

SPECIAL RULES FOR THE JOINT BUDGET COMMITTEE REGULAR AND FISCAL SESSIONS

As Adopted January 10, 2017 – With Item 16 Amendment

1. **Purpose.** The purpose of these Rules is to form a basis for the Joint Budget Committee's operations and to inform the members of the General Assembly and the public of the Joint Budget Committee's procedure during legislative sessions.
2. **Parliamentary Procedure.** Except as otherwise specified in these Rules, the proceedings of the Joint Budget Committee 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, together with Mason's Manual of Legislative Procedure.
3. **Presiding Officer.** The Senate Co-Chair and the House of Representatives Co-Chair shall alternate as the presiding officer for each meeting day of the Joint Budget.
4. **Meetings.** The Joint Budget Committee shall meet:
 - (a) Upon the call of either of the Co-Chairs;
 - (b) At a date and time determined by the Committee in its previous meeting; or
 - (c) Upon written request of a majority of the Committee members filed with either of the Co-Chairs.
5. **Agenda.**
 - (a) An agenda for each meeting of the Joint Budget Committee shall be prepared by the Bureau of Legislative Research and approved by the Co-Chairs of the Joint Budget Committee.
 - (b) The Joint Budget Committee shall not consider an item that is not included on the agenda for that meeting, except upon an affirmative vote to suspend the rules.
 - (c) Copies of the agenda shall be provided to all members of the Joint Budget Committee and to any other members of the General Assembly that may request a copy.
 - (d) **24-Hour Rule.** During a regular session, there shall be at least one intervening business day between the day a bill is introduced and the day it may be considered by the Joint Budget Committee.
 - (e) **Members' Day.**
 - (1) During a regular session, either co-chair may designate Thursday as "Members' Day". On Members' Day, any member of the General Assembly may request that his or her bill (referred to as a member's bill) or amendment to a bill referred to committee be considered by the Joint Budget Committee.
 - (2) A member wishing to have a bill considered on Members' Day shall notify the staff at least one day before the meeting.
 - (3) An affirmative vote of two-thirds (2/3) of the membership of the Joint Budget Committee is required to consider a member's bill if the bill does not appear on a printed Joint Budget Committee agenda.

(4) Copies of each member's bill to be considered that day will be made available to the Joint Budget Committee members and alternates for their review and consideration.

6. Quorum and Action.

(a)(1) **Joint Budget Committee Meeting.** A majority of the members of the Joint Budget Committee, 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 membership of the Joint Budget Committee shall be necessary to adopt any matter.

(3) A majority of the membership of the Joint Budget Committee is twenty-nine (29) members or their alternates.

(b) **Joint Budget Committee Subcommittee Meeting.** With the exception of the Administrative Rule and Regulation Review Subcommittee:

(1) Eight (8) members, including ex officio members, or alternates of a subcommittee of the Joint Budget Committee shall constitute a quorum.

(2)(A) Except as otherwise provided by these rules, an affirmative vote of a minimum of eight (8) members of the subcommittee or a majority of the members present, whichever is greater, shall be necessary for action on any matter other than those requiring a two-thirds (2/3) vote.

(B) If the vote required to take action on a matter requires a vote of two-thirds (2/3), an affirmative vote of a minimum of ten (10) members of the subcommittee or two-thirds (2/3) of the members present, whichever is greater, shall be necessary.

(3) The Senate Co-Chair and the House of Representative Co-Chair of the Joint Budget Committee, as well as the Speaker of the House of Representatives and the President Pro Tempore of the Senate, shall serve as ex-officio members of all Joint Budget Committee Subcommittees.

(c) **Roll Call Vote.** A roll call shall be taken upon any question upon request of three (3) members. A request for a roll call may be combined with a request for a separation of the vote between the members of the Senate and the members of the House of Representatives.

