

PARLIAMENTARY MANUAL OF THE SENATE

Ninety-Fifth General Assembly



State of Arkansas

Official Copy

PARLIAMENTARY MANUAL OF THE SENATE

Ninety-Fifth General Assembly

COMMITTEE ON RULES

Senator Breanne Davis, *Chairman*

Senator Greg Leding, *Vice-Chairman*

MEMBERS

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Senator Jimmy Hickey, Jr.	Senator Matt Stone
Senator Bart Hester	Senator Missy Irvin
Senator David Wallace	Senator Jonathan Dismang

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JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

JOINT SESSION - HOW CONVENED

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

OFFICERS OF JOINT SESSION

Sec. 2 When the meeting is assembled, the President of the Senate and Speaker of the House shall preside in conjunction, and the meeting shall be governed by such standing rules as shall have been adopted for that purpose by the concurrence of both houses. They shall have power to punish any person, other than a member, for disorderly or contemptuous behavior in their presence, by fine and imprisonment, in the same manner and to the same extent as either house may do, for like conduct before it, by the Constitution and laws of this state.

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

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

MANNER OF PRESENTING BILLS, ETC.

Sec. 3 All bills, resolutions, votes and amendments by either house, to which the concurrence of both is necessary, as well as messages, shall be presented to the other by the

Clerk or Secretary of the house from which they are sent or by the assistant secretary or assistant clerk.

CONTENTS OF BILLS

Sec. 4 No bill or resolution shall be passed by either house containing more than one subject, which shall be expressed in the title. House bills and resolutions shall have at least one House sponsor, and Senate bills and resolutions shall have at least one Senate sponsor. House bills, House concurrent resolutions, and House joint resolutions may have Senate sponsors, and Senate bills, Senate concurrent resolutions, and Senate joint resolutions may have House sponsors.

NOTICE OF BILL REJECTION

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

ENGROSSMENT OF BILLS

Sec. 6 After adoption of an amendment on the floor of the Senate, regardless whether the bill or resolution originated in the House or the Senate, the Senate shall engross the bill or resolution as amended. After the adoption of the amendment on the floor of the House of Representatives, regardless whether the bill or resolution originated in the House or the Senate, the House of Representatives shall engross the bill or resolution as amended. This rule may be waived by the President Pro Tempore of the Senate or in his or her absence the Chairman of Senate Rules Committee, or the Speaker of the House of Representatives.

ENROLLMENT OF BILLS

- Sec. 7** When a bill shall have passed both houses, it shall be enrolled by the enrolling clerk of the house in which it originated.
- Sec. 8** All bills must be enrolled and reported to each house by the committee designated by each house to supervise the enrolling of bills, within three (3) days after their passage; provided, that if the reconsideration of any bill is moved, in either house, previous to its presentation to the Governor, the committee shall hold the same until action is taken upon such motion.
- Sec. 9** No bill, resolution, or memorial shall be sent to the Governor for his or her approval, unless the same shall have been clearly and fairly enrolled without obliteration or interlineation.

SIGNING OF BILLS

- Sec. 10** After examination and report by the committee responsible 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 shall be signed by the Speaker of the House of Representatives on the right margin, and shall be signed by the President of the Senate on the left margin of each page. The Speaker of the House of Representatives and the President of the Senate shall manually sign each page of each bill, or may provide, at their option and under their supervision, for the affixing thereto of their facsimile signature.

CONFERENCE COMMITTEE

- Sec. 11** When either body shall request a conference, and appoint a committee for that purpose, the other body shall also appoint a committee of equal number to confer, and such conference shall be held at any time and place agreed upon by the Chairpersons.

SUSPENSION OF JOINT RULES

Sec. 12 No joint rules shall be dispensed with but by a concurrent vote of two-thirds (2/3) of each house, and if either house shall violate a joint rule, the question of order may be raised in the other house, and decided in the same manner as in case of a violation of the rules of such house.

APPROPRIATION BILLS

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

DEADLINE FOR THE INTRODUCTION OF BILLS

Sec. 14 (A) Appropriation Bills. An “appropriation bill” means a bill by the General Assembly that authorizes the expenditure of moneys if moneys are available.

- (1) No appropriation bill shall be filed for introduction in either the House of Representatives or the Senate later than the fiftieth (50th) day of a regular session except upon consent of two-thirds (2/3) of the members elected to each house. When the filing deadline for any bills or resolutions ends on Saturday or Sunday, the deadline is hereby extended until the close of business the following Monday.
- (2) No appropriation bill shall be filed for introduction in either the House of Representatives or the Senate later than the fifteenth (15th) day of a

fiscal session except upon consent of two-thirds (2/3) of the members elected to each house.

(B) Retirement System Legislation.

- (1) Any proposed legislation affecting any publicly supported retirement system or pension plan to be considered by the General Assembly at a regular session shall be introduced in the General Assembly during the first fifteen (15) calendar days of a regular session.
- (2) No such bill shall be introduced after the fifteenth (15th) day of a regular session unless its introduction is first approved by a three-fourths (3/4) vote of the full membership of each house of the General Assembly.
- (3) A bill affecting any publicly supported retirement system or systems shall not be introduced at any special session of the General Assembly unless the introduction and consideration of the bill is first approved by a three-fourths (3/4) vote of the full membership of each house of the General Assembly.

(C) Non-appropriation Legislation During a Fiscal Session.

- (1) For a fiscal session, a non-appropriation bill shall not be filed for introduction until identical resolutions authorizing the introduction of the non-appropriation bill have been approved by an affirmative vote of two-thirds (2/3) of the members elected to each house.
- (2) The identical resolutions authorizing the introduction of a non-appropriation bill in a fiscal session shall not be filed for introduction in either the House of Representatives or the

Senate later than the first (1st) day of a fiscal session.

- (3) A non-appropriation bill shall not be filed for introduction in either the House of Representatives or the Senate later than the fifteenth (15th) day of a fiscal session.

(D) Non-procedural Resolutions During a Special Session.

- (1) As used in this subsection (D), “non-procedural resolution” means a resolution unrelated to the procedures followed by the House of Representatives or the Senate or both during a legislative session.
- (2) A non-procedural resolution shall not be introduced at any special session of the General Assembly in either chamber.

(E) State and Public School Life and Health Insurance Program Legislation.

- (1) A bill affecting the State and Public School Life and Health Insurance Program or that imposes a new or increased cost obligation on the State and Public School Life and Health Insurance Program to be considered by the General Assembly at a regular session shall be introduced in the General Assembly during the first fifteen (15) calendar days of a regular session.
- (2) A bill as described in subsection (E)(1) shall not be introduced after the fifteenth day of a regular session unless the introduction of the bill is first approved by a three-fourths (3/4) vote of the full membership of each house of the General Assembly.

(3) A bill affecting the State and Public School Life and Health Insurance Program or that imposes a new or increased cost obligation on the State and Public School Life and Health Insurance Program shall not be introduced or considered at a fiscal session or a special session of the General Assembly unless the introduction and consideration of the bill is first approved by a two-thirds (2/3) vote of the full membership of each house of the General Assembly.

(F) Lottery-Funded Scholarship Legislation.

(1) The following proposed legislation to be considered by the General Assembly at a regular session shall be introduced in the General Assembly during the first thirty-one (31) calendar days of a regular session:

(a) A bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable; and

(b) A bill that affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable.

(2) (a) A bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be introduced after the thirty-first day of a regular session unless its introduction is first approved by a three-fourths (3/4) vote of the full membership of each chamber of the General Assembly.

- (b) If the General Assembly recesses for longer than three (3) consecutive days during the first thirty-one (31) days of a regular session, the deadline imposed under this section shall be extended for a time period equal to the recess.
- (3) A bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be introduced or considered at a special session or fiscal session of the General Assembly unless the introduction or consideration of the bill is first approved by a two-thirds (2/3) vote of the full membership of each chamber of the General Assembly.
- (G) When the filing deadline for any bills or resolutions ends on Saturday or Sunday, the deadline is extended until the close of business the following Monday.
- (H) If the General Assembly recesses for longer than three (3) consecutive days during the first fifteen (15) days of a regular session, the fifteen-day introduction deadlines established in this section shall be extended for a time period equal to the recess.

INTRODUCTION OF HEALTHCARE LEGISLATION

Sec. 15 (A) Any proposed legislation affecting the licensure of any profession, occupation, or class of healthcare providers not currently licensed, or expanding the scope of practice of any profession, occupation, or class of healthcare providers to be considered by the General Assembly at a regular biennial session shall be introduced

in the General Assembly during the first fifteen (15) calendar days of a regular biennial session.

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

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

**METHOD OF PREPARING BILLS AND RESOLUTIONS -
AUTOMATED BILL PREPARATION SYSTEM**

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

(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.

(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.

(3) As used herein:

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

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

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

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

- (iii) security features to protect the automated bill preparation files from access by unauthorized persons, and to maintain the integrity and confidentiality of drafts of bills and resolutions prepared by the Bureau of Legislative Research for members of the General Assembly which have not been filed for introduction; and
- (iv) such other features as deemed to be necessary and advisable by the Bureau of Legislative Research after consulting with the appropriate officials of the House of Representatives and the Senate.

(B) All bills and resolutions introduced in the House and Senate shall be prepared on 8 1/2 x 11 inch paper. The number of copies of bills and resolutions to be prepared for introduction shall be specified by the Secretary of the Senate and the Chief Clerk of the House of Representatives. One (1) copy shall be placed in the manuscript cover provided for the official copy of bills or resolutions and one (1) copy shall be placed in the manuscript cover provided for the duplicate copy, with any additional copies attached thereto in the manner prescribed by the respective houses. In addition, copies of the caption on each bill or resolution shall be prepared and attached thereto at the time of introduction.

(C) Upon the introduction of each bill and resolution, the appropriate clerks of the respective houses shall cause the original signed copy thereof (which is contained in the official bill or resolution manuscript cover) to be identified as the official copy by perforation or stamping on the left margin of each page thereof the words "HOUSE ORIGINAL" to be placed on each official original copy of House bills

and resolutions, and the words "SENATE ORIGINAL" to be placed on the left margin of each official original copy of Senate bills and resolutions. Whenever any bill or resolution is amended, the engrossed page or pages thereof shall be perforated in the same manner as the original introduced copy. Only the original signed copy of a bill or resolution and engrossed pages thereof shall be perforated or stamped as provided herein.

- (D) If any person shall unlawfully perforate any fraudulent or counterfeit copy of any bill or resolution for the purpose of intentionally inserting in any bill or resolution any page or provision thereof for the purpose of altering the bill or resolution as introduced, such person shall be in contempt of the House or Senate, or both House and Senate, and shall be punished accordingly. If any person shall make any alteration, change or erasure in any original copy of a bill or resolution as originally introduced, except upon direction of the House or Senate, or both House and Senate, or upon direction of the appropriate committees on engrossed or enrolled bills, such person shall be in contempt of the House or Senate, or both of them and shall be punished accordingly. In addition, such person shall be subject to such fine and imprisonment as may be imposed by the laws of this State for fraud.
- (E) (1) Only bills and amendments to bills which meet the requirements of this subsection (E) may be introduced into the Senate or the House of Representatives.
- (2) Except as provided in subsections (E) (5), (6) and (8), all bills and amendments to bills shall reflect the changes proposed in the existing law by:
 - (a) over striking all language of the existing law which is proposed to be deleted; and

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

following: “Stricken language would be deleted from present rule. Underlined language would be added to present rule.”

- (5) This subsection (E) may be waived by the President Pro Tempore of the Senate or in his or her absence, the Chairman of the Senate Rules Committee, or the Speaker of the House of Representatives.
- (6) Markups are not required of the following:
 - (a) appropriation sections, state agencies regular salary sections, and state agencies extra help sections contained within a bill if the sections do not specifically amend existing law;
 - (b) sections which allocate funds within the Revenue Stabilization Law or within the General Improvement Fund Distribution Law;
 - (c) sections which amend Arkansas Code §§ 21-5-208(b) and 21-5-209(e); and
 - (d) (i) sections repealing, amending, reenacting or creating a title of the Arkansas Code in conjunction with a recodification of the title.
 - (ii) Subdivision (E)(6)(d)(i) of this section does not require the inclusion of the following in a bill:
 - (A) An existing appendix of a title of the Arkansas Code in a bill when recodifying that title of the Arkansas Code if the appendix is not being amended, repealed, or reenacted; or

- (B) Portions of a title of the Arkansas Code subject to recodification that are not being amended, repealed, or reenacted.
- (7) It shall be the duty of the Chairman of the Joint Budget Committee to have a schedule prepared which reflects the amounts approved by the Joint Budget Committee for each category for each fund within the Revenue Stabilization Law to provide funding for the budget enacted by the General Assembly and a schedule reflecting the proposed distribution of General Improvement funds. The schedule reflecting the allocation of funds in the Revenue Stabilization Law for the next fiscal year shall be submitted during a regular session or fiscal session to each body of the Arkansas General Assembly at least three (3) calendar days prior to the day at which the same is to be considered for final passage. The schedule reflecting the allocation of funds in the General Improvement Fund Distribution Law for the next biennium shall be submitted during a regular session to each body of the Arkansas General Assembly at least three (3) calendar days prior to the day at which the same is to be considered for final passage.
- (8) Markups are not required on sections that are substantially the same as the following boiler-plate sections:

SECTION. COMPLIANCE WITH OTHER LAWS.

Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, the Higher Education

Expenditure Restrictions Act, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION. EMPLOYMENT OF ATTORNEYS.

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

- (1) The Attorney General determines, and certifies in writing, that such agency needs the advice or assistance of legal counsel, and
- (2) The Attorney General consents in writing to the employment of the legal counsel to be retained by the agency.

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

SECTION. DISBURSEMENT CONTROLS.

- (A) No contract may be awarded nor obligations otherwise incurred in relation to the project or projects described herein in excess of the State

Treasury funds actually available therefore as provided by law. Provided, however, that institutions and agencies listed herein shall have the authority to accept and use grants and donations including Federal funds, and to use its unobligated cash income or funds, or both available to it, for the purpose of supplementing the State Treasury funds for financing the entire costs of the project or projects enumerated herein. Provided further, that the appropriations and funds otherwise provided by the General Assembly for Maintenance and General Operations of the agency or institutions receiving appropriation herein shall not be used for any of the purposes as appropriated in this Act.

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

SECTION. LEGISLATIVE INTENT.

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

Sec. 17 (A) Once a senate bill has passed the House of Representatives and returned to the Senate, it may not be

subsequently amended in the Senate unless the House expunges the vote by which it passed the bill and any amendments to the bill and the Senate expunges the vote by which the bill was passed and places the bill on second reading.

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

SUBMISSION OF BILLS TO GOVERNOR

Sec. 18 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 or her veto as provided in the Constitution of the State of Arkansas.

CONSTITUTIONAL AMENDMENTS

Sec. 19 (A) (1) The Senate may, according to its rules, recommend one (1) proposed constitutional amendment for consideration and vote by the House of Representatives and the Senate.

(2) If the Senate-proposed constitutional amendment does not receive an affirmative vote of the majority of the House of Representatives, the Senate may, according to its rules, recommend additional proposed constitutional amendments to the House of Representatives one (1) at a time until the House of Representatives affirms by a majority vote the Senate-proposed constitutional amendment.

(B) (1) The House of Representatives may, according to its rules, recommend one (1) proposed constitutional amendment for consideration and vote by the House of Representatives and the Senate.

(2) If the House of Representatives-proposed constitutional amendment does not receive an affirmative vote of the majority of the Senate, the House of Representatives may, according to its rules, recommend additional proposed constitutional amendments to the Senate one (1) at a time until the Senate affirms by a majority vote the House of Representatives-proposed constitutional amendment.

(C) A third (3rd) proposed constitutional amendment shall not be considered or voted upon by the General Assembly until identical resolutions authorizing the

consideration of the proposed constitutional amendment have been approved by an affirmative vote of two-thirds (2/3) of the members elected to each house.

- (D) A resolution proposing a constitutional amendment shall not 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.
- (E) A resolution proposing a constitutional amendment shall be considered only during a regular session.

JOINT MEETINGS OF SENATE AND HOUSE COMMITTEES

Sec. 20 The standing and select Committees of the Senate and the House of Representatives are authorized to hold joint meetings upon the 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

Sec. 21 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

Sec. 22 In assigning numbers to bills and resolutions introduced in the Senate and House of Representatives, Senate bills and resolutions shall be numbered commencing with the figure 1, and House bills and resolutions shall be assigned numbers commencing with the figure 1001.

PRE-FILLING OF BILLS AND RESOLUTIONS

Sec. 23 (A) Beginning on November 15th of each year preceding a regular session of the General Assembly, each holdover member of the Senate who will be serving at the next following regular session of the General Assembly, and each member-elect of the General Assembly, as soon as the members-elect of the next General Assembly are certified to the Secretary of State, shall be permitted to prefile bills and resolutions for such regular session with the Chief Clerk of the House and the Secretary of the Senate.

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

(2) A non-appropriation bill may not be pre-filed prior to a fiscal session due to the requirements of Article 5, § 5 of the Constitution of Arkansas.

INTERIM COMMITTEE MEETINGS

Sec. 24 (A) Interim Committees shall not meet beginning January 1 immediately prior to a regular legislative session, without the prior approval of:

(1) The current Speaker of the House of Representatives and the current President Pro Tempore of the Senate for joint interim committees;

(2) The current Speaker of the House of Representatives for interim committees of the House of Representatives; or

- (3) The current President Pro Tempore of the Senate for interim committees of the Senate.
- (B) (1) Interim committees, including the Legislative Council and Legislative Joint Auditing Committee and their respective subcommittees, shall not schedule a meeting at the same time as a regularly scheduled pre-session Arkansas Legislative Council /Joint Budget Committee or Joint Budget Committee budget hearing meeting, unless the pre-session budget hearing meeting was scheduled with less than one week's notice and prior authorization for the conflicting interim committee meeting is granted by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.
- (2) (a) For purposes of this rule, "regularly scheduled pre-session budget hearing meetings" means those pre-session budget hearings that are held prior to the regular or fiscal session for the purpose of recommending agency appropriation bills for the following regular or fiscal session.
- (b) "Regularly scheduled pre-session budget hearing meetings" does not include meetings of the subcommittees of the Arkansas Legislative Council/Joint Budget Committee or the Joint Budget Committee.
- (C) Interim committees and their respective subcommittees, including legislative task forces, councils, or other statutorily created legislative bodies, shall not schedule a meeting during the week of a regularly scheduled meeting of the Legislative Council, unless prior authorization for the conflicting interim committee meeting is granted by the President Pro Tempore of the Senate, for a Senate committee or subcommittee, the Speaker of the House of Representatives for a House committee or subcommittee, or both the Speaker of the House of

Representatives and the President Pro Tempore of the Senate for a joint committee or task force.

- (D) Interim committees and their respective subcommittees, including legislative task forces, councils, and other statutorily created legislative bodies, may meet and transact their normal business during a recess of the General Assembly that is in excess of thirty (30) calendar days.

**PROCEDURAL REQUIREMENTS FOR CREATING OR AMENDING
LOTTERY-FUNDED SCHOLARSHIPS**

Sec. 25 (A) Lottery fiscal impact statements.

- (1) Any bill filed with the Senate or the House of Representatives that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall:
 - (a) (i) Have a lottery fiscal impact statement attached to it that is substantially in the form set forth in Arkansas Code § 6-85-502.
 - (ii) A bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be taken up by the House Committee on Education and the Senate Committee on Education,

meeting jointly, until a lottery fiscal impact statement is attached; and

- (b) Not take effect until at least one (1) year immediately following the year in which the scholarship was enacted.
- (2) The lottery fiscal impact of a bill that creates a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affects an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall be determined in the manner set forth in Arkansas Code § 6-85-502.
- (3) In addition to the information required under subdivision (A)(2) of this section, the final lottery fiscal impact statement regarding the scholarship that is the subject of the bill shall include and be calculated as required under Arkansas Code § 6-85-502.
- (4) (a) (i) If the final lottery fiscal impact statement results in a positive number, the House Committee on Education and the Senate Committee on Education, meeting jointly during a regular session, special session, or fiscal session, may refer a bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or amending an existing scholarship funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, to either chamber of the General Assembly for consideration.
 - (ii) The referral of a bill under subdivision (A)(4)(a)(i) of this section shall

require approval by a separate vote of House Committee on Education members and Senate Committee on Education members, meeting jointly during a regular session, special session, or fiscal session.

- (b) If the final lottery fiscal impact results in a negative number, the House Committee on Education and the Senate Committee on Education, meeting jointly during a regular session, special session, or fiscal session, shall not refer the bill to either chamber of the General Assembly for consideration unless:
 - (i) The bill is amended to ensure the final lottery fiscal impact results in a positive number; or
 - (ii) Additional funding is provided through the General Revenue Fund Account.

(B) Consideration of bills.

- (1) The House Committee on Education and the Senate Committee on Education shall meet jointly during a regular session, special session, or fiscal session to consider any bill:
 - (a) Creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account; or
 - (b) Affecting an existing scholarship that is funded with net proceeds from the state lottery or the Higher Education Grants Fund Account.

- (2) A bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, shall not be recommended to either chamber of the General Assembly except upon an affirmative vote or a majority of the members of the following, meeting jointly during a regular session, special session, or fiscal session:
 - (a) House Committee on Education; and
 - (b) Senate Committee on Education.
- (3) A lottery fiscal impact statement prepared for a bill as required under Arkansas Code § 6-85-502 shall be amended each time the House Committee on Education and the Senate Committee on Education recommends to either chamber of the General Assembly a bill creating a new scholarship to be funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, or affecting an existing scholarship funded with net proceeds from the state lottery or the Higher Education Grants Fund Account, as applicable, in order to account for the updated lottery fiscal impact, if any, the bill that proposes a new scholarship or amends an existing scholarship will have.

**FISCAL IMPACT STATEMENTS – STATE AND PUBLIC SCHOOL
LIFE AND HEALTH INSURANCE PROGRAM BILLS**

Sec. 26 (A) For purposes of this section, “fiscal impact statement” means a realistic written statement of the purpose of a proposed law and the estimated financial cost to the State

and Public School Life and Health Insurance Program of implementing or complying with the proposed law.

(B) (1) A bill filed in the House of Representatives or the Senate that will impose a new or increased cost obligation on the State and Public School Life and Health Insurance Program shall:

- (a) Have a fiscal impact statement attached to the bill prepared and filed with the chair of the committee to which the bill is referred; and
- (b) Not be taken up by the committee to which the bill is referred until a fiscal impact statement is provided to the chair of the committee.

(2) A fiscal impact statement required by this section shall be prepared by an actuary under contract with the Bureau of Legislative Research for this purpose.

(C) (1) (a) If a House bill or Senate bill is called up for final passage in the House of Representatives or the Senate and a fiscal impact statement has not been provided by the sponsor of the bill or by the committee to which the bill was referred, a member of the House of Representatives or the Senate may object to the bill's being called up for final passage until a fiscal impact statement is prepared and made available on the desk of each member of the House of Representatives or the Senate at least one (1) day before the bill is called up for final passage.

- (b) An affirmative vote of two-thirds (2/3) of a quorum present and voting shall override the objection.

- (2) If an objection is made without override, the presiding officer of the House of Representatives or the Senate shall cause the bill to be referred to an actuary for the preparation of a fiscal impact statement, which shall be filed with the presiding officer not later than five (5) days from the date of the request.

- (D) A fiscal impact statement required by this section shall be prepared by an actuary under contract with the Bureau of Legislative Research for this purpose within the guidelines adopted by the House Committee on Insurance and Commerce and the Senate Committee on Insurance and Commerce.

RULES OF THE SENATE

RULE 1 — THE PRESIDENT

- 1.1 *Duties.* The duties of the President of the Senate shall be to:
- (a) Take the Chair on every legislative day precisely at the hour at which the Senate shall have adjourned to at the last sitting. The President shall immediately call the members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read;
 - (b) Preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared;
 - (c) Sign all bills, addresses and resolutions that are delivered to the governor's office;
 - (d) Decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the Senate, and may, as Presiding Officer, open and close the debate on questions of appeal;
 - (e) Declare the vote required for the adoption of each bill. Constitutionality is a judicial question;
 - (f) State the question to the Senate before each vote is taken, and if a voice vote is taken and if in doubt of the outcome, or a division is called, the Senate shall divide;
 - (g) Abstain from voting except in case of a tie vote.
- 1.2 *Temporary Appointment.* The President shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond adjournment; provided, however, that in case of the absence of the President Pro Tempore, the President may make such

appointment for a period not exceeding ten (10) days, with the approval of the Senate at the time the same is made.

RULE 2 — THE PRESIDENT PRO TEMPORE

- 2.1 *Selection.* At the beginning of every regular session of the General Assembly, the Senate shall elect from its members an officer to be styled “President Pro Tempore” of the Senate, who shall perform all the duties of the President of the Senate during the President’s absence, except as otherwise provided in these rules. At the beginning of each regular session, the President Pro Tempore shall appoint four (4) Assistant President Pro Tempores, one from each of the current Congressional Districts. At least three (3) of the Assistant President Pro Tempores shall be members of the majority party. The President Pro Tempore shall designate one of the four Assistant President Pro Tempores to perform all the duties of the President Pro Tempore during the President Pro Tempore’s absence.
- 2.2 *Term Limit.* The President Pro Tempore shall not serve more than one term in the office nor shall the President Pro Tempore be Chairman of any Class “A”, Class “B” or Class “C” Committee nor of the Joint Budget Committee.
- 2.3 *Business Meetings.* The President Pro Tempore shall have the authority to convene the members of the Senate between sessions for the purpose of addressing any matter that affects the business of the full Senate.

RULE 3 — THE SECRETARY OF THE SENATE

- 3.1 *Duties.* The Secretary of the Senate shall have the following duties:
 - (a) The Secretary of the Senate shall attest and affix the Seal of the Senate to all writs, warrants, and subpoenas issued by order of the Senate;

- (b) The Secretary of the Senate shall certify to the passage of all bills and joint resolutions;
- (c) The Secretary of the Senate, or designee, shall make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor, for the Senate in pursuance of law or on order of the Senate;
- (d) The Secretary of the Senate shall keep full and accurate records and accounts of all disbursements of funds of the Senate;
- (e) The Secretary of the Senate shall furnish the members with stationery, postage, and other supplies as may be authorized by the Senate, upon direction of the Efficiency Committee;
- (f) The Secretary of the Senate shall keep a register of all bills introduced in the Senate or transmitted for concurrence from the Senate, and which shall be recorded, under appropriate heading, the progress of all such bills from the date of their introduction to the time of their transmission, as Senate bills, to the Governor, and if House bills, their return to the House.

