

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Representative Capps
5 By: Senator Harriman

H.C.R. 1029

6
7 **HOUSE CONCURRENT RESOLUTION**

8 TO ADOPT JOINT RULES FOR THE HOUSE OF REPRESENTATIVES AND
9 THE SENATE.

10
11 **Subtitle**

12 TO ADOPT JOINT RULES FOR THE HOUSE OF
13 REPRESENTATIVES AND THE SENATE.

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16
17 NOW THEREFORE,

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST GENERAL
19 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

20
21 THAT the following are adopted as the Joint Rules for the House of
22 Representatives and the Senate of the Eight-first General Assembly:

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

26 Joint Session - How Convened
27

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

32
33 Officers of Joint Session
34

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

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

7

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

12

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

16

17 Manner of Presenting Bills, Etc.

18

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

23

24 Contents of Bills

25

26 Section 4. No Bill shall be passed by either house containing more than one
27 subject, which shall be expressed in the title. House bills shall have at
28 least one House author and Senate bills shall have at least one Senate author.
29 House bills may have Senate sponsors and Senate bills may have House
30 sponsors.

31

32 Notice of Bill Rejection

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34 Section 5. When a bill or resolution which has passed one house shall be
35 rejected by the other, notice thereof shall be given to the house in which the

1 same shall have passed.

2

3

Engrossment of Bills

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5 Section 6. After the adoption of the amendment on the floor of the House of
6 Representatives, regardless whether the bill or resolution originated in the
7 House or the Senate, the House of Representatives shall engross the bill or
8 resolution as amended. After adoption of an amendment on the floor of the
9 Senate, regardless whether the bill or resolution originated in the House or
10 the Senate, the Senate shall engross the bill or resolution as amended.

11 This rule may be waived by the Speaker of the House of Representatives or
12 President Pro Tempore of the Senate or in his absence the Chairman of Senate
13 Rules Committee.

14

15

Enrollment of Bills

16

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

19

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

25

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

29

30

Signing of Bills

31

32 Section 10. After examination and report by the committee responsible for
33 enrolling bills, each bill shall be signed by the Speaker of the House of
34 Representatives and then by the President of the Senate. Each page of a bill
35 shall be signed by the Speaker of the House of Representatives on the right

1 Section 14. No joint rules shall be dispensed with but by a concurrent vote of
2 two-thirds of each house, and if either house shall violate a joint rule, the
3 question of order may be raised in the other house, and decided in the same
4 manner as in case of a violation of the rules of such house.

5

6

Appropriation Bills

7

8 Section 15. The general appropriation bill, and all appropriation bills
9 recommended ~~to~~ pass by the Joint Budget Committee, shall be privileged bills
10 advanced upon the calendar, and take precedence over all other bills at any
11 time after the reading of the Journal. It shall be in order, by the direction
12 of the appropriate committee, to move that the House or Senate (as the case
13 may be), resolve itself into the committee of the whole house for the purpose
14 of considering the general appropriation bill, and no dilatory motion shall be
15 entertained by the presiding officer.

16

17

Deadline for the Introduction of Bills

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19 Section 16. No appropriation bill shall be filed for introduction in either
20 the House of Representatives or the Senate later than the fiftieth (50th) day
21 of a regular session except upon consent of two-thirds of the members elected
22 to each house; and, no other bill shall be filed for introduction in either
23 the House of Representatives or the Senate later than the fifty-fifth (55th)
24 day of a regular session, except upon consent of two-thirds of the members
25 elected to each house.

26

27 Method of Preparing Bills and Resolutions - Automated Bill Preparation System

28

29 Section 17. (A) No bill or resolution, as defined herein, shall be accepted
30 for introduction by clerks of the House of Representatives or of the Senate
31 unless such bill or resolution has been prepared for introduction by an
32 automated bill preparation system developed by the Bureau of Legislative
33 Research.