(d)(1) **Separation of the Vote by Chambers.** Upon the request of any three (3) members of the Joint Budget Committee, a separate vote of the House of Representatives members and the Senate members shall be taken on any issue or matter before the Joint Budget Committee and, except as otherwise provided by these rules, approval of a majority of the membership from the House of Representatives and a majority of the membership from the Senate shall be required for any issue or matter.

(2) If the vote required to take action on a matter requires anything other than a majority of the membership, that amount required to take action will be the amount required for each house in a separate vote (e.g., Suspension of the rules requires an affirmative vote of two-thirds of the membership. In a separate vote of the chambers, suspension of the rules would require an affirmative vote of two-thirds (2/3) of the membership of the House of Representatives and two-thirds (2/3) of the membership of the Senate.)

7. Motions.

(a) **Motion to Reconsider.** A motion to reconsider any action previously taken by the Joint Budget Committee shall be proper when made by a member who voted in the majority of the vote on the proposition, and the motion to reconsider may be made at any time after the vote that is the subject of reconsideration, whether in the same or a later meeting. Reconsideration requires an affirmative vote of two-thirds (2/3) of the membership of the Joint Budget Committee.

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

(c) **Seconds to Motions Required.** Action may only be taken by the Joint Budget Committee after a motion and a second have been recognized by the Joint Budget Committee Co-Chairs, Co-Vice Chairs, or the Co-Chair designee.

(d) **Substitute Motions.** A substitute motion to a main motion may be made and shall be considered prior to consideration of the main motion. A substitute to the substitute motion shall be allowed and considered prior to consideration of the original substitute motion and the main motion. However, a substitute motion to the third degree shall never be permitted.

(e)(1) **Single Subject Motions.** Unless otherwise specified in these rules, a motion that recommends changes in more than one budget or appropriation bill shall not be considered by the Joint Budget Committee.

(2) This rule shall not apply to motions regarding pay plan or fringe benefits or similar matters that may appear in more than one appropriation bill.

(3) This rule shall not apply to the bill proposing the Revenue Stabilization Law, or provisions to be contained therein.

8. Alternates.

(a) First alternate members shall have a vote in matters before the Joint Budget Committee if the regular member which the first alternate represents is not in attendance.

(b) Second alternate members shall have a vote in matters before the Joint Budget Committee if the regular member and the first alternate member which the second alternate represents are not in attendance.

(c) For purposes of these rules, a member or an alternate shall be considered to be "not in attendance" when he or she is determined by the chair to not be in the committee room at the time that the motion on which action is required is made.

(d) Alternate members of the Joint Budget Committee 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 Joint Budget Committee will no longer be serving as a member of the Joint Budget Committee, his or her alternate, upon becoming a regular member, may request new subcommittee assignments.

9. Special Appearances.

(a) **Governor.** Whenever the Governor requests a special appearance before the Joint Budget Committee to address the committee, to present a budget request, or to request a change in action on a budget request, the Governor shall submit a letter to the Joint Budget Committee chairs setting forth the details thereof. Letters from the Governor shall be placed on the agenda under the heading "Letters from the Governor", in accordance with the agenda procedures in Section 5 of these rules.

(b) Other.

(1) An entity whose budget falls under the jurisdiction of the Joint Budget Committee, including without limitation state agencies, constitutional officers, and institutions of higher education, may request an opportunity to appear before the Joint Budget Committee to present a budget item. A request for special appearance before the Joint Budget Committee shall be in writing and establish the basis for the request, including supporting data.

(2) Prior to requesting a special appearance before the Joint Budget Committee, a state agency within the Executive Department shall notify the Governor of their desire to appear before the Joint Budget Committee and the matter to be presented to the committee. The Governor's response to the agency's letter shall be attached to the agency's request for special appearance before the Joint Budget Committee.

(3) A copy of each letter requesting a special appearance shall be placed on the agenda under the heading "Communications" in accordance with the agenda procedures in Section 5 of these rules.

