

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

As Engrossed: S2/1/11

SCR 4

4
5 By: Senator Whitaker
6 By: Representative Ingram

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8 **SENATE 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 SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE
21 STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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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 disorderly
8 behavior in the presence of the meeting may be punished by the house of which
9 he or she is a member, in the same manner as if the offense had been
10 committed in the presence of that house.

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

14

15 Manner of Presenting Bills, Etc.

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

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21 Contents of Bills

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

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30 Notice of Bill Rejection

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

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35 Engrossment of Bills

36 Section 6. After adoption of an amendment on the floor of the Senate,

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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11 Enrollment of Bills

12 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.

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

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

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Signing of Bills

25 Section 10. After examination and report by the committee responsible
26 for enrolling bills, each bill shall be signed by the Speaker of the House of
27 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 Section 11. When the Secretary of the Senate or Chief Clerk of the
2 House, or either of the assistants, shall wait upon the other house, notice
3 thereof shall be given to the President or Speaker of the House by the
4 Sergeant at Arms, or Assistant Sergeant at Arms, who shall declare the same,
5 and a copy of the message to be laid on the table of the clerk or secretary.
6

7 Bills Passed by the Other House

8 Section 12. Tuesday and Friday of each week are hereby set apart in
9 each house for the special and exclusive consideration of bills and
10 resolutions, which may have been passed by the other house, and the
11 consideration of such bills and resolutions shall take precedence over all
12 the other business on these days immediately after the expiration of one (1)
13 hour after the house shall be called to order by the presiding officer;
14 provided, that the reading of the Journal shall be completed in any event.
15

16 Conference Committee

17 Section 13. When either body shall request a conference, and appoint a
18 committee for that purpose, the other body shall also appoint a committee of
19 equal number to confer, and such conference shall be held at any time and
20 place agreed upon by the Chairpersons.
21

22 Suspension of Joint Rules

23 Section 14. No joint rules shall be dispensed with but by a concurrent
24 vote of two-thirds (2/3) of each house, and if either house shall violate a
25 joint rule, the question of order may be raised in the other house, and
26 decided in the same manner as in case of a violation of the rules of such
27 house.
28

29 Appropriation Bills

30 Section 15. The general appropriation bill, and all appropriation
31 bills recommended "do pass" by the Joint Budget Committee, shall be
32 privileged bills advanced upon the calendar, and take precedence over all
33 other bills at any time after the reading of the Journal. It shall be in
34 order, by the direction of the appropriate committee, to move that the House
35 or Senate (as the case may be) resolve itself into the committee of the whole
36 house for the purpose of considering the general appropriation bill, and no

1 dilatory motion shall be entertained by the presiding officer.

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Deadline for the Introduction of Bills

4 Section 16. (A) No appropriation bill shall be filed for introduction
5 in either the House of Representatives or the Senate later than the fiftieth
6 (50th) day of a regular session except upon consent of two-thirds (2/3) of
7 the members elected to each house; and, no other bill shall be filed for
8 introduction in either the House of Representatives or the Senate later than
9 the fifty-fifth (55th) day of a regular session, except upon consent of two-
10 thirds (2/3) of the members elected to each house. When the filing deadline
11 for any bills or resolutions ends on Saturday or Sunday, the deadline is
12 hereby extended until the close of business the following Monday.

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

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

21 (D) A bill affecting any publicly supported retirement system or
22 systems shall not be introduced or considered at any special session of the
23 General Assembly unless the introduction and consideration of the bill is
24 first approved by a three-fourths (3/4) vote of the full membership of each
25 house of the General Assembly. (Arkansas Code § 10-2-115)

26 (E) If the General Assembly recesses for longer than three (3)
27 consecutive days during the first fifteen (15) days of a regular session, the
28 fifteen-day introduction deadline shall be extended for a time period equal
29 to the recess.

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Introduction of Health Care Legislation

32 Section 17. (A) Any proposed legislation affecting the licensure of
33 any profession, occupation, or class of health care providers not currently
34 licensed, or expanding the scope of practice of any profession, occupation,
35 or class of health care providers to be considered by the General Assembly at
36 a regular biennial session shall be introduced in the General Assembly during

1 the first fifteen (15) calendar days of a regular biennial session.

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

6 (C) The Senate and the House, and committees of the Senate and House,
7 shall take no action on any such bill for an additional fifteen (15) calendar
8 days after the fifteen (15) calendar day deadline for introduction of such
9 bills has passed.

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Method of Preparing Bills

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and Resolutions - Automated Bill Preparation System

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Section 18. (A) No bill or resolution, as defined herein, shall be
14 accepted for introduction by clerks of the Senate or of the House of
15 Representatives unless such bill or resolution has been prepared for
16 introduction by an automated bill preparation system developed by the Bureau
17 of Legislative Research.