3.2 *Journal.* The Secretary of the Senate shall have the Journal of the Senate recorded in a well-bound book to be kept for that purpose, and each day's proceedings shall be signed by the President, attested by the Secretary, and at the close of the session filed in the Office of the Secretary of State. The Journal, as the same is transcribed into a record book, shall be carefully compared and revised by the appropriate committee appointed for that purpose. The Secretary shall enter in the Journal the hour at which the Senate convenes and adjourns each day the Senate is in session. The finished and official Journal of the Senate shall be entered by the Senate into the General Assembly's website.

- 3.3 *Delivery to Governor.* Whenever any Senate bill shall be approved by the House and enrolled by the Senate, the Secretary of the Senate shall, without delay, deliver the same to the Governor or the Governor's designated representative. In the event the Governor or the Governor's designated representative shall refuse to accept delivery of any such bill, the Secretary of the Senate shall proceed to serve the bill upon the Governor's office in the manner provided in the Joint Rules of the Senate and House of Representatives, and shall enter the record thereof in the Journal in the manner provided in the Joint Rules, and the same shall constitute proof of delivery of said bill to the Governor determining the period of time in which the Governor has to sign the same or veto the bill, as provided in the Arkansas Constitution.
- 3.4 *Assistant Secretary of the Senate.* In the absence of The Secretary of the Senate, the Assistant Secretary shall sign all papers that require the official signature of the Secretary of the Senate and do all other acts except such as are provided by statute that may be required under the rules and practices of the Senate to be done by the Secretary of the Senate. Such official acts, when so done by the Assistant Secretary, shall be under the name of the Secretary of the Senate.

RULE 4 — THE SERGEANT AT ARMS

- 4.1 *Duties.* At the beginning of every regular session of the General Assembly, the Senate shall select Sergeant at Arms, whose duties shall be to:
- (a) Attend the Senate during its sessions and to maintain order under the direction of the officers of the Senate;
 - (b) Execute the commands of the Senate and all processes issued by authority of the officers of the Senate;

- (c) Have charge of the Senate during the sessions and see that the same is kept in order and at all times ready for Senate use;
- (d) Strictly enforce the rules relating to the privileges of the Senate Chamber and Chamber corridors and be responsible to the Senate for the official conduct of assistant sergeants;
- (e) Allow no person to enter the Senate Chamber and Chamber corridors when the Senate is in session; and fifteen (15) minutes before the hour of the session of the Senate each day, see that the floor is cleared of all persons except those privileged to remain, and keep it that way until (15) minutes have expired after recess or adjournment has been announced by the Presiding Officer.
- (f) Prohibit the distribution of advertising matter within the Senate.

RULE 5 — THE CHAPLAIN

- 5.1 *Selection.* The Chaplain shall be selected daily by the President Pro Tempore or the President Pro Tempore's designee and shall attend the commencement of that day's session of the Senate and open the same with prayer.

RULE 6 — DUTIES OF THE MEMBERS

- 6.1 *Attendance.* Each member of the Senate shall attend the Senate when in session, unless excused or necessarily prevented.
- 6.2 *Compelling Attendance.* In the absence of a quorum, five (5) members shall be appointed by the President Pro Tempore to compel the attendance of absent members. In all calls of the Senate, the doors shall be closed, the names of the members shall be called by the Secretary of the

Senate, and the absentees noted. Those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for by members to be appointed by the President Pro Tempore for that purpose and their attendance secured and retained. The Senate shall determine upon what conditions they may be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the Senate Chamber, and they shall report the names to the Secretary of the Senate to be entered upon the Journal as present. At any time after the roll call has been completed, the Presiding Officer may entertain a motion to adjourn. If the Senate adjourns, all proceedings under this section shall be vacated.

- 6.3 *Leave to be Absent.* In all cases where an absent member shall be sent for, if the Senator fails to attend in obedience to the summons, the report of the messenger shall be entered upon the Journal. No member of the Senate shall be absent from the service of the Senate unless the member is granted leave, or is unable to attend.
- 6.4 *Quorum.* A quorum is necessary before business can be transacted, except adjournment and call of the Senate.

RULE 7 — COMMITTEES OF THE SENATE

- 7.1 *Overview.* The Committees of the Senate shall consist of:
- (a) Four (4) Standing Class “A” Committees shall be as follows:
- (1) Public Health, Welfare and Labor.
 - (2) Judiciary.
 - (3) Education.
 - (4) Revenue and Taxation.
- (b) Four (4) Standing Class “B” Committees shall be as follows:
- (1) State Agencies and Governmental Affairs.
 - (2) Insurance and Commerce.
 - (3) Agriculture, Forestry and Economic Development.

(4) City, County and Local Affairs.

(c) One (1) Standing Class “C” Committee shall be as follows:

(1) Public Transportation, Technology and Legislative Affairs.

(d) Six (6) Joint Committees.

(e) Two (2) Select Committees.

7.2 *Membership.* Membership of the Senate Committees shall be determined in the following manner:

(a) Prior to each regular session, all members shall assemble for an organizational meeting to select committee assignments.

(b) The most senior member of the Senate shall select first and shall choose either a Class “A”, Class “B” or Class “C” Committee. The next senior member shall then choose a position on either a Class “A”, Class “B” or Class “C” Committee. The seniority rotation procedure shall continue, without regard to party affiliation, until the member with the least seniority makes a selection. After the member with the least seniority makes a selection, the most senior member shall select a second Class “A”, Class “B” or Class “C” Committee. The seniority rotation procedure shall continue until the member with the least seniority selects a second Class “A”, Class “B” or Class “C” Committee. The Standing Committees shall be composed of at least six (6) members of the majority party. The minority party shall have no more than two (2) members on any Standing Committee. When the least senior member selects a second Class “A”, Class “B” or Class “C” Committee, the President Pro Tempore shall appoint two (2) members to serve on any Class “A”, Class “B” or Class “C” Committee that does not have eight (8) Senate members. Only a member of the majority party

may serve as a Chairman or a Vice-Chairman of a Class "A", Class "B" or Class "C" Committee.

- (c) No member may serve on committees of the same class. After all the positions on the Class "A", Class "B" and Class "C" Committees have been filled, members shall have the authority to trade with other members, positions on Class "A", Class "B" and Class "C" Committees, that were not previously selected. All trades shall be in compliance with Senate Rules. All trades must be completed by the close of business on organizational day. Any trade shall be approved by each member's party caucus leader and the newly elected President Pro Tempore. Chairmanships and Vice-Chairmanships shall not be eligible for trades.
- (d) All Class "A", Class "B" and Class "C" Committees of the Senate shall be deemed vacant and no Senator presently serving on such committees shall be considered a holdover member. The term "holdover" shall mean a Senator who served during the preceding legislative session.
- (e) After the Class "A", Class "B" and Class "C" Committees have been chosen, the members shall select a Joint and Select Committee. The most senior member of the Senate shall select first and shall choose a position on one (1) Joint Committee or one (1) Select Committee. For purposes of selecting membership on Joint and Select Committees, Senators, who by virtue of their seniority within their congressional district will be members of the Joint Budget Committee, shall be eligible to choose an additional Joint or Select Committee during the Senate committee selection process.
- (f) The next senior member shall then choose a position on one (1) Joint Committee or one (1) Select Committee. The seniority rotation procedure shall continue, without regard to party affiliation, until the

member with the least seniority makes a selection. Only a member of the majority party may serve as the Chairman of a Senate Joint Committee. Only a member of the majority may serve as the Chairman of a Senate Select Committee.

- (g) The process shall continue, if necessary, with the most senior member selecting again and shall continue until all Joint and Select Committees are filled.

7.3 *Subject Matter Jurisdiction.* The following subject areas shall be within the jurisdiction of each of the respective Class “A”, Class “B” and Class “C” Committees of the Senate:

- (a) COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR – matters pertaining to public health, mental health, intellectual disability, public welfare, human relations and resources, the aged and problems of the aged, environmental affairs, water and air pollution, labor and labor relations and similar legislation;
- (b) COMMITTEE ON REVENUE AND TAXATION – matters pertaining to the levy, increase, reduction, collection, enforcement and administration of taxes and other revenue-producing measures;
- (c) COMMITTEE ON EDUCATION – matters pertaining to public kindergarten, elementary, secondary, and adult education, vocational education, vocational-technical schools, vocational rehabilitation, higher education, private educational institutions, and similar legislation;
- (d) COMMITTEE ON JUDICIARY – matters pertaining to State and local courts, court clerks and stenographers and other employees of the courts, civil and criminal procedures, probate matters, civil and criminal laws, and similar matters;

- (e) COMMITTEE ON AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT – matters pertaining to agriculture, livestock, forestry, industrial development, natural resources, oil and gas, publicity and parks, levees and drainage, rivers and harbors, and similar legislation. The committee shall also have jurisdiction over matters pertaining to Amendment 98 of the Arkansas Constitution.
- (f) COMMITTEE ON INSURANCE AND COMMERCE – matters pertaining to banks and banking, savings and loan associations, stocks, bonds, and other securities, securities dealers, insurance, public utilities, partnerships and corporations, home mortgage financing and housing, and similar legislation;
- (g) COMMITTEE ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS – matters pertaining to State government and State Agencies, except where the subject matter relates more appropriately to another committee, proposed amendments to the Constitution of the State of Arkansas or the Federal government, election laws and procedures, Federal and Interstate relations, and similar legislation. The committee shall also have the responsibility of monitoring and making recommendations for periodic updating, modernizing, and revising the Code of Ethics for public officials;
- (h) COMMITTEE ON CITY, COUNTY AND LOCAL AFFAIRS – matters pertaining to city and municipal affairs, county affairs, local improvement districts, interlocal governmental cooperation, and similar legislation. The committee shall also have jurisdiction over matters pertaining to alcoholic beverages, tobacco products and firearms;
- (i) COMMITTEE ON PUBLIC TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS – matters pertaining to roads, highway safety, airports and air transportation, common carriers, mass transits and similar legislation.

Matters pertaining to science, technology, biotechnology and similar legislation, and other matters whenever the subject matter is not germane to the subject matter of any other Class “A” or Class “B” Committee. The committee shall serve as the supervisory committee over the preparation of the Journal and the engrossing and enrolling of bills. The committee shall have no jurisdiction of matters affecting the interpretation of the Rules of the Senate, but such jurisdiction shall be exercised by the Senate Rules Committee.

- 7.4 *Composition.* Class “A”, Class “B” and Class “C” Committees of the Senate shall be composed of eight (8) members.
- 7.5 *Vacancies.* All vacancies on Class “A”, Class “B” and Class “C” Committees of the Senate shall be filled by the President Pro Tempore on the basis of seniority or as provided by law or by other Rules of the Senate. In the temporary absence of the Chairman and the Vice-Chairman, the member next in rank and seniority shall act as Chairman. In case of a permanent vacancy in the Chairmanship or Vice-Chairmanship of any committee, the President Pro Tempore shall appoint another Chairman or Vice-Chairman.
- 7.6 *Special Election.* A person elected to fill a vacant Senate seat brought about because of the death, resignation or expulsion of a Senate member shall assume the Senate Committees of the Senator who is being replacing. The person elected at a special election shall not assume the Chairmanship or Vice-Chairmanship of the outgoing Senator and shall be the least senior member on the assumed committees. The term “Senate Committee” are those committees defined by Senate Rules 7.1, 7.13, and 7.15, but shall not include the Joint Budget Committee. The person or persons elected to fill a vacant Senate seat in a special election shall have seniority over the next group of newly elected incoming Senators at the Senate organizational

meeting. If more than one person is elected to fill a vacant Senate seat in a special election, those individuals will draw by lot for seniority.