10. Bills.

(a)(1) Appropriation bills shall be drafted in accordance with the recommendations of either the Legislative Council/Joint Budget Committee or the Joint Budget Committee as adopted during pre-session budget hearings, and shall be introduced in the General Assembly by the Joint Budget Committee without alteration or change.

(2) However for the preparation of appropriation bills for introduction in the Fiscal Session, those Agencies or Institutions appropriation bills that were amended or revised by the General Assembly in the preceding Regular Session and did not receive a recommendation by the Joint Budget Committee in Pre-Fiscal Session budget hearings shall include all additions, deletions or changes as enacted in their appropriation bills during that Regular Session.

(b) If no recommendation is made during pre-session budget hearings for an agency or institution of higher education, a separate appropriation bill may be developed and introduced by the Joint Budget Committee during the regular or fiscal session.

(c) If the Joint Budget Committee recommends "Do Pass, As Amended", the amendment developed by the Joint Budget Committee shall be attached to the bill.

11. Revenue Stabilization Law. It is the duty of the Joint Budget Committee to prepare a proposed Revenue Stabilization Law, or amendments to the existing Revenue Stabilization Law, in order to provide funding for the budget enacted by the General Assembly. The draft of the proposed Revenue Stabilization Law shall be submitted to the Joint Budget Committee and placed on the agenda at least one day prior to the meeting at which the bill will be considered.

12. Joint Budget Committee Rules.

(a) The rules of the Joint Budget Committee may be adopted by an affirmative vote of a majority of the membership of the Joint Budget Committee.

(b) The rules of the Joint Budget Committee may be amended by an affirmative vote of a majority of the membership of the Joint Budget Committee.

(c) The rules of the Joint Budget Committee may be suspended by an affirmative vote of two-thirds (2/3) of the membership of the Joint Budget Committee, or if a separate

vote is requested, an affirmative vote of two-thirds (2/3) of the membership of the House of Representatives and two-thirds (2/3) of the membership of the Senate.

(d) Unless suspended or amended, or changed by law, these rules shall continue in full force and effect as the temporary rules for the Joint Budget Committee during the future successive biennial periods until permanent rules have been adopted by the Joint Budget Committee.

13. Joint Budget Committee Subcommittees.

(a) The Joint Budget Committee shall have the following standing subcommittees with jurisdiction of the following subject matter areas, however the Joint Budget Committee may at any time choose to take action in full committee on any item normally referred to a subcommittee:

(1) **Claims Review.** To this subcommittee shall be referred all matters pertaining to claims referred from the Arkansas Claims Commission, including monetary awards for damage or injury exceeding fifteen thousand dollars (\$15,000) and claims decisions rendered by the Arkansas State Claims Commission that are appealed by either or both parties;

(2) **PEER Review.** To this subcommittee shall be referred all matters pertaining to:

(A) Agency requests for professional services contracts and consultant services contracts, which are subject to review by the Joint Budget Committee as provided in Arkansas Code § 19-11-1006;

(B) Non-discretionary grants;

(C) Various methods of finance;

(D) Miscellaneous federal grant requests;

(E) Interagency contracts;

(F) Appropriation transfers;

(G) Additional cash appropriation requests; and

(H) Other budget related requests as authorized by the General Assembly;

(3) **Personnel.** This subcommittee shall review and make recommendations regarding personnel related requests during the legislative sessions that may include reviewing and recommending new classification titles and grades, changes in the staffing levels for agencies and institutions, revisions to the Uniform Classification and Compensation Act, and Joint Budget bills, member bills, and Governor's Letters with Personnel changes;

(4) **Special Language.** This subcommittee shall make recommendations to the Joint Budget Committee on special language included in the appropriation bills for agencies, boards, commissions, and institutions of higher education. During a Regular Session, the Special Language Subcommittee receives any bills that include special language with mark-up from previous acts or new special language that was recommended by the ALC/JBC Special Language Subcommittee during the fall budget hearings. The Special Language Subcommittee also makes recommendations on proposed member amendments to special language and any member bills or Governor's Letters with new special language.

