with the figure 1, and House bills and
28 resolutions shall be assigned numbers commencing with the figure 1001.

29 30 Pre-filing of Bills and Resolutions

31 Section 25. (A) Beginning on November 15th of each year preceding a
32 regular session of the General Assembly, each holdover member of the Senate
33 who will be serving at the next following regular session of the General
34 Assembly, and each member-elect of the General Assembly, as soon as the
35 members-elect of the next General Assembly are certified to the Secretary of
36 State, shall be permitted to prefile bills and resolutions for such regular

1 session with the Chief Clerk of the House and the Secretary of the Senate.
2 (Arkansas Code § 10-2-112).

3 (B)(1) Beginning on the second Monday of January of each
4 year of a fiscal session of the General Assembly, each member of the House of
5 Representatives and the Senate may prefile appropriation bills and
6 resolutions for the fiscal session with the Chief Clerk of the House and the
7 Secretary of the Senate.

8 (2) A non-appropriation bill may not be pre-filed prior to a
9 fiscal session due to the requirement in Amendment 86 of the Constitution of
10 Arkansas that a concurrent resolution be approved by a vote of two-thirds
11 (2/3) of the members elected to each house before either body may consider a
12 non-appropriation bill.

13 14 Succession to the Powers of Governor

15 Section 26. (A) It is recognized that no Rule can amend the
16 Constitution; therefore, it is the intent of this Rule to provide for the
17 President Pro Tempore and Speaker of the House to exercise gubernatorial
18 powers sparingly or under only extraordinary circumstances.

19 B) Neither the President Pro Tempore of the Senate nor the
20 Speaker of the House shall exercise the powers of the Governor unless he or
21 she succeeds to the powers of the Governor because of a vacancy in both the
22 office of Governor and Lieutenant Governor, the disability of both officers,
23 or a vacancy in one office and the disability of the other officer.

24 (C)(1) For the purpose of this section a disability shall
25 be considered to exist only if:

26 (a) The Governor or Lieutenant Governor transmits to
27 the President Pro Tempore of the Senate and the Speaker of the House of
28 Representatives his or her written declaration that he or she is unable to
29 discharge the powers and duties of his or her office; or

30 (b) A Majority of the constitutional officers of the
31 Executive Department of this State transmit to the President Pro Tempore of
32 the Senate and the Speaker of the House of Representatives their written
33 declaration that the Governor or Lieutenant Governor is unable to discharge
34 the powers and duties of his or her office.

35 (2) A disability shall cease upon the officer transmitting to
36 the President Pro Tempore of the Senate and the Speaker of the House of

1 Representatives his or her written declaration that no disability exists.

2 (D) If the Speaker of the House of Representatives exercises the
3 powers of the Governor in violation of this Rule, he or she may be removed
4 from the office of Speaker of the House upon a majority vote of the House.
5 If the President Pro Tempore of the Senate exercises powers of the Governor
6 in violation of this Rule, he or she may be removed from the office of
7 President Pro Tempore of the Senate upon a majority vote of the Senate.

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