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

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

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(3) As used herein:

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(a) "resolutions" shall mean all resolutions prepared for
introduction which require the concurrence of both houses of the General

1 Assembly for the adoption thereof, and shall include resolutions prepared for
2 consideration by only the house in which introduced;

3 (b) "automated bill preparation system" shall mean an
4 automated system using word processors, computers, or other electronic
5 devices for the typing and preparation of bills and resolutions (as defined
6 herein) for introduction by members of the General Assembly in either the
7 Senate or the House of Representatives, and shall include the following
8 features:

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

12 (ii) a method of electronically recording the
13 contents of each bill and resolution for ready access for retrieval and
14 engrossment purposes;

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

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

23 (B) All bills and resolutions introduced in the House and Senate shall
24 be prepared on 8 1/2 x 11 inch paper. A computer generated original and
25 eight (8) copies of the bill or resolution, or a photocopy of an original
26 computer generated copy with eight (8) additional copies thereof, shall be
27 prepared for introduction. The original computer generated copy shall be
28 placed in the manuscript cover provided for the official copy of bills or
29 resolutions and a photocopy of the computer generated original shall be
30 placed in the manuscript cover provided for the duplicate copy, with the
31 eight (8) copies thereof to be attached thereto in such manner as may be
32 prescribed by the respective houses. In addition, eight (8) copies of the
33 caption on each bill or resolution shall be prepared and attached thereto at
34 the time of introduction.

35 (C) Upon the introduction of each bill and resolution, the appropriate
36 clerks of the respective houses shall cause the original signed copy thereof

1 (which is contained in the official bill or resolution manuscript cover) to
2 be identified as the official copy by perforation or stamping on the left
3 margin of each page thereof the words "HOUSE ORIGINAL" to be placed on each
4 official original copy of House bills and resolutions, and the words "SENATE
5 ORIGINAL" to be placed on the left margin of each official original copy of
6 Senate bills and resolutions. Whenever any bill or resolution is amended,
7 the engrossed page or pages thereof shall be perforated in the same manner as
8 the original introduced copy. Only the original signed copy of a bill or
9 resolution and engrossed pages thereof shall be perforated or stamped as
10 provided herein.

11 (D) If any person shall unlawfully perforate any fraudulent or
12 counterfeit copy of any bill or resolution for the purpose of intentionally
13 inserting in any bill or resolution any page or provision thereof for the
14 purpose of altering the bill or resolution as introduced, such person shall
15 be in contempt of the House or Senate, or both House and Senate, and shall be
16 punished accordingly. If any person shall make any alteration, change or
17 erasure in any original copy of a bill or resolution as originally
18 introduced, except upon direction of the House or Senate, or both House and
19 Senate, or upon direction of the appropriate committees on engrossed or
20 enrolled bills, such person shall be in contempt of the House or Senate, or
21 both of them and shall be punished accordingly. In addition, such person
22 shall be subject to such fine and imprisonment as may be imposed by the laws
23 of this State for fraud.

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

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

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

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

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

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

7 (b) underlining all new language proposed to be added to
8 the existing Constitution. At the top of the first page of the bill shall
9 appear language substantially similar to the following: "Stricken language
10 would be deleted from the present Constitution. Underlined language would be
11 added to present Constitution."

12 (4) Except as provided in subsections (E)(5), (6) and (8), all
13 resolutions proposing changes in the rules of the Senate or House or the
14 joint rules of the Senate and House shall reflect the changes proposed in the
15 existing rule by:

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

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

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

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

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

30 (b) sections which allocate funds within the Revenue
31 Stabilization Law or within the General Improvement Fund Distribution Law;
32 and

33 (c) sections which amend Arkansas Code §§ 21-5-208(b) and
34 21-5-209(e).

35 (7) It shall be the duty of the Chairman of the Joint Budget
36 Committee to have a schedule prepared which reflects the amounts approved by

1 the Joint Budget Committee for each category for each fund within the Revenue
2 Stabilization Law to provide funding for the biennial budget enacted by the
3 General Assembly and a schedule reflecting the proposed distribution of
4 General Improvement funds. The schedule reflecting the allocation of funds
5 in the Revenue Stabilization Law and the General Improvement Fund
6 Distribution Law for the next biennium shall be submitted to each body of the
7 Arkansas General Assembly at least three (3) days prior to the day at which
8 the same is to be considered for final passage.