(5) **Administrative Rule and Regulation Review.** To this subcommittee shall be referred matters pertaining to:

(A) Administrative rules and regulations submitted to the Joint Budget Committee by state agencies, boards, and commissions for Joint Budget Committee review and approval, 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 Joint Budget Committee.

(b) **Other Subcommittees.** In addition to the subcommittees listed above, other subcommittees may be created by the Joint Budget Committee chairs, as needed.

(c) **Subcommittee Membership.**

(1)(A) With the exception of the Administrative Rule and Regulation Review Subcommittee, each of the subcommittees of the Joint Budget Committee shall have fourteen (14) members, seven (7) Senate members and seven (7) House of Representatives members.

(B) In addition, the Co-Chairs of the Joint Budget Committee, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall serve as ex officio members of each subcommittee of the Joint Budget Committee, with the exception of the Administrative Rule and Regulation Review Subcommittee.

(C) The Joint Budget Co-Chairs may add additional members to any subcommittee of the Joint Budget Committee during the initial selection of subcommittees for each biennium at their joint discretion.

(D) The chairs of the Personnel Subcommittee of the Legislative Council, the Review Subcommittee of the Legislative Council, the Performance Evaluation and Expenditure Review Subcommittee of the Legislative Council, and the Claims Review Subcommittee of the Legislative Council shall serve as ex officio nonvoting members of the corresponding Joint Budget Committee subcommittees. Until such time as these Legislative Council chair positions are appointed for the current General Assembly, the chairs appointed during the previous General Assembly will fill these ex officio positions.

(2) **Administrative Rule and Regulation Review Subcommittee.** In accordance with Arkansas Code § 10-3-309(e), this subcommittee shall have twenty-two (22) members, including nine (9) Senate members and nine (9) House of Representatives members. The Legislative Council Co-Chairs and Vice-Chairs shall serve as ex officio members of this subcommittee.

14. Review and Approval of State Agency Rules. In accordance with Arkansas Code § 10-3-309, the following procedures shall apply with regard to review and approval of state agency rules:

(a) As used in these rules:

(1)(A) "Rule" means a state agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice of a state agency and includes without limitation the amendment or repeal of a prior rule.

(B) "Rule does not mean:

(i) A statement that concerns the internal management of a state agency and that does not affect the private rights or procedures available to the public;

(ii) A declaratory order or ruling issued under § 25-15-206 or other provision of law applicable to the state agency issuing the declaratory order or ruling; or

(iii) Intra agency memoranda; and

(2)(A) "State agency" means an office, board, commission, department, council, bureau, or other agency of state government having authority to promulgate or enforce rules.

(B) "State agency" does not include the following:

(i) The Arkansas State Game and Fish Commission, if the rule is not promulgated under the authority of a statute enacted by the General Assembly;

(ii) The State Highway Commission and the Arkansas State Highway and Transportation Department, if the rule is not promulgated under authority of a statute enacted by the General Assembly; and

(iii) An institution of higher education.

(b) During a regular, fiscal, or extraordinary legislative session, a state agency shall file a proposed rule with the Joint Budget Committee at least thirty (30) days before the expiration of the period for public comment on the rule under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other laws or policies pertaining to the rulemaking authority of the state agency.

(c) The Joint Budget Committee shall refer all rules filed by a state agency to the Administrative Rule and Regulation Review Subcommittee.