34

35 (1) The Bureau of Legislative Research shall establish and operate, in

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

9

10 (2) The Bureau of Legislative Research shall furnish the Chief Clerk of the
11 House of Representatives and the Secretary of the Senate tapes or disks on
12 which introduced bills and resolutions are recorded, or provide access by
13 electronic medium to the central bill files in which bills and resolutions
14 recorded in the automated bill preparation system are stored, to enable the
15 engrossing rooms of the respective houses to have ready access thereto for
16 enrollment of engrossment of amendments adopted to such bills and resolutions.

17

18 (3) As used herein:

19

20 (a) ~~resolutions~~ shall mean all resolutions prepared for introduction which
21 require the concurrence of both houses of the General Assembly for the
22 adoption thereof, and shall not include resolutions prepared for consideration
23 by only the house in which introduced;

24

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

30

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

34

35 (ii) a method of recording on tapes, disks or other automated or electronic

1 medium, each bill and resolution for ready access for retrieval and
2 engrossment purposes;

3

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

9

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

13

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

24

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

1 provided herein.

2

3 (D) If any person shall unlawfully perforate any fraudulent or counterfeit
4 copy of any bill or resolution for the purpose of intentionally inserting in
5 any bill or resolution any page or provision thereof for the purpose of
6 altering the bill or resolution as introduced, such person shall be in
7 contempt of the House and/or Senate and shall be punished accordingly, and if
8 any person shall make any alteration, change or erasure in any original copy
9 of a bill or resolution as originally introduced, except upon direction of the
10 House and/or Senate or upon direction of the appropriate committees on
11 engrossed or enrolled bills, such person shall be in contempt of the House and
12 Senate and shall be punished accordingly. In addition, such person shall be
13 subject to such fine and imprisonment as may be imposed by the laws of this
14 State for fraud.

15

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

19

20 (2) Except as provided in subsections (E) (5), (6) and (8), all bills and
21 amendments to bills shall reflect the changes proposed in the existing law by
22 (a) over striking all language of the existing law which is proposed to be
23 deleted; and (b) underlining all new language proposed to be added to the
24 existing law. At the top of the first page of the bill shall appear the
25 following language: ④Stricken language would be deleted from present law.
26 Underlined language would be added to present law.■

27

28 (3) Except as provided in subsections (E) (5), (6) and (8), all resolutions
29 proposing amendments to the Arkansas Constitution and amendments to
30 resolutions shall reflect the changes proposed in the existing constitution
31 by: (a) over striking all language of the existing constitution which is
32 proposed to be deleted; and (b) underlining all new language proposed to be
33 added to the existing constitution. At the top of the first page of the bill
34 shall appear the following language: ④Stricken language would be deleted from
35 present law. Underlined language would be added to present constitution.■

1

2 (4) Except as provided in subsections (E) (5), (6) and (8), all resolutions
3 proposing changes in the rules of the Senate or House or the joint rules of
4 the House and Senate shall reflect the changes proposed in the existing rule
5 by: (a) over striking all language of the existing rule which is proposed to
6 be deleted; and (b) underlining all new language proposed to be added to the
7 existing rule. At the top of the first page of the resolution shall appear the
8 following language: ④Stricken language would be deleted from present rule.
9 Underlined language would be added to present rule.■

10

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

14

15 (6) Markups are not required of the following: (a) appropriation sections,
16 state agencies regular salary sections, and state agencies extra help sections
17 contained within a bill if the sections do not specifically amend existing
18 law; (b) sections which allocate funds within the Revenue Stabilization Law or
19 within the General Improvement Fund Distribution Law; and (c) sections which
20 amend Arkansas Code 21-5-208(b) and 21-5-209(e).