- 7.7 *Legislative Council and Joint Auditing Committee.* Prior to each regular session, all members shall assemble for an organizational meeting and at that time the Senate shall select sixteen (16) members of the Senate to serve on the Legislative Council and the Joint Auditing Committee, with four (4) members to be chosen from each of the four (4) current congressional districts by caucus of the members of the Senate residing in the respective congressional districts. Each caucus shall at the time of selecting regular members of the Legislative Council and Joint Auditing Committee, also select a first alternate member. After the four congressional district caucuses have selected the sixteen (16) members to serve on the Legislative Council and the sixteen (16) members to serve on the Joint Auditing Committee, the members of the Legislative Council and the members of the Joint Auditing Committee shall separately meet and, from amongst the membership of each committee, select a Senate Chairman and Vice-Chairman for the Legislative Council and the Joint Auditing Committee. Only a member of the majority party may serve as the Chairman of the Legislative Council. Only a member of the majority party may serve as the Chairman of the Joint Auditing Committee. The terms of the Senate members and Senate alternate members of the Legislative Council and Joint Auditing Committee shall begin on January 1 of each odd numbered year and end on December 31 of each even numbered year. If a vacancy occurs on Legislative Council or the Joint Auditing Committee, the vacant member's position shall be filled by that member's first alternate.
- 7.8 *Joint Budget Committee.* Prior to each regular session, all members shall assemble for an organizational meeting and at that time the Senate members of the Joint Budget Committee shall be selected as follows: Six (6) members residing from each of the four (4) current congressional districts, based on seniority within the Senate; provided, that

Senate members who are designated as members of the Joint Budget Committee pursuant to Arkansas Code § 10-3-502(a)(1)(A)(i)-(iv) shall not be considered for selection as one of the six members so selected. If the immediate past Senate Co-Chair of the Legislative Council continues to serve as Senate Co-Chair, the President Pro Tempore of the Senate shall appoint a member in the stead of the immediate past Senate Co-Chair position. If the immediate past Senate Co-Chair of the Legislative Joint Auditing Committee continues to serve as Senate Co-Chair, the President Pro Tempore of the Senate shall appoint a member in the stead of the immediate past Senate Co-Chair position. One (1) Senate alternate member shall be selected from each congressional district. The terms of the Senate members and Senate alternate members of the Joint Budget Committee shall begin on January 1 of each odd numbered year and end on December 31 of each even numbered year. If a vacancy occurs on the Joint Budget Committee, the vacant member's position shall be filled by the alternate member from the vacant Senator's congressional district. The alternate position shall then be filled by the next most senior Senator from that congressional district. The Chairman and Vice-Chairman of the Senate Joint Budget Committee shall be selected by the members of the Senate Joint Budget Committee. Only a member of the majority party may serve as the Chairman of the Senate Joint Budget Committee.

- 7.9 *Joint Meetings of Committees.* The appropriate subject-matter Committees of the Senate are authorized and encouraged to meet with the appropriate parallel committees of the House as joint committees, as authorized in the Joint Rules of the Senate and House of Representatives, for the purpose of holding public hearings or considering any proposed or pending legislation, but upon conclusion of the joint meeting of said committees, each committee shall take such action and report to their respective houses as determined by said committees. Whenever the appropriate subject matter committees of the House and Senate shall hold joint hearings or meetings, the Chairman of the Senate committee and the Chairman of the

House committee shall, by agreement, determine which of them shall preside at the joint meeting.

- 7.10 *Special Meetings of Committees.* Special meetings of a committee may be called by the Chairman of the committee or by a majority of the members of the committee for conducting any business of the committee; provided, a special meeting of the committee may not conflict with regularly-scheduled meetings of the committee; provided further, special meetings shall be subject to the same procedures requiring the publication of agendas and notices of meetings that apply to regular committee meetings.
- 7.11 *Public Hearing.* All meetings and hearings of committees and their subcommittees, at which public testimony is to be taken, shall be open to the public. No bill or resolution introduced and referred to a committee may be considered by a committee until at least one intervening day occurs between the day of referral and the day the committee meets to conduct business. In case of an emergency, a two-thirds (2/3) majority of the committee shall be allowed to bring bills up for consideration at any time.
- 7.12 *Scheduling.* Each Class “A”, Class “B” and Class “C” Committee shall meet at a scheduled time, which shall be determined by the Committee’s Chairman or by a majority of the Committee’s members.
- 7.13 *Joint Committees.* The joint committees of the Senate shall consist of:
- (a) The Joint Budget Committee which shall be composed of twenty-eight (28) Senators;
 - (b) The Joint Committee on Public Employee Retirement and Social Security Programs which shall be composed of ten (10) Senators;
 - (c) The Joint Committee on Energy which shall be composed of ten (10) Senators;
 - (d) The Joint Performance Review Committee which shall be composed of ten (10) Senators;

- (e) The Joint Legislative Facilities Committee which shall be composed of seven (7) Senators; and
- (f) The Senate Interim Committee on Children and Youth which shall be composed of ten (10) Senators.

7.14 *Joint Meetings.* Meetings of joint committees of the Senate and the House shall be scheduled, insofar as is possible, at times that do not conflict with regularly scheduled meetings of the Class "A", Class "B" and Class "C" Committees of the Senate and the Standing Committees of the House.

7.15 *Select Committees.* The following committees shall be Select Committees of the Senate:

- (a) Rules Committee. The Rules Committee shall consist of ten (10) members, and all proposed action touching the Senate Rules, Joint Rules, and order of business shall be referred to the Committee on Rules.
 - (1) It shall always be in order to call up for consideration a report from the Committee on Rules.
 - (2) The Committee on Rules shall present to the Senate its recommendations concerning rules, Joint Rules and order of business on or before the third day of each regular session of the General Assembly.
 - (3) The Committee on Rules shall perform such other duties as may be provided in the Rules of the Senate or as may be directed by the Senate.
 - (4) Any ruling made by the Chair may be appealed to the Rules Committee by any member of the Senate.
- (b) Efficiency Committee. The Efficiency Committee shall consist of ten (10) members.
 - (1) The Efficiency Committee shall perform the following duties:

- (A) Have charge of the chambers and property of the Senate and of the maintenance, repair, and upkeep thereof;
- (B) The selection, qualifications and compensation of Senate employees, with the approval of the Senate;
- (C) Shall assign and designate the usage of offices of Senators by seniority and request. Rooms 301 to 307 and 314-C shall be third floor offices designated for Senators. The President Pro Tempore of the Senate shall be permanently assigned Room 301 and shall hold this office until the term of election expires. When the President Pro Tempore's term expires, the outgoing President Pro Tempore shall exit Room 301 and shall have the right to select any office that is vacant on the third floor. If no office is vacant, the outgoing President Pro Tempore shall have the option to select an office presently held by the most junior Senator on the third floor who has less seniority than the outgoing President Pro Tempore. The Efficiency Committee shall assign and designate the usage of other facilities of the Senate.
- (D) Chairman of the Efficiency Committee or the Chairman's designee shall approve all purchases of the Senate;
- (E) All disbursement of funds appropriated for the Senate, with vouchers thereof to be approved by the Chairman of the Efficiency Committee or the Chairman's designee;
- (F) Shall perform all other duties for the efficient administration of the Senate; and

- (G) Shall control admission to the floor of the Senate.
- (2) Policies of the Efficiency Committee:

- (A) Access to Chamber Corridors and Offices – While the Senate is in session, no person shall have access to the East or West corridors adjacent to the Senate Chamber, offices of any employee who has an office on the third floor of the Senate, or a Senator’s third floor office.

However, access to a Senator’s office or an employee’s office or the corridors on the third floor shall be permitted when a person has specific permission from a Senator or Senate employee. Such permission, however, shall not permit the invitee to loiter after the invitee’s business has been completed.

- (B) Use of Senate Office Equipment – All persons shall be prohibited from using Senate office equipment such as, but not limited to, telephones, copiers, fax machines, and computers unless they have first received specific permission or authorization from a Senator or permanent Senate staff member.

7.16 *Select Committee Meetings.* Select Committees of the Senate may meet as business requires, and shall be open to all members of the Senate. Meetings of Select Committees during a regular or special session of the Legislature shall be announced to the entire Senate. All members of the Senate shall be given at least three (3) days’ notice in advance of any meeting of a Select Committee which is held in the interim. Said notice shall include an agenda of the business to come before the Select Committee, and after the Committee meets, the minutes of the meeting shall be furnished to all members of the Senate.

7.17 *Select Committee Membership.* No member shall be eligible to serve on more than one (1) Select Committee.

7.18 *Committee Procedures.* The following procedures shall apply to Committees of the Senate.

(a) *Seniority.* Whenever the rules refer to the selection, appointment, or ranking of Senators on the basis of seniority, or whenever the Senate shall take any action to be based on seniority of Senators, the term “seniority” shall mean continuous, uninterrupted senatorial service of the Senator, and in case of Senators having equal continuous seniority, priority between such Senators shall be determined on the basis of previous senatorial service, and if not determinable in this manner, then by lot.

(b) *Chairman and Vice-Chairman.* A member shall not be Chairman of more than one (1) of the following committees: Class “A”, Class “B” and Class “C” Committees, Select Committees, the Joint Committee on Public Retirement and Social Security Programs, the Joint Committee on Energy, the Joint Legislative Facilities Committee, the Joint Performance Review Committee, the Senate Interim Committee on Children and Youth, and the Joint Budget Committee. A member shall not be Vice-Chairman of more than one (1) of the following committees: Class “A”, Class “B” and Class “C” Committees, Select Committees, the Joint Committee on Public Retirement and Social Security Programs, the Joint Committee on Energy, the Joint Legislative Facilities Committee, the Joint Performance Review Committee, the Senate Interim Committee on Children and Youth, and the Joint Budget Committee.

(1) A member shall not be a Chairman and Vice-Chairman of the following committees: Class “A”, Class “B” and Class “C” Committees, Select Committees, the Joint Committee on Public

Retirement and Social Security Programs, the Joint Committee on Energy, the Joint Legislative Facilities Committee, the Joint Performance Review Committee, and the Senate Interim Committee on Children and Youth.

- (2) No Class “A”, Class “B” and Class “C” Committee or Select Committee shall be composed of Senators who are all Chairmen of other Senate Committees. Provided, if a Joint Committee is composed of members who are all Chairman and or Vice-Chairman of other Senate Committees, the members of that respective Joint Committee are hereby authorized to select from the Committee membership a Senator who shall serve as Chairman.
- (c) Seating of Members. Members of the Senate shall choose seats in the Chamber and offices on the basis of seniority. The Secretary of the Senate shall furnish each member with the appropriate keys. Returning members may retain their same seats in the Chamber and their offices.
- (d) Bills May Not be Divided. A bill or joint resolution may not be divided for reference to committee, although it may contain matters properly within the jurisdiction of several committees.
- (e) Election Contests. If an unsuccessful candidate for a Senate seat (hereafter “petitioner”) wishes to contest the election of an individual to serve in the Senate (hereafter “respondent”), the petitioner shall submit a petition to the Secretary of the Senate requesting that the Senate conduct an election contest.
 - (1) Upon receipt of the petition, the Secretary of the Senate shall make copies available to the President Pro Tempore, the President Pro Tempore designate and the Chairman of the State

Agencies and Governmental Affairs Committee. The above individuals shall review the petition with the assistance of appropriate legal counsel.

- (2) The petition submitted to the Senate shall detail in specificity the fraud or irregularities that existed in the Senate election in which the petitioner is contesting. A petition which alleges fraud or irregularities in general terms shall be rejected.
 - (3) If a decision is made that the petition is in order and the allegations of fraud or irregularities in the contested election should be heard by the Senate, the Committee on State Agencies and Governmental Affairs shall conduct a Senate election contest on behalf of the Senate under Article 5, Section 11 of the Arkansas Constitution. (The judicial branch of state government is without jurisdiction of election contests involving seats in the General Assembly. (*Pendergrass v. Sheid*, 241 Ark. 908.)). The Committee on State Agencies and Governmental Affairs has the authority under Article 5, Section 12 of the Arkansas Constitution to adopt any procedure deemed necessary to conduct an election contest hearing, and shall report its finding to the full Senate.
- (f) Seating of Member-Elect. When applicable, the Senate shall ask a member-elect to stand aside and remain seated when the oath of office is given collectively to other members-elect if such member-elect is a respondent in a Senate election contest. However, if a member-elect is given the oath of office and has been seated as a member of the Senate, it shall not prejudice a subsequent Senate election contest.
 - (g) Retirement Bills. Bills which pertain to a publicly funded state retirement system shall be considered at a specified time and day of the week as determined by the President Pro Tempore. Bills to be considered that

day shall be placed on a special retirement bill calendar and considered in the Committee of the Whole. The retirement calendar of bills shall be placed on every Senator's desk twenty four (24) hours before consideration.

- (1) The Senate shall not consider any bill that pertains to publicly funded state retirement systems unless the bill contains an attached summary and impact statement from the respective retirement system to which the bill pertains. This requirement shall not apply to Joint Budget Bills.
- (h) Scope of Practice – Licensure Bills. No action may be taken in the Senate Committee on Public Health, Welfare and Labor or on the floor of the Senate on any bill that provides for licensure of any profession, occupation or class of health care providers not currently licensed or expands the scope of practice of any profession, occupation, or class of health care providers unless the Senate Committee on Public Health, Welfare and Labor has initiated a study of the feasibility of such legislation at least thirty (30) days prior to convening the next legislative session.
- (1) A bill providing for the licensure of any profession, occupation, or class of health care providers not currently licensed or expanding the scope of any practice of any profession, occupation, or class of healthcare providers may be acted upon without the initiation of a feasibility study upon a two-thirds (2/3) vote of the Senate Public Health, Welfare and Labor Committee membership.
- (i) Vote Required for Committee Action. All action by Class "A", Class "B" and Class "C" Committees, Joint Committees and Select Committees shall be by a majority vote of the members of the Committee, unless otherwise provided by law. No action may be taken in

any Class “A”, Class “B” Class “C” or Select Committee until a motion and a second has been recognized by the respective Committee Chairman, Vice-Chairman or Chairman designee.