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

11
12 "SECTION. COMPLIANCE WITH OTHER LAWS. Disbursement of
13 funds authorized by this Act shall be limited to the appropriation for such
14 agency and funds made available by law for the support of such
15 appropriations; and the restrictions of the State Purchasing Law, the General
16 Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the
17 Regular Salary Procedures and Restrictions Act, the Higher Education
18 Expenditure Restrictions Act, where applicable, and regulations promulgated
19 by the Department of Finance and Administration, as authorized by law, shall
20 be strictly complied with in disbursement of said funds.

21
22 SECTION. EMPLOYMENT OF ATTORNEYS. None of the funds
23 appropriated in this Act for Maintenance and General Operation shall be
24 expended in payment for services of attorneys, unless the agency shall first
25 make a request in writing to the Attorney General of the State of Arkansas to
26 provide the required legal services. The Attorney General's Office shall
27 provide the required legal services, or, if the Attorney General's Office
28 shall determine that sufficient personnel are not available to provide the
29 requested legal services, the Attorney General shall certify the same to the
30 agency and may authorize the agency to employ legal counsel and to expend
31 monies appropriated for Maintenance and General Operations thereof, if:

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

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

1 Such certification shall be required with respect to each
2 instance of the employment of special legal counsel, or shall be required
3 annually with respect to legal counsel employed on a retainer basis. A copy
4 of such certification shall be entered in the official minutes of the agency,
5 and shall be retained in the fiscal records of the agency for audit purposes.
6

7 SECTION. DISBURSEMENT CONTROLS. (A) No contract may be
8 awarded nor obligations otherwise incurred in relation to the project or
9 projects described herein in excess of the State Treasury funds actually
10 available therefor as provided by law. Provided, however, that institutions
11 and agencies listed herein shall have the authority to accept and use grants
12 and donations including Federal funds, and to use its unobligated cash income
13 or funds, or both available to it, for the purpose of supplementing the State
14 Treasury funds for financing the entire costs of the project or projects
15 enumerated herein. Provided further, that the appropriations and funds
16 otherwise provided by the General Assembly for Maintenance and General
17 Operations of the agency or institutions receiving appropriation herein shall
18 be not be used for any of the purposes as appropriated in this Act.

19 (B) The restrictions of any applicable provisions of
20 the State Purchasing Law, the General Accounting and Budgetary Procedures
21 Law, the Revenue Stabilization Law and any other applicable fiscal control
22 laws of this State and regulations promulgated by the Department of Finance
23 and Administration, as authorized by law, shall be strictly complied with in
24 disbursement of any funds provided by this Act unless specifically provided
25 otherwise by law.
26

27 SECTION. LEGISLATIVE INTENT. It is the intent of the
28 General Assembly that any funds disbursed under the authority of the
29 appropriations contained in this Act shall be in compliance with the stated
30 reasons for which this Act was adopted, as evidenced by the Agency Requests,
31 Executive Recommendations and Legislative Recommendations contained in the
32 budget manuals prepared by the Department of Finance and Administration,
33 letters, or summarized oral testimony in the official minutes of the Arkansas
34 Legislative Council or Joint Budget Committee which relate to its passage and
35 adoption.
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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 each regular session of the General Assembly. All resolutions proposing constitutional amendments shall be referred to the Joint Committee on Constitutional Amendments. Other resolutions proposing constitutional amendments shall not be reported to or considered by either house of the General Assembly until the original recommendations of the Joint Committee on Constitutional Amendments are disposed of by both Houses.

Joint Meetings of Senate and House Committees

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

Correction of Obvious Errors

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

Assigning Bill and Resolution Numbers

Section 24. In assigning numbers to bills and resolutions introduced in the Senate and House of Representatives, Senate bills and resolutions

1 shall be numbered commencing with the figure 1, and House bills and
2 resolutions shall be assigned numbers commencing with the figure 1001.

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4 Prefiling of Bills and Resolutions

5 Section 25. Beginning on November 15th of each year preceding a
6 regular session of the General Assembly, each holdover member of the Senate
7 who will be serving at the next following regular session of the General
8 Assembly, and each member-elect of the General Assembly, as soon as the
9 members-elect of the next General Assembly are certified to the Secretary of
10 State, shall be permitted to prefile bills and resolutions for such regular
11 session with the Chief Clerk of the House and the Secretary of the Senate.
12 (Arkansas Code § 10-2-112)

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 Speaker of
20 the House shall exercise the powers of the Governor unless he or she succeeds
21 to the powers of the Governor because of a vacancy in both the office of
22 Governor and Lieutenant Governor, the disability of both officers, or a
23 vacancy in one office and the disability of the other officer.

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

26 (a) The Governor or Lieutenant Governor transmits to the
27 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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/s/Whitaker

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