21

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

32

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

35

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

10

11 SECTION. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in this Act
12 for Maintenance and General Operation shall be expended in payment for
13 services of attorneys, unless the agency shall first make a request in writing
14 to the Attorney General of the State of Arkansas to provide the required legal
15 services. The Attorney General's Office shall provide the required legal
16 services, or, if the Attorney General's Office shall determine that
17 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 appropriated
20 for Maintenance and General Operations therefor, if:

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

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

25 Such certification shall be required with respect to each instance of the
26 employment of special legal counsel, or shall be required annually with
27 respect to legal counsel employed on a retainer basis. A copy of such
28 certification shall be entered in the official minutes of the agency, and
29 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 therefor as provided by law. Provided, however, that institutions and agencies
35 listed herein shall have the authority to accept and use grants and donations

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

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

14

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

23

24 SECTION. CODE. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

27

28 SECTION. SEVERABILITY. If any provision of this act or the application
29 thereof to any person or circumstance is held invalid, such invalidity shall
30 not affect other provisions or applications of the act which can be given
31 effect without the invalid provision or application, and to this end the
32 provisions of this act are declared to be severable.

33

34 SECTION. GENERAL REPEALER. All laws and parts of law in conflict with this
35 act are hereby repealed.

1

2 Section 18. (a) Once a Senate bill has passed the House of Representatives and
3 returned to the Senate, it may not be subsequently amended in the Senate
4 unless the House expunges the vote by which it passed the bill and any
5 amendments to the bill and the Senate expunges the vote by which the bill was
6 passed and places the bill on second reading.

7 (b) Once a House bill has passed the Senate and has been returned to the
8 House, it may not be subsequently amended in the House unless the Senate
9 expunges the vote by which it passed the bill and any amendments to the bill
10 and the House expunges the vote by which the bill was passed and places the
11 bill on second reading.

12

13

Submission of Bills to Governor

14

15 Section 19. Whenever any Senate bill shall be approved by the House of
16 Representatives and enrolled by the Senate, the Secretary of the Senate or one
17 of his authorized agents shall without delay, deliver the same to the Governor
18 or his designated representative and take receipt thereof, which receipt shall
19 be returned to the Senate and entered in the Journal. Whenever any House bill
20 shall be approved by the Senate and enrolled by the House, the Chief Clerk of
21 the House or one of his authorized agents shall, without delay, deliver the
22 same to the Governor or his designated representative and take receipt
23 thereof, which receipt shall be returned to the House and entered in the
24 Journal. In the event the Governor, or his designated representative, shall
25 refuse to accept delivery of any such bill, the Secretary of the Senate, or
26 the Chief Clerk of the House, or their designated agents, as the case may be,
27 shall forthwith serve the same by handing the bill to either the Governor or
28 to any employee of the Governor's office, and shall return a certificate to
29 the Senate or the House as the case may be, of the date and time of such
30 delivery and of the name of the person to whom delivered and such certificate
31 shall be entered in the Journal of the Senate or the Journal of the House, as
32 the case may be, and shall constitute proof of delivery of said bill to the
33 Governor in determining the period of time in which the Governor has to sign
34 the same or return it to the House or the Senate with his veto as provided in
35 the Constitution of the State of Arkansas.

1

2

Joint Committee on Constitutional Amendments

3

4 Section 20. The Joint Committee on Constitutional Amendments shall consist of
5 the members of the Senate Committee on State Agencies and Governmental Affairs
6 and the members of the House Committee on State Agencies and Governmental
7 Affairs. No proposed constitutional amendment shall be recommended to either
8 house of the General Assembly except upon the affirmative vote of a majority
9 of the members of the Senate Committee on State Agencies and Governmental
10 Affairs and an affirmative vote of a majority of the members of the House
11 Committee on State Agencies and Governmental Affairs. No resolution proposing
12 a constitutional amendment shall be filed in either the House of
13 Representatives or the Senate after the thirty-first (31st) day of each
14 regular session of the General Assembly. All resolutions proposing
15 constitutional amendments shall be referred to the Joint Committee on State
16 Agencies and Governmental Affairs and said Joint Committee shall report its
17 recommendations of not more than three (3) proposed constitutional amendments
18 to the House and Senate not later than the fifty-fifth (55th) day of the
19 regular session. Other resolutions proposing constitutional amendments shall
20 not be reported to or considered by either house of the General Assembly until
21 the original recommendations of the Joint Committee on State Agencies and
22 Governmental Affairs are disposed of by both Houses.