- (j) Meeting Conflict. No committee shall sit during the sitting of the Senate without special leave, except the Committee on Rules and such committee shall notify the Senate.
- (k) Committee Reports – Contents. Each committee report shall include the number and title of the bill or resolution, with one of the following three recommendations: “Do Pass,” “Do Pass, as Amended,” or “Do Not Pass,” which shall be recorded in the Journal.
 - (1) In addition to the aforementioned committee report, which shall be attached to the bill or resolution, the committee staff shall keep records of:
 - (A) how every member voted on each bill when action is taken by the committee, if a roll call vote is taken. A roll call vote shall be taken if requested by any committee member. Votes on motions to postpone consideration of the bill, and a recorded vote on any other motion, shall be tallied if requested by a committee member; and
 - (B) a list of all people testifying before the committee on each bill, the interest they represent, and an indication of their position on the bill.
 - (2) Such staff notes shall be available to the members of records of committee action, but shall not be filed with the Secretary of the Senate unless instructed by the Committee.

- (3) Any bill or resolution may be signed out of a committee with the appropriate recommendation with the signatures of at least a majority of members of the committee on the committee report form. This shall be the equivalent of a committee report and shall be acknowledged by the committee Chair. Signing a bill out of a committee should only be used when there is not time to hold a committee meeting, usually near the end of a session, and should never be used to limit input from the public.
- (l) Bills to be Transferred to Appropriate Committee. Each bill, resolution, petition, memorial, or other matter filed with the Senate shall be referred to the appropriate committee, and no such bill or matter shall be removed from the committee and placed on the calendar for final debate and approval by the Senate that does not have a “Do Pass” or “Do Pass, as Amended” recommendation; however, notwithstanding the Committee’s recommendation, a bill or other measure may be placed on the Senate calendar by the approval of the Senate members as hereinafter provided.
- (m) Extraction. The several committees of the Senate shall report on each bill, resolution or other matter referred to them. After a bill, resolution or other matter has been referred to a committee for twenty (20) calendar days, the bill, resolution or other matter may be extracted from the committee and placed on the calendar upon a vote of at least a majority of the members of the Senate or upon a vote of at least the number of members necessary to pass the bill or other measure, whichever is greater. After the fiftieth (50th) calendar day of any regular session, and at any time during a special session, any bill, resolution or other matter may be extracted from a committee by the vote of at least a majority of the members of the Senate or by a vote of at least the number of members necessary to pass the bill, whichever is greater, regardless of the length of

time the measure has been in the committee. No motion to extract a bill or other matter shall be in order prior to the bill or other matter being heard by the committee to which it is assigned or, if not heard by the committee, not before the author of said measure has requested a hearing before said committee. No bill receiving a "Do Not Pass" recommendation from the committee to which it was referred shall be placed on the calendar of bills to be acted on by the Senate except on approval of sixty percent (60%) of the members elected to the Senate, or upon the approval of at least the number of members necessary to pass the bill, whichever is greater. Once a bill, resolution or other matter has been extracted from a committee by such vote of the Senate, the bill, resolution or other matter shall not thereafter be referred to a committee except by the vote of at least a majority of the members of the Senate, notwithstanding any action taken on the measure by the Senate. Any bill, resolution or other matter extracted from a committee shall be placed upon the calendar provided that it shall not be subject to a vote by the full Senate until the expiration of two (2) legislative calendar days.

- (n) Committee Staff. In addition to the staff furnished by the Bureau of Legislative Research, the Chairman of a Class "A", Class "B" and Class "C" or Joint Committee shall appoint the clerk or clerks or other employees of such committee, subject to the approval of the Efficiency Committee of the Senate, who shall be paid at the public expense, the Senate first having provided therefore.

RULE 8—CALENDAR

- 8.1 *Business Calendar.* There shall be one (1) calendar to which all business reported from committees shall be referred, and all business which is put upon the calendar without reference.

- 8.2 *Final Reading.* A bill or resolution shall not be called for a third reading and final passage unless it appears on the calendar of the Senate.
- 8.3 *Deadline.* A calendar of bills, resolutions and amendments, to be considered in the order of business during any legislative day, shall be electronically transmitted to members' electronic devices after adjournment of the preceding legislative day. Bills, resolutions and amendments shall not be called for final passage unless they appear on the calendar by 5:00 p.m. prior to the date on which the calendar is to be considered by the Senate.
- 8.4 *Non-Controversial Calendar.* In addition to the regular calendar of the Senate, there shall be a "Non-Controversial Calendar" on which shall be placed bills that have been recommended "do pass" by committee and deemed to be non-controversial. The Non-Controversial Calendar shall be circulated among the members of the Senate one (1) day prior to the date on which the Non-Controversial Calendar is to be considered. If any member objects in writing or orally, to a bill or other matter on the Non-Controversial Calendar being considered as non-controversial, the bill, amendment or resolution shall be removed from the Non-Controversial Calendar and placed on the regular calendar of the Senate.
- 8.5 *Items not on the Agenda.* Senators are requested to give the Presiding Officer notification of any item which is not on the agenda, such as motions to amend, motions to refer, etc. The Presiding Officer will add them on a list that the Presiding Officer maintains for consideration after that day's agenda has been completed. The Secretary of the Senate will compile the list before the end of that day's agenda and will place it on the member's desks.

RULE 9—DECORUM AND DEBATE

- 9.1 *Addressing the Chair.* When any member desires to speak or deliver any matter to the Senate, the member shall rise and respectfully address themselves to “Madam or Mr. President,” and on being recognized, may address the Senate from any place on the floor, and shall confine themselves to the question under debate, avoiding personalities.
- 9.2 *Decorum and Order.* The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members (rising from the chair for that purpose), and shall decide questions of order, subject to an appeal when requested by any member of the Senate, to the Senate Rules Committee, and may open and close debate thereon.
- 9.3 *Recognition by Presiding Officer.* When two (2) or more members rise at once, the Presiding Officer shall name the member who is first to speak. However, a motion to sound the ballot takes precedent over a clincher motion.
- 9.4 *Limitation on Debate.* No member shall occupy more than one (1) hour in debate on any question in the Senate or in committee, except as further provided in these rules.
- 9.5 *Open and Close of Debate.* The member reporting the measure under consideration from a committee, or the author, may open and close when general debate has been had thereon; and if it shall extend beyond one day, the member shall be entitled to one (1) hour to close, notwithstanding the use of an hour in opening.
- 9.6 *Called to Order for Transgression of Rules.* If any member in speaking or otherwise transgresses the Rules of the Senate, the Presiding Officer shall, or any member may, call the transgressor to order, in which case the member shall immediately sit down unless permitted on motion of another member to explain, and the Senate shall, if appealed to, decide on the case without debate. If the decision is in

favor of the member called to order, the member shall be free to proceed, but not otherwise, and, if the case requires it, the member shall be liable to censure or punishment as the Senate deems proper.

- 9.7 *Called to Order for Words Spoken in Debate.* If a member is called to order for words spoken in debate, the member making the accusation shall indicate the words excepted to, and they shall be taken down in writing at the Secretary's desk and read aloud to the Senate; but the member shall not be held to answer, or by such other censure of the Senate, therefore, if further debate or other business has intervened.
- 9.8 *Speaking more than Once on Same Question.* No member shall speak more than once to the same question without leave of the Senate, unless the member is the mover, proposer, or introducer of the matter pending, in which case the member shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.
- 9.9 *Order and Decorum when in Session.* When a member is speaking, another member shall not pass between the speaker and the chair; and during the session of the Senate, no member shall remain at the Secretary's desk during the call of the roll or the counting of ballots.
- 9.10 *Questions of Privilege.* Questions of privilege shall be, first, those affecting the rights of the Senate collectively, its safety, dignity, and integrity of its proceedings; second, the right, reputation, and conduct of members, individually, in their representative capacity only, and shall have preference over all other questions, except motions to adjourn.

RULE 10— VOTING AND ROLL CALL

- 10.1 *Voting Procedure.* Upon every roll call, the names of the members shall be called alphabetically by surname, except when two (2) or more have the same surname, in which case the whole name shall be called. After the entire roll is called,

the Presiding Officer shall allow a reasonable opportunity for members who did not vote to cast an initial vote and allow members who did vote to change their vote, but not after the ballot has been ordered cast up.

- 10.2 *Voting Rights.* Any five (5) members of the Senate shall have the right to call for yeas and nays (sounding of the ballot).
- 10.3 *Vote.* Upon the call for the yeas and nays (sounding of the ballot) on any question, each member shall answer from the member's seat. Provided, any member shall have the right to explain the member's vote in writing.
- 10.4 *Recording.* All roll call votes on bills, emergency clauses on bills, resolutions, and amendments in the Senate shall be entered by the Senate into the General Assembly's website.
- 10.5 *Pairs.* Senators who are absent from the Senate may pair their votes with Senators who are present.
 - (a) Paired Senators must be casting opposite votes.
 - (b) Pairs are counted when signed by both Senators and with one (1) of the members present.
 - (c) Pairs shall be presented to the Secretary of the Senate for attachment to the bill for delivery to the Presiding Officer on the day of the vote for which the Senators are paired is to be taken.
 - (d) Pairs shall be announced by the Presiding Officer before the completion of the roll call from a Pairs Form presented to the Presiding Officer by the Secretary of the Senate.
 - (e) A Senator may not cast a vote by other methods when paired with another Senator.

RULE 11 — MOTIONS

11.1 *Hierarchy*. When a question is under debate, motions shall have a precedence as per the following order:

- (a) NON-DEBATABLE
 - (1) To fix the time at which the Senate will adjourn.
 - (2) To adjourn.
 - (3) To take a recess.
 - (4) To lay on the table.
 - (5) For the previous question.
- (b) DEBATABLE
 - (1) To postpone to a certain day.
 - (2) To refer.
 - (3) To amend.
 - (4) To postpone indefinitely.

No motion to postpone to a day certain, to refer or postpone indefinitely being decided, shall be again allowed on the same day upon the same question.

11.2 *Table of Motions*. The following is a list of standard Senate motions:

- (a) ADJOURN. (When Privileged.) Not debatable.
 - (1) Cannot be amended.
 - (2) Subsidiary motions cannot be applied.
 - (3) Cannot be reconsidered.
 - (4) Requires a majority vote of those voting.
 - (5) Floor must be secured for that purpose.
- (b) ADOPT, ACCEPT OR AGREE TO A REPORT.
 - (1) Debatable.
 - (2) Debate confined to pending question.
 - (3) Can be amended.
 - (4) Can be reconsidered, if affirmative vote.

- (5) Cannot be reconsidered, if negative vote.
 - (6) Requires a majority vote of those voting.
 - (7) Subsidiary motion can be applied.
- (c) ADOPT, STANDING RULES, OR RULES OF ORDER.
- (1) Debatable.
 - (2) Debate confined to pending question.
 - (3) Can be amended.
 - (4) Cannot be reconsidered, if affirmative vote.
 - (5) Can be reconsidered, if negative vote.
 - (6) Requires eighteen (18) votes.
 - (7) Subsidiary motions can be applied.
- (d) AMEND.
- (1) Debatable, except non-debatable when the motion to be amended or reconsidered is non-debatable.
 - (2) Debate confined to pending question.
 - (3) Can be amended; but not to third degree.
 - (4) Subsidiary motions can be applied.
 - (5) Can be reconsidered.
 - (6) Requires a majority vote of those voting.
(Any amendment may be made by inserting or adding words or paragraphs; by striking out words or paragraphs; by striking out certain words and inserting others; by substituting one (1) or more paragraphs for others, or an entire resolution for another, on the same subject, i.e., the amendment must be germane to the subject matter.)
- (e) AMEND RULES OF ORDER.
- (1) Debatable.
 - (2) Debate confined to pending question.
 - (3) Can be amended.
 - (4) Subsidiary motions can be applied.
 - (5) Can be reconsidered.

- (6) One (1) day's notice must be given.
 - (7) Requires twenty-four (24) votes.
- (f) APPEAL, RELATING TO INDECORUM, ETC.
- (1) Not debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions may be applied.
 - (4) Can be reconsidered.
 - (5) Requires a majority vote of those voting.
(An appeal is non-debatable only when made while a non-debatable question is pending or when relating to indecorum, transgressions of the rules of speaking, or to priority of business. When debatable, only one (1) speech from each member is permitted, except the Presiding Officer shall have the right to open and close the debate. On a tie vote, the decision of the Chair is sustained).
- (g) APPEAL, ALL OTHER CASES.
- (1) Debatable.
 - (2) Debate confined to pending question.
 - (3) Cannot be amended.
 - (4) Subsidiary motions may be applied.
 - (5) Can be reconsidered.
 - (6) Requires eighteen (18) votes.
- (h) COMMIT, RECOMMIT, REFER OR RE-REFER.
- (1) Debatable.
 - (2) Debate confined to pending question.
 - (3) Can be amended.
 - (4) Subsidiary motions can be applied.
 - (5) Can be reconsidered.
 - (6) May not be postponed.
 - (7) Requires eighteen (18) votes.

- (i) DEBATE, TO LIMIT, EXTEND, OR CLOSE (IMMEDIATE CONSIDERATION).
 - (1) Not debatable.
 - (2) Can be amended.
 - (3) Subsidiary motions may be applied.
 - (4) Can be reconsidered.
 - (5) Requires twenty-four (24) votes.
(May be moved whenever the immediately pending question is debatable, and they apply only to it, unless otherwise specified.)

- (j) DIVISION OF THE SENATE, ON A QUESTION.
 - (1) Not debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Cannot be reconsidered.
 - (5) Any member may call for a division of the question when the same will admit it.

