

RULES OF THE REVIEW SUBCOMMITTEE OF LEGISLATIVE COUNCIL

1. **Rules of the Arkansas Legislative Council.** As a standing subcommittee of the Legislative Council, the Rules of the Arkansas Legislative Council, as adopted, shall apply to the procedures of this subcommittee.

2. **Placement of Items on Subcommittee Agenda.**

(a) In order to have an item placed on an upcoming subcommittee agenda, all documentation related to the agenda item shall be submitted to subcommittee staff no later than ten (10) calendar days prior to the scheduled subcommittee meeting.

(b)(1) An item submitted less than ten (10) calendar days prior to the scheduled subcommittee meeting will be placed on a supplemental agenda and may only be considered by the subcommittee upon a vote to suspend the rules, which requires an affirmative vote of two-thirds (2/3) of a quorum. Upon passage of the motion to suspend the rules, the subcommittee may take up consideration of the agenda item.

(2) This option shall only be exercised upon a showing that there is imminent need for review or approval such that the matter cannot be delayed until the next regularly scheduled meeting of the subcommittee.

3. **Monthly Reports.**

(a) The following monthly reports of the Director of the Office of State Procurement (OSP) filed with the Legislative Council pursuant to Arkansas Code § 19-11-274 are assigned to this subcommittee:

(1) Report of executed contracts without a material change;

(2) Report of contracts procured by a state agency official under a delegation order; and

(3) Executed contracts for services that have a total initial contract amount or a total projected contract amount of at least \$25,000 but less than \$50,000 or a total projected contract amount of \$350,000.

(b)(1) A primary member of the subcommittee may request that a contract included in a report listed in subsection 3.(a) of this section be considered for discussion by the subcommittee.

(2) The primary member shall notify the subcommittee co-chairs of his or her request for discussion at the subcommittee meeting no later than one (1) business day prior to the day of the meeting of the subcommittee at which the report will appear on the subcommittee agenda.

4. **Consideration of Office of State Procurement Rules.**

(a) A rule promulgated by the OSP Director under the Arkansas Procurement Law, Arkansas Code § 19-11-201, et seq., shall not be effective until it has been submitted to and reviewed by this subcommittee and then reviewed and approved by the Administrative Rules Subcommittee and the full Legislative Council, Arkansas Code § 19-11-225(a)(2).

(b) In order to have a rule placed on an upcoming subcommittee agenda, the following requirements shall be met:

Proposed Rules for Adoption: May 16, 2023

(1) The public comment period of the rule shall have expired by the 15th of the month prior to the subcommittee meeting date at which the OSP Director would like the proposed rule to appear on the agenda; and

(2) The OSP Director shall provide the subcommittee staff with the following information, which is in addition to the information previously required to have been submitted under subsection (c) of this section:

(A) 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 OSP Director to the comment;

(B) 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

(C) Any additional information requested by the Legislative Council, including without limitation the OSP Director's responses to any questions submitted to the state agency by Bureau of Legislative Research staff concerning the proposed rule.

(c) Upon filing of a proposed rule with the subcommittee, the OSP Director shall submit the following documentation:

(1) A completed questionnaire on a form approved by the Legislative Council;

(2) A financial impact statement, as required by Arkansas Code § 25-15-204, on a form approved by the Legislative Council;

(3) A summary of the proposed rule; and

(4) The proposed rule and any markup of the proposed rule.

(d) When conducting its review of a proposed rule, the subcommittee may allow members of the public an opportunity to comment on the proposed rule.

(e)(1) When considering a rule submitted to it by the OSP Director, the subcommittee may vote to review the rule or to not review the rule.

(2) The action of the subcommittee with regard to the rule shall be promptly reported in writing to the co-chairs of the Administrative Rules Subcommittee.