23

24

Joint Meetings of Senate and House Committees

25

26 Section 21. The Class ~~A~~, ~~B~~ and ~~C~~ Committees of the Senate and the
27 standing committees of the House of Representatives are authorized to hold
28 joint meetings upon call of the Chairman of the two committees involved or by
29 one-half (1/2) or more of the members of both committees involved.

30 Correction of Obvious Errors

31

32 Section 22. The Secretary of the Senate and the Chief Clerk of the House are
33 authorized, subject to approval by the appropriate designated committee, to
34 correct obvious errors occurring in documents originating in the House and the
35 Senate respectively, provided that each such correction is noted on the bill

1 jacket and is documented by a ~~correction note~~ at the end of the official
2 daily journal for the date on which the correction was made.

3

4 Assigning Bill and Resolution Numbers

5

6 Section 23. In assigning numbers to bills and resolutions introduced in the
7 Senate and House of Representatives, Senate bills and resolutions shall be
8 numbered commencing with the figure 1, and House bills and resolutions shall
9 be assigned numbers commencing with the figure 1001.

10

11 Prefiling of Bills and Resolutions

12

13 Section 24. Beginning on November 15 of each year preceding a regular session
14 of the General Assembly, each holdover member of the Senate who will be
15 serving at the next following regular session of the General Assembly, and
16 each member-elect of the General Assembly, as soon as the members-elect of the
17 next General Assembly are certified to the Secretary of State, shall be
18 permitted to pre-file bills and resolutions for such regular session with the
19 Chief Clerk of the House and the Secretary of the Senate. (Act 64 of 1987 and
20 Act 203 of 1991.)

21

22 Introduction of Health Care Legislation

23

24 Section 25. (a) Except as provided in subsection (b), no action may be taken
25 in committee or on the floor of either house on any bill that provides for
26 licensure of any profession, occupation or class of health care providers not
27 currently licensed or expands the scope of practice of any profession,
28 occupation or class of health care providers unless the Joint Interim
29 Committee on Public Health, Welfare and Labor, at least three (3) months prior
30 to convening of the next legislative session has initiated a study of the
31 feasibility of such legislation and reported its findings to the General
32 Assembly.

33

34 (b) A bill provided for licensure of any profession, occupation or class of
35 health care providers not currently licensed or expanding the scope of

1 practice of any profession, occupation or class of health care providers may
2 be acted upon without the initiation of a feasibility study required in
3 subsection (a) upon a two-thirds vote of the Senate Public Health, Welfare and
4 Labor Committee membership if the bill is a Senate bill or upon a two-thirds
5 vote of the House Public Health, Welfare and Labor Committee membership if the
6 bill is a House bill.

7

8

Succession to the Powers of Governor

9

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

14

15 (b) Neither the President Pro Tempore of the Senate nor the Speaker of the
16 House shall exercise the powers of the Governor unless he succeeds to the
17 powers of the Governor because of a vacancy in both the office of Governor and
18 Lt. Governor, the disability of both officers, or a vacancy in one office and
19 the disability of the other officer.

20

21 (c) (1) For the purpose of this section a disability shall be considered to
22 exist only if:

23

24 (A) The Governor or Lt. Governor transmits to the President Pro Tempore of the
25 Senate and the Speaker of the House of Representatives his written declaration
26 that he is unable to discharge the powers and duties of his office; or

27

28 (B) A Majority of the constitutional officers of the Executive Department of
29 this State transmit to the President Pro Tempore of the Senate and the Speaker
30 of the House of Representatives their written declaration that the Governor or
31 Lt. Governor is unable to discharge the powers and duties of his office.

32

33 (2) A disability shall cease upon the officer transmitting to the President
34 Pro Tempore of the Senate and the Speaker of the House of Representatives his
35 written declaration that no disability exists.

1

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

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