- (k) EXPUNGE.
 - (1) Debatable.
 - (2) Debate confined to pending question.
 - (3) Can be amended.
 - (4) Subsidiary motions can be applied.
 - (5) Can be reconsidered.
 - (6) Requires twenty-four (24) votes.

- (l) FIX THE TIME TO WHICH TO ADJOURN.
 - (1) Non-debatable if made when another question is before the Senate.
 - (2) Debate confined to pending question.
 - (3) Subsidiary motions can be applied.
 - (4) Can be reconsidered.
 - (5) Requires a majority vote of those voting.
(To fix the time to which to adjourn is privileged only when made while another question is pending,

and if the Senate has made no provision for another meeting on the same or the next day.)

- (m) LAY ON THE TABLE.
 - (1) Not debatable. Author of bill, etc., may explain.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Cannot be reconsidered.
 - (5) Requires eighteen (18) votes.

- (n) LEAVE TO CONTINUE SPEAKING AFTER INDECORUM.
 - (1) Not debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Can be reconsidered.
 - (5) Requires a majority vote of those voting.

- (o) MAIN MOTION OR QUESTION.
 - (1) Debatable. Debate confined to pending question.
 - (2) Can be amended.
 - (3) Subsidiary motions can be applied.
 - (4) Can be reconsidered.
 - (5) Requires eighteen (18) votes.

- (p) NOMINATIONS, TO MAKE.
 - (1) Debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions can be applied.
 - (4) Cannot be reconsidered.
 - (5) Requires only nominator.

- (q) NOMINATIONS, TO CLOSE.
 - (1) Not debatable.
 - (2) Can be amended.
 - (3) Subsidiary motions can be applied.
 - (4) Cannot be reconsidered if affirmative vote.

- (5) Requires a majority vote of those voting.
- (r) OBJECTIONS TO CONSIDERATION OF QUESTION.
 - (1) Not debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Cannot be reconsidered, if affirmative vote.
 - (5) Requires twenty-four (24) votes.
- (s) ORDER, QUESTION OF.
 - (1) Not debatable, except on appeal.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Cannot be reconsidered.
 - (5) Requires decision of Presiding Officer; if matter is before Senate.
- (t) ORDER, TO MAKE A SPECIAL.
 - (1) Debatable.
 - (2) Can be amended.
 - (3) Subsidiary motions can be applied.
 - (4) Can be reconsidered.
 - (5) Requires twenty-four (24) votes.
- (u) PARLIAMENTARY INQUIRY.
 - (1) Not debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Cannot be reconsidered.
 - (5) Requires decision of Presiding Officer, if matter is before Senate.
- (v) POSTPONE TO A TIME CERTAIN.
 - (1) Debatable.
 - (2) Can be amended.
 - (3) Subsidiary motions can be applied.

- (4) Can be reconsidered.
 - (5) Requires a majority vote of those voting.
- (w) POSTPONE INDEFINITELY.
- (1) Debatable.
 - (2) Mover speak but once; except by consent.
 - (3) Author or sponsor of bill shall close debate.
 - (4) Cannot be amended.
 - (5) Subsidiary motions can be applied.
 - (6) Cannot be reconsidered, if negative vote.
 - (7) Requires a majority vote of those voting.
- (x) PREVIOUS QUESTION.
- (1) Not debatable.
 - (2) Cannot be amended.
 - (3) Subsidiary motions cannot be applied.
 - (4) Cannot be reconsidered after vote taken on it.
 - (5) Must be seconded by five (5) members.
 - (6) Requires twenty-four (24) votes.
 - (7) After adoption, main question can be debated for fifteen (15) minutes by proponents, and then fifteen (15) minutes by opponents; after which a vote shall be taken.
- (y) PRIVILEGE, TO RAISE QUESTION OF.
- (1) Not debatable.
 - (2) One (1) hour by person debating.
 - (3) Cannot be amended.
 - (4) Subsidiary motions cannot be applied.
 - (5) Cannot be reconsidered.
 - (6) No vote required.
- (z) PRIVILEGE, QUESTIONS OF, WHEN PENDING.
- (1) Debatable.
 - (2) Can be amended.
 - (3) Subsidiary motions can be applied.

(4) Can be reconsidered. (Majority vote of those voting.)

(aa) READING PAPERS.

- (1) Not debatable.
- (2) Cannot be amended.
- (3) Subsidiary motions cannot be applied.
- (4) Can be reconsidered.
- (5) Requires a majority vote of those voting.

(bb) RECESS, TO TAKE A. (When Privileged).

- (1) Non-debatable if made when another question is before the Senate.
- (2) Can be amended.
- (3) Subsidiary motions can be applied.
- (4) Cannot be reconsidered.
- (5) Requires a majority vote of those voting.

(cc) RECONSIDER.

- (1) Non-debatable when the motion to be amended or reconsidered is non-debatable.
- (2) Opens to debate main questions when same is debatable.
- (3) Cannot be reconsidered.
- (4) Cannot be amended.
- (5) Subsidiary motion can be applied.
- (6) If not given on the same day, one (1) day's notice shall be required to be given of the intention to make it.
 - (A) Must be disposed of within three (3) days from the time the vote was taken which it is sought to have reconsidered.
 - (B) Notice cannot be given within the last six (6) days of a Regular Session.
- (7) If made within the last six (6) days of a Regular Session, must be disposed of when made.

- (8) Cannot reconsider a question on which one (1) motion to reconsider has been laid on the table.
- (9) Requires a majority vote of those voting.
- (10) After Clincher requires twenty-four (24) votes.

(dd) RESCIND OR REPEAL.

- (1) Debatable.
- (2) Can be amended.
- (3) Subsidiary motions can be applied.
- (4) An affirmative vote cannot be reconsidered.
- (5) Requires twenty-four (24) votes.

(ee) SUBSTITUTE.

- (1) Debatable; except non-debatable when the motion to be amended is non-debatable.
- (2) Can be amended; but not to the third degree.
- (3) Subsidiary motions can be applied.
- (4) Can be reconsidered.
- (5) Requires a majority vote of those voting.

(ff) SUSPEND THE RULES.

- (1) Not debatable.
- (2) Cannot be amended.
- (3) Subsidiary motions cannot be applied.
- (4) Cannot be reconsidered.
- (5) Requires twenty-four (24) votes.

(gg) TAKE FROM THE TABLE.

- (1) Not debatable.
- (2) Cannot be amended.
- (3) Subsidiary motions cannot be applied.
- (4) Cannot be reconsidered.
- (5) Requires twenty-four (24) votes.
- (6) Cannot be applied to motion to reconsider, which has once been laid on the table.

- 11.3 *Special Orders.* Special orders may be made by suspension of the rules or by unanimous consent, and it is in order, by motion of the Senate, to provide that a subject be made a special order for a given date, or make a special order by motion to postpone to a day certain.
- 11.4 *Motion to be Reduced to Writing.* Every motion made to the Senate and entertained by the Presiding Officer shall be reduced to writing on the demand of any member and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.
- 11.5 *Stating and Withdrawal of Motions.* When a motion has been made, the Presiding Officer shall state it, or (if it be in writing) cause it to be read aloud by the Secretary before being debated, and it shall then be in possession of the Senate, but may be withdrawn at any time before a decision or amendment.
- 11.6 *Precedence of Privileged Motions.* When a question is under debate, no motion shall be received but to adjourn, when the floor can be obtained for that purpose, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend or postpone indefinitely; which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely being decided shall be again allowed on the same day at the same stage of the question. After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order, and the Presiding Officer shall give preference in recognition for such purpose to a member who is opposed to the bill or joint resolution.
- 11.7 *Motion to Adjourn.* The motion to adjourn shall always be in order and shall have the highest precedence when a question is under debate if the floor can be obtained for that purpose, which shall be decided without debate; provided

the previous question has not been ordered. When a vote is being taken, a motion to adjourn shall not be in order.

- (a) If no time is set, the Senate adjourns until 1:30 p.m. of the next legislative day.
- (b) Questions of privilege and reconsideration yield to a motion to adjourn, and a conference report may defer it only until the report is before the Senate.
- (c) A motion to adjourn may be made after the yeas and nays are ordered and before the roll call has begun.
- (d) The motion to adjourn may not interrupt a member who has the floor or interrupt the Senate while in the voting process.
- (e) A motion to adjourn is in order in simple form only. After the motion is made, neither another motion nor an appeal may intervene before the taking of the vote.
- (f) The Presiding Officer, with three (3) members, in the absence of a quorum, shall be a sufficient number to adjourn.
- (g) Neither house shall, without the consent of the other, adjourn for more than three (3) days, nor to any other place than that in which the two houses shall be sitting.
- (h) The motion to fix the day to which the Senate shall adjourn shall not give way to a motion to adjourn, if a motion to adjourn be made first, the motion to fix the day or for a recess is not in order. The motion to fix the day is not debatable.

11.8 *Motion to Lay on the Table.* Eighteen (18) votes shall be sufficient to lay a proposition or measure on the table. Provided, that when an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure, but it shall take twenty-four (24) votes to take any matter from the table, provided that

no motion to table shall be entertained by the Presiding Officer until a second reading shall have been had on the bill under introduction, or in the case of a resolution that the same shall have been read in full at least once. If a motion to reconsider has been tabled, no further reconsideration may be obtained.

11.9 *Motion to Postpone.* On motion to postpone indefinitely, the mover thereof shall speak but once, except by unanimous consent of the Senate, but the mover, introducer, proposer, or sponsor of a bill or resolution so sought to be postponed shall have the right to close the debate on said motion.

11.10 *Motion to Refer.* The motion to refer may not be used in direct form in the Committee of the Whole. It may be made after the engrossment and third reading of a bill, even though the previous question may not have been ordered. The simple motion to refer is debatable, but the merits of the underlying proposition may not be brought into the debate. The motion to refer with instructions is debatable.

(a) Instructions with the Motion to Refer. The motion to refer may specify that the reference shall be to a Class "A", Class "B" or Class "C" Committee or Joint Committee, or to the Committee of the Whole, and even that the committee be endowed with power to send for persons and papers.

(1) The motion may be amended by adding instructions on any germane subject, but it is not in order to propose as instructions anything that might not be properly directed as an amendment, such as to eliminate an amendment adopted by the Senate, or strike out an amendment that has been adopted, and insert something in its place, or to amend an adopted amendment. An amendment in the nature of a substitute is in order.

(2) When a bill is recommitted, it is before the committee as a new subject, but the committee

may confine itself to the instructions, if there be any. When the Senate has recommitted a bill to a committee with instruction to report it back forthwith with certain amendments, the amendment must be adopted by the Senate after the report by the committee.

- 11.11 *Repetition of Motions.* The motions to postpone and refer shall not be repeated on the same day at the same state of the question. A motion to adjourn may be repeated only after intervening business such as debate, the ordering of the yeas and nays, decisions of the Chair on a question of order, or reception of a message. The motion to lay on the table may also be repeated after intervening business; but the ordering of the previous question, a call of the Senate, or decision of a question of order shall not be considered as intervening business, it being essential that the pending matter be called to a new stage, in order to permit a repetition of the motion.
- 11.12 *Germane Amendment.* No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.
- 11.13 *Pending Motion to Suspend Rules.* Pending a motion to suspend the rules, the Presiding Officer may entertain one (1) motion that the Senate adjourn, but after result thereon is announced, the Presiding Officer shall not entertain any other motion until the motion is taken on suspension.
- 11.14 *Dilatory Motions.* No dilatory motion shall be entertained by the Presiding Officer.
- 11.15 *Motion to Expunge.* The Senate may expunge from its records any action taken on any proceeding by twenty-four (24) votes. When such motion is carried, the Journal clerk shall bracket the matter, but the bracketed matter shall not be taken out of the Journal. Any consideration given a matter which has been expunged stand as if the matter has never been before the Senate.

- 11.16 *Yielding Floor for Motion.* A member having the floor may not yield it to another for the purpose of making a motion; but if the member desires to allow a motion to be made, the member having the floor must yield the floor.
- 11.17 *Motion to Strike Enacting Words.* A motion to strike out the enacting words of a bill shall have the precedence of a motion to amend, and if carried, shall be considered equivalent to the bill's rejection.

RULE 12 — PREVIOUS QUESTION

- 12.1 *Overview.* When any debatable question is before the Senate, any member may move the previous question, but it shall be seconded by at least five (5) members, whether the question shall be put. When the previous question has been adopted, the proponents of the main question shall be allowed fifteen (15) minutes in which to debate it, and the opponents of the main question shall be allowed fifteen (15) minutes, after which time a vote upon the main question shall be taken.
- 12.2 *Vote.* Twenty-four (24) votes are required to sustain the previous question.
- 12.3 *Effect on Debate.* The previous question is the only question used for the closing of debate in the Senate, except the motion to immediately consider.
- 12.4 *Committee of the Whole.* The previous question motion is not in order in the Committee of the Whole.
- 12.5 *Motion to Refer.* The motion to refer under this rule applies to Senate resolutions, as well as Senate and House bills and amendments to bills. The motion to refer requires eighteen (18) votes for adoption and is a debatable motion.
- 12.6 *Relation to Other Motions.* The motion to lay on the table may not be applied to the previous question; nor may it be applied to the main question after the previous question has

been ordered or after the yeas and nays have been ordered on the demand for the previous question. The previous question may be applied both to the main question and a pending motion to refer.