(d) **Review and Approval of Rules by the Administrative Rule and Regulation Review Subcommittee.** The Administrative Rule and Regulation Review Subcommittee (the "Subcommittee") shall conduct its review of state agency rules as follows:

(1) **Placement of Rules on the Subcommittee Agenda.** In order to have a rule placed on an upcoming Subcommittee agenda, the following requirements must be met:

(A) The state agency shall provide the Subcommittee staff with the following information, which is in addition to the information previously required to have been submitted under section (d)(2) of this Rule:

(i) A public comment summary that includes for each comment received: the name of the commenter, if known; a summary of the comment; and a response by the agency to the comment;

(ii) A revised markup of the proposed rule that shows changes, if any, that were made subsequent to the initial rule filing with the Subcommittee; and

(iii) Any additional information requested by the Joint Budget Committee, including without limitation the state agency's responses to any questions and comments submitted to the state agency by Subcommittee staff concerning the proposed rule.

(B) The subcommittee co-chairs shall make the final determination regarding which rules will appear on the subcommittee agenda for each meeting.

(2) **Materials to be provided by a State Agency When Filing a Rule.** Upon filing of a proposed rule with the Subcommittee, the state agency shall submit the following documentation:

(A) A completed questionnaire on a form approved by the Joint Budget Committee;

(B) A financial impact statement, as required by Arkansas Code § 25-15-204, on a form approved by the Joint Budget Committee;

(C) A summary of the proposed rule; and

(D) The proposed rule and any markup to the proposed rule.

(3) **Public Comment.** When conducting its review of a state agency rule, the Subcommittee shall allow members of the public a reasonable opportunity to comment on the proposed rule.

(4)(A) **Review and Approval.** Upon conclusion of its review of the proposed rule, the Chair of the Subcommittee shall state, "Without objection, the rule is considered reviewed and approved."

(B) At this point, the rule is considered reviewed and approved, pending Joint Budget Committee final action, unless a majority of a quorum present at the Subcommittee meeting request that the Subcommittee vote on the issue of approving the rule.

(C)(i) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(ii) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or with legislative intent.

(D) If the Subcommittee votes on the issue of approving the proposed rule, the proposed rule shall be considered approved unless a majority of a quorum present vote for the rule to not be approved.

(5) **Referral of Proposed Rules.** The Subcommittee may refer a rule to a committee of the General Assembly for the committee's consideration. However, in doing so, the Subcommittee shall not delegate its authority to review and approve a rule to that committee.

(e) **Review and Approval of Rules by the Joint Budget Committee.** The Joint Budget Committee shall conduct its approval of rules reviewed and approved by the Administrative Rule and Regulation Review Subcommittee in the following manner:

(1) A proposed rule approved by the Administrative Rule and Regulation Review Subcommittee shall be considered approved by the Joint Budget Committee upon adoption by the Joint Budget Committee of the Subcommittee's report in which the rule is contained. The presiding chair of the Joint Budget Committee shall state "without objection, the report of the Administrative Rule and Regulation Review Subcommittee is adopted." If a vote is taken to adopt the report of the subcommittee (due to other items in the report that may need to be adopted), it shall only be by an affirmative vote of a majority of the members present when a quorum is present.

(2)(A) A majority of a quorum present of the Joint Budget Committee may request a vote regarding approval of a specific proposed rule contained in the report of the Subcommittee. If the Joint Budget Committee votes on the issue of approving the proposed rule, the proposed rule shall be approved unless a majority of a quorum present vote for the proposed rule to not be approved.

(B)(i) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(ii) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or with legislative intent.

15. Application of Rules to Subcommittees. The Rules of the Joint Budget Committee, as set forth herein, shall apply to the proceedings of the Subcommittees of the Joint Budget Committee and shall control over any rules adopted by a Subcommittee that may conflict with these rules.

16. Emergency Action.

(a) **State Agency or Institution Request for Emergency Action.** Whenever a matter that requires Joint Budget Committee review, approval or advice is filed with the Bureau of Legislative Research for consideration at the next regular meeting of the Joint Budget Committee, 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 Joint Budget Committee 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 institution, or that immediate action is essential to enable the agency or institution to perform essential services.

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

(1) The Co-Chairs of the Joint Budget Committee 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 Joint Budget Committee, and the co-chairs of the subcommittee to which the matter is normally presented for review; and

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

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