- 12.7 *Relation to Failure of a Quorum.* A quorum call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Presiding Officer that a quorum is not present.
- 12.8 *Questions of Order.* All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.
- 12.9 *Effect on Adjournment.* The Senate cannot adjourn before voting on a proposition on which the previous question has been ordered, either directly or by the terms of a special order.

RULE 13 — RECONSIDERATION

- 13.1 *Overview.* When a motion or proposition has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for reconsideration thereof, or give notice of the member's intention to do so, and such motion (or notice) shall take precedence over all other questions except the consideration of a conference report or a motion to adjourn, and it shall not be withdrawn after said succeeding day without the consent of the Senate. Provided, the notice to reconsider must be disposed of within three (3) business days from the time the vote was taken on the matter sought to be reconsidered. The motion to reconsider shall be made only when the measure or proposition to be reconsidered is in the possession of the Senate. After the fifty-fourth (54th) day of a regular session, notice may not be given; reconsideration must be disposed of immediately.

- 13.2 *Special Session.* During a special session, a motion to reconsider must be disposed of immediately.
- 13.3 *Proper Movant.* The mover of a proposition is entitled to prior recognition to move to reconsider. A member may make the motion at any time without thereby abandoning a prior motion made by the member that is still pending. The provisions of a rule that the motions may be made “by any member of the majority” is construed, in case of a tie vote, to mean any member of the prevailing side, and the same construction applies in case of a two-thirds (2/3) vote. Where the yeas and nays have not been ordered recorded in the Journal, any member, irrespective of whether the member voted with the majority or not, may make the motion to reconsider, but a member who was absent or who was paired in favor of the majority contention and did not vote, may not make a motion.
- 13.4 *Precedence.* The precedence given the motion by the rule permits it to be made even after the previous question has been demanded or while it is operating. The motion to reconsider the vote on the engrossment of a bill may be admitted after the previous question has been moved on third reading may be made and acted on after a motion for the previous question on the passage has been made. It also takes the precedence of the motion to go into Committee of the Whole, or even of a demand that Senate return to committee after the appearance of a quorum. But in a case wherein the Senate has passed a bill and disposed of a motion to reconsider the vote on its passage, it was held to be too late to reconsider the vote sustaining the decision of the Chair which brought the bill before the Senate. After a conference has been agreed to and the managers for the Senate appointed, the Senate acted on the amendments in disagreement. While the motion has high privilege for entry, it may not be considered while another question is before the Senate. When it relates to a bill belonging to a particular class of business, consideration of the motion is in order only when that class of business is in order. It may then be

called up at any time; but is not the regular order until called up.

- 13.5 *Application.* A notice or motion to reconsider shall not be allowed unless the bill is in the Senate. A bill shall not leave the Senate once notice of reconsideration is given. When the motion to reconsider is decided in the affirmative, the question immediately recurs on the motion reconsidered. When the motion to reconsider is defeated, a second motion to reconsider may not be made unless the nature of the proposition has been changed by amendment.
- 13.6 *Notice.* A notice to reconsider is not debatable. A motion to reconsider is debatable when the item to which it applies is debatable.
- 13.7 *Jurisdiction.* No bill, petition, memorial, or resolution referred to a committee or reported from a committee for recommitment shall be brought back into the Senate on a motion to reconsider.
- 13.8 *Effect.* A bill is not considered passed or an amendment agreed to if a motion to reconsider is pending, the effect of the motion being to suspend the original proposition.
- 13.9 *Vote.* The motion to reconsider is agreed to by a majority vote of those voting, even when the vote reconsidered requires two-thirds (2/3) or three-fourths (3/4) for affirmative motion. But one motion to reconsider the yeas and nays having been acted on, another motion to reconsider is not in order.
- 13.10 *Clincher Motion.* The “Clincher” motion is two (2) motions in one; it is a motion to reconsider and to lay on the table. Having prevailed, the proposition shall not be again considered except by expunging the record. The clincher motion is adopted by eighteen (18) votes.

RULE 14 — BILLS, RESOLUTIONS, AND MEMORIALS

- 14.1 *Method of Introduction.* Any Senator may introduce bills, petitions, resolutions, and memorials by filing them with the Secretary of the Senate or the Secretary's designee.
- (a) Each measure filed must have an original and fourteen (14) copies, and ten (10) captions of the title, either typewritten or photocopies, prepared in the form and method as provided in the Joint Rules.
 - (b) The Secretary of the Senate shall take the original and perforate it as the original in accordance with the procedure set forth in the Joint Rules.
 - (c) No alterations or erasures or otherwise defacement of the bill shall be permitted.
 - (d) All bills, resolutions, petitions, and memorials must be signed by the author or co-authors.
 - (e) The improper introduction of a bill involves a question of privilege. Such petition, memorial, resolution or private bill that has been improperly introduced shall be returned to the Senator who introduced the measure.
- 14.2 *First Reading.* The first reading of a bill shall be for information and unless otherwise ordered by the Senate, it shall be placed on the calendar for a Second Reading.
- 14.3 *Second Reading.* A bill shall be read a second time and, after receiving a recommendation from the Senate Legal Counsel, the Presiding Officer shall assign the bill to the recommended committee.
- (a) At the time of commitment, any Senator may offer an amendment to the bill, which shall be referred to the committee with the bill without debate.
 - (b) A bill shall be considered on second reading from the time it is read the second time until the committee files

its recommendations with the Senate, or the bill is extracted from the committee by the Senate as provided in these rules.

- 14.4 *Receiving Committee.* A committee may receive a bill, resolution, memorial, and petition only through the Senate, and the Senate may receive the same only through a member or members of the Senate.
- 14.5 *Favorable Recommendation.* When a bill has a committee recommendation of “do pass” or “do pass as amended” or is extracted from a committee as provided in these rules, it shall be placed on the calendar.
- 14.6 *No Amending on Third Reading.* In order to amend a bill, it shall be necessary to put the bill back on second reading for the purpose of submitting an amendment.
- 14.7 *No Defacement or Interlineation.* The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be entered by the Secretary on separate forms and so reported to the Senate.
- 14.8 *Withdraw Bill from Consideration.* Members’ own Senate bills may be withdrawn from consideration by the Senate member at a specific time set aside by the Senate. The member requesting withdrawal may recommend the bill to be studied by the same committee to which the bill was assigned at the time of requesting withdrawal. This action will be listed on the Own Bill Own Amendment – Withdrawn from Further Consideration Calendar.
- 14.9 *Printed Copies.* A bill shall not be called up for a third reading and final passage until a copy or a photocopy of the same, including all engrossments, shall have been placed on every Senator’s desk for twenty-four (24) hours. A bill is considered to be on the members’ desks at such time as the bill, including all engrossments, is printed and placed on the members’ desks or is scanned in the computer and electronically accessible to the members.

- 14.10 *Emergency Clause.* If it shall be necessary for the preservation of the public peace, health or safety, that a measure shall become effective without delay, such necessity shall be stated in one section, and if upon a ye and nay vote, two-thirds (2/3) of all the members elected to each house shall vote upon separate roll call in favor of the measure going into immediate operation, such emergency measure shall become effective without delay. It shall be necessary, however, to state the fact which constitutes such emergency. *See* ARK. CONST. ART. 5, § 1.
- 14.11 *Vote for Final Passage.* No bill shall become a law unless on its final passage the vote be taken by yeas and nays and the names of the persons voting for and against the same shall be entered on the Journal. No less than a majority of the members of the Senate may enact a law.
- 14.12 *Effect of Rejection.* A bill having been rejected may not be brought up again the same session, unless it be an appropriation bill.
- 14.13 *Recall from the House or Governor.* No action shall be taken on any resolution or bill which is not physically inside the Senate Chamber.
- (a) The motion to recall a resolution or bill from the House of Representatives or the Governor's office may be made regardless of the location of the bill or resolution.
 - (b) When a bill has been passed and transmitted to the House, it may be recalled from the House by the same vote that was necessary to pass the bill.
- 14.14 *Engrossed and Enrolled Bills.* A bill engrossed, passed or enrolled shall be certified by the Secretary upon its passage.
- 14.15 *Local Bills.* The General Assembly shall not pass any local or special act, but may repeal a local or special act. *See* ARK. CONST. AMEND. 14.

14.16 *Basic Resolutions, Memorials, and Petitions.* Before any resolution, memorial or petition may be considered by the Senate, a copy thereof shall have been on the desk of each member of the Senate at least twenty-four (24) hours prior to the consideration thereof. All Senate resolutions and memorials and all House resolutions and memorials considered by the Senate, other than procedural resolutions, shall be read at least three (3) times before action may be taken thereon, with each reading to be on a separate day. Provided, that upon suspension of the rules, a resolution or memorial may be read a second time on the same day. After second reading, all resolutions and memorials other than procedural resolutions shall be referred to committee as follows:

- (a) Joint Senate and House resolutions proposing a constitutional amendment or proposing to ratify an amendment to the United States Constitution, shall be referred to the Committee on State Agencies and Governmental Affairs. After the Committee on State Agencies and Governmental Affairs recommends that Senate Joint Resolutions that propose amendments to the Arkansas Constitution be sent to the Senate for consideration, the Chairman of the Committee on State Agencies and Governmental Affairs, the Senate Majority Leader and the Senate Minority Leader shall meet and set a time and the agenda for the Senate to consider the approved proposals. The Senate calendar shall reflect that consideration of such proposals shall be the first item of business after the morning hour. Under the Joint Rules, the Senate may only recommend one (1) proposed constitutional amendment for the House to consider. Therefore, if the Senate approves a proposed constitutional amendment, such proposal shall be submitted to the House. The Senate shall not vote on any other proposed constitutional amendments unless the House rejects the submitted proposal. If the House rejects the submitted proposal, the Chairman of the Committee on State Agencies and Governmental Affairs, the Senate Majority Leader and

the Senate Minority Leader shall again meet and set a time and the agenda for the Senate to consider another proposed constitutional amendment to submit to the House.

- (b) All proposed amendments to the Senate Rules or amendments to the Joint Rules of the House and Senate shall be referred to the Committee on Rules.
- (c) All other resolutions and memorials, except procedural resolutions, shall be referred to the appropriate Class "A", Class "B" or Class "C" Committee. Without objection, all non-controversial Resolutions and Memorials may be placed directly onto the Calendar.

14.17 *Procedural Resolutions.* All procedural resolutions fixing the time for joint session of the House and Senate, time for adjournment, and other matters relating to Senate business and joint House and Senate business of a procedural nature, may be considered and acted upon the same day of introduction without the necessity of being read at length three (3) times as required herein and without necessity of being referred to committee, unless otherwise directed by the Senate.

14.18 *Resolutions of Inquiry.* All resolutions of inquiry addressed to the heads of executive departments shall be reported to the Senate within one (1) week after presentation.

- (a) A Senate resolution authorizing a committee to request information is treated as a resolution of inquiry.
- (b) A resolution of inquiry from a committee shall have a privileged status to report.

14.19 *Types of Resolutions.* Resolutions introduced in the Senate shall be either:

- (a) A simple resolution (Senate resolution) shall be directed at some matter for the sole action of the

Senate, and may be adopted by a majority vote of the membership of the Senate.

- (b) Concurrent resolutions shall be used for the purpose of expressing facts, principles, opinions, and purposes of the two houses, and shall be directed to some matter for the concurrent approval of both houses of the General Assembly, and shall be binding on neither house until agreed to by a majority vote of the membership of both houses.
- (c) A joint resolution shall be used to submit proposed constitutional amendments, and to ratify proposed amendments to the United States Constitution, and shall be adopted only upon receiving a majority vote of the membership of both houses.

RULE 15 — ORDER OF BUSINESS

15.1 *Order.* The following shall be the daily Order of Business in the Senate:

- (a) Roll call.
- (b) Prayer.
- (c) Pledge of Allegiance.
- (d) Reading of Journal.
- (e) Petitions and memorials.
- (f) Report of Select Committees.
- (g) Report of Class “A”, Class “B” or Class “C” Committees.
- (h) Motions, resolutions, and notices.
- (i) Unfinished business.
- (j) Executive communications.
- (k) House communications and amendments to Senate bills.
- (l) Introduction and advancement of bills and joint resolutions.
- (m) Bills and resolutions from the House on First Reading.
- (n) Bills and resolutions from the House on Second Reading.
- (o) House bills and joint resolutions on Third Reading.

- 15.2 *Business Agenda.* There shall be maintained within the Senate Chamber a “Business Agenda” by an employee designated by the President Pro Tempore. Any Senator who is the sponsor of a bill, resolution, memorial, petition or other matter which is properly on the Senate calendar may cause the measure to be placed upon the “Business Agenda.” The bill or resolution to be considered in the order of business during any legislative day must be placed on the Agenda Calendar no later than one (1) hour after adjournment of the preceding legislative day. The measures shall be placed in the order they are presented to the employee of the Senate designated to keep the “Business Agenda,” and except upon the suspension of the rules, no bill or resolution, other than appropriation bills sponsored or recommended by the Joint Budget Committee shall be given priority on the “Business Agenda.” Each measure on the “Business Agenda” shall be called in its order. In the event a measure on the “Business Agenda” is called and the sponsor is not present or does not wish for the measure to be considered at that time, then said measure shall be placed at the bottom of said “Business Agenda.”
- 15.3 *Morning Hour.* The Order of Business described in this rule shall be used each day, beginning with the first item thereof, and going down to and including the eighth item, before completing the catalogue of items begun on the previous day, provided, no more than one (1) hour daily shall be devoted to so much of said Order of Business as is embraced on the fourth to the eighth items inclusive. If the morning hour expires when a member is on the floor, the matter then under consideration goes over as unfinished business to the next morning hour. Morning hours cannot be extended on House days, without suspension of the Joint Rules of the Senate and the House.
- 15.4 *Morning Hour Business Agenda.* There shall be maintained within the Senate a “Morning Hour Business Agenda.” This agenda shall be maintained by the same employee who maintains the “Business Agenda” referred to in 15.2, and any sponsoring member may cause to be placed on the

“Morning Hour Business Agenda” any bill, resolution, memorial or petition, to be called in their order.

15.5 *Privileged Matters.* Privileged matters which may interrupt the Order of Business:

- (a) General appropriation and revenue bills;
- (b) Conference reports;
- (c) Special orders reported by the Committee on Rules for consideration by the Senate;
- (d) Consideration of amendments between the House and the Senate after disagreement;
- (e) Questions of privilege;
- (f) Privileged bills reported under the right to report at any time;
- (g) Bills returned with the objection of the Governor.

In addition to the foregoing matters, the Presiding Officer may, at the Presiding Officer’s discretion, interrupt the Order of Business for the reception of messages.

15.6 *Unfinished Business.* The consideration of the unfinished business in which the Senate may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Presiding Officer’s table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

15.7 *Questioning Business Priority.* All questions relating to the priority of business shall be decided by a majority without debate.

RULE 16 — COMMITTEE OF THE WHOLE

16.1 *Formation and Operation.* In forming a Committee of the Whole the President shall leave the chair after appointing a

Senator to preside, who shall have the same power as the President to preserve order.

- (a) When the Senate resolves itself into the Committee of the Whole, persons who are to participate in the matters to be discussed may be invited into the Senate chamber by the proponents or the opponents of the proposal to be discussed, but all such persons shall leave at the time the Committee arises.
- (b) The rules of proceedings of the Senate shall be observed in the Committee of the Whole, so far as they may be applicable. Decisions may be made by voice and standing votes, but the yeas and nays cannot be ordered in the Committee of the Whole.
- (c) The presence of a quorum is not necessary for a motion that the Committee of the Whole rise; but when the Committee rises without a quorum, it may not report the bills it has acted on, and such bills as have been laid aside to be reported remain in the Committee until the next occasion when the Committee rises without question as to a quorum.
- (d) A majority of those voting shall prevail in the Committee of the Whole, provided a quorum is present.

16.2 *Amendments.* When general debate is closed by order of the Committee of the Whole, any member shall be allowed five (5) minutes to explain any amendment that member may offer, after which the member who shall first have obtained the floor shall be allowed to speak five (5) minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by unanimous consent of the Committee. The Committee of the Whole may, by a vote of a majority of the

members present at any time after the five-minute debate has begun on proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or at least its election upon the pending amendments only (which motion shall be decided without debate)—but this shall not preclude further amendments to be decided without debate.

- 16.3 *Motions.* No motion limiting debate shall be recognized by the Presiding Officer. The motion for the disposition of any matter referred to the Committee shall be, “Mr. or Madam President, I move the Committee to now rise and report.” If the Committee has no specific report, the motion shall be to rise and report progress.
- 16.4 *Limitation.* A motion to resolve the Senate into a Committee of the Whole in order to make a presentation to or to recognize an individual or group which bears no relationship to a bill or resolution under consideration by the Senate, shall not be recognized by the President or Presiding Officer after 40 session days have expired during a regular session or after 20 session days have expired in an extraordinary session. An affirmative vote of two-thirds (2/3) of the membership of the Senate Rules Committee may make an exception to this rule.

RULE 17 — CONFIRMATION OF APPOINTMENTS

- 17.1 *Senate Duty.* It shall be the duty of the Senate to consider for confirmation appointments made by the Governor, as provided by law.
- 17.2 *Committee Referral.* Before the name of any person submitted to the Senate for confirmation shall be considered by the Senate, such appointment shall be first referred to the Rules Committee, which shall hold a public hearing thereon prior to making a recommendation to the Senate with respect to the confirmation of such appointment. Provided that the Committee may waive the holding of a public

hearing with respect to any such appointment on motion adopted by two-thirds (2/3) of the full membership of such Committee.

- 17.3 *Recommendation.* No appointment shall be brought before the Senate for confirmation that has not received a favorable recommendation by a majority vote of the full membership of the Rules Committee, except upon suspension of the rules.

RULE 18 — MESSAGES

- 18.1 *Recording Requirement.* Messages received from the House and the Governor giving notice of bills passed or approved, or concerning other matters communicated to the Senate, shall be entered in the Journal of that day's proceedings.
- 18.2 *Interim.* The Senate may receive a message from the House when the House is not in session.

RULE 19 — AMENDMENTS

- 19.1 *Amendments to Text and Title.* When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Amendment to the title of a bill or resolution shall be in order before its passage, and shall be decided without debate.

- 19.2 *Engrossed Copies.* Any bill, original or as amended, shall be on the desk in engrossed form twenty-four (24) hours before it can be considered. All amendments filed with the Senate numbering clerk are considered to be on the member's desks at such time as scanned in the computer for

access. However, any member may require that a printed copy of an amendment be placed on all members' desks before action can be taken on the adoption of the amendment.

19.3 *Amendments to Strike.* Amendments for striking may be made and adopted the same day.

19.4 *Senate Consent Amendment Calendar.* Amendments signed by Senate members to their own bills, signed by the Senate Chairperson of the Joint Budget Committee making the Joint Budget Committee the sponsor of a bill, or signed by the lead Senate sponsor of a House bill changing sponsors of the bill shall be placed on a Consent Amendment Calendar. The Senate Consent Amendment Calendar shall be conducted at a specific time set aside by the President Pro Tempore.

(a) These amendments must be presented to the Senate Bill Clerk. The Senate Bill Clerk shall present stamped, numbered and signed copies of any proposed amendment to the Bill Custodian who shall have the bill and amendment placed on the Senate Consent Amendment Calendar.

(b) An objection by any member, written or oral, to the President Pro Tempore or Secretary of the Senate, of an amendment on the Senate Consent Amendment Calendar, shall cause the amendment to be removed from the calendar and automatically placed on the Senate calendar.

(c) Any amendment on the Senate Consent Amendment Calendar, shall be transmitted directly to Engrossing after having been approved.

(d) No bills having been amended shall be considered by any committee or the full Senate until such bills have been engrossed, proofed and reported "correctly engrossed".

- (e) These proposed amendments may be placed on the Senate Consent Amendment Calendar by 5:00 p.m. prior to the date on which the calendar is to be considered.
- 19.5 *Members' Own.* Members' own Senate bills and House bills on which a Senate member is the lead sponsor may be amended with their own amendments beginning at a specific time set aside by the Senate. House bills may be amended in accordance with the applicable rules provided for amending members' own Senate bills with their own amendments.
- 19.6 *Precedence of Motion to Amend.* The motion to refer has precedence over the motion to amend. Amendments reported by a committee are acted on before those offered from the floor. A motion to strike out the Enacting Clause has precedence over a motion to amend and may be offered while an amendment is pending.
- 19.7 *Relation to Other Motions.* The motions to postpone to a time certain, refer, amend, for a Recess, and to fix the day on which the Senate will adjourn, may be amended. But the motions for the previous question, to lay on the table, to adjourn, and to go into Committee of the Whole to consider a privileged bill may not be amended.
- 19.8 *House Amendments.* House amendments to a Senate bill shall take the same course as the bill, but are considered viva voce vote; and after adoption shall be read with the bill the third time and adopted by a yea and nay vote.
- (a) Eighteen (18) votes shall be required to adopt a Senate amendment to a Senate or House bill.
 - (b) When a Senate bill has been amended in the House and the House amendment is before the Senate, the same number of votes shall be required to concur in the House amendment as was required in the original passage of the bill.

RULE 20 — CONFERENCE COMMITTEES

- 20.1 *Creation.* The President Pro Tempore shall appoint all conference committees which shall be ordered from the Senate from time to time, and unless otherwise directed by the Senate, the same number of Senators shall be named to serve on the conference committees as are named to serve on such committees by the House.
- 20.2 *Reports.* The presentation of conference committee reports shall always be in order, except when the Journal is being read, while the roll is being called, or the Senate is dividing on any proposition.
- 20.3 *Report Explanation.* There shall accompany every conference committee report a detailed statement sufficiently explicit to inform the Senate of the effect amendments or propositions will have upon the measure to which they relate.

RULE 21 — PRIVILEGES OF THE FLOOR

- 21.1 *Senate Chamber.* During legislative sessions, the Senate Chamber shall be used only for the legislative business of the Senate and for the caucus meetings of its members, except upon occasions when the Senate, by resolution, agrees to take part in any ceremonies to be observed therein, and the Presiding Officer shall not entertain a motion for the suspension of this rule.
- 21.2 *Written Permit.* Persons desiring to visit with members of the Senate shall first secure a written permit from the Sergeant at Arms upon instruction from the member desiring to be visited.
- 21.3 *Visitors Generally.* Whenever any person desires to visit a member of the Senate, the visitor shall first write the visitor's name upon a form, together with the name of the member to be visited. Whereupon, the page of the Sergeant at Arms shall deliver said form to the member desired, and

the member shall then leave the Chamber and confer with said visitor, or may:

- (a) give to the page a written paper which shall allow the visitor to be escorted to the Senate Lounge on the east corridor adjacent to the Senate Chamber, which has been set aside for use of members of the Senate in holding conferences with persons who are not members of the Senate; or
- (b) give to the page a written paper which shall allow the page to escort the visitor to the office of the Senator located on the west corridor adjacent to the Senate Chamber, if such Senator's office is located thereat, and to instruct the visitor to wait in the Senator's office until the Senator is able to leave the Chamber. Upon conclusion of such visit, the page shall then escort the visitor from the corridors of the Senate.

21.4 *Corridors.* All visitors admitted to the east or west corridor adjacent to the Senate Chamber shall refrain from blocking the corridors or abusing access to such corridors, except for the purposes as herein authorized.

21.5 *Family Members and House Members.* No person shall be allowed to enter the Senate Chamber other than members of the House of Representatives, members of a Senator's immediate family and authorized employees of the General Assembly, while the Senate is in session.

21.6 *Lobbyists.* No lobbyist, including a representative of a constitutional officer, shall be admitted in the Senate Chamber while the Senate is in session. Any former member of the General Assembly who is registered as a lobbyist shall be considered as a lobbyist and shall be excluded from the Senate Chamber while the Senate is in session. A lobbyist or a family member of a lobbyist shall be prohibited from working for the Senate on a permanent basis.

21.7 *Media.* No member of the media, including but not limited to reporters, photographers and camera persons, shall be allowed inside the Senate Chamber, on the third floor of the Capitol, while the Senate is in session, except as provided in this rule. A total of three (3) members of the media may be present in the Senate Chamber while the Senate is in session in an area designated by the Senate Efficiency Committee. These three (3) representatives of the media shall be selected by the Senate Efficiency Committee. These members of the media may not conduct interviews on the Senate floor while the Senate is in session. Members of the media who do not have assigned seats may sit in the Senate Gallery on the fourth floor. No member of the media shall be admitted to the east or west corridors adjacent to the Senate Chamber, except on invitation of a Senator who shall meet and accompany the member of the media to a private area.

21.8 *Pages.* The use of pages in the Senate is authorized. Provided, no more than twelve (12) pages shall serve in the Senate on any day. Senators shall register their pages in advance with the page supervisor or other designated person. Each member of the Senate shall be limited to fifteen (15) page days per session. Provided, any Senator who will not use the full fifteen (15) page days may transfer one (1) or more page days to another Senator. Each such transfer shall be in writing signed by the Senator making the transfer and shall be filed with the page supervisor or other designated person in advance.

RULE 22 — READING AND WITHDRAWAL OF PAPERS

22.1 *Reading on Demand.* A member of the Senate may have a paper read on a proposition on which the Senate is to vote. But, when such paper has been read once, the reading may not be repeated unless a majority of those voting desire that it be read again.

- 22.2 *Objection to Reading.* All Senators should have as much information as possible on every question on which they are to vote. When a member requests the reading of a paper for information and not for delay, the Presiding Officer shall direct it to be read, but if any member objects, the Presiding Officer shall put the question of reading, without debate, to a vote.
- 22.3 *Withdrawal.* No memorial, paper, resolution, or bill presented to the Senate shall be withdrawn from its file unless signed receipt thereof is deposited with the proper clerk by the Secretary of the Senate or Chairman of any Class “A”, Class “B” or Class “C” Committee. The author of a specific bill may withdraw the same by signing proper receipt therefore.

RULE 23 — SUSPENSION OR AMENDMENT OF RULES

- 23.1 *Suspension.* It shall take twenty-four (24) votes to suspend the rules of the Senate.
- 23.2 *Amendment.* To amend the rules requires a two-thirds (2/3) vote of the membership of the Senate (24 votes).
- 23.3 *Notice.* No standing rule or order shall be revised or amended without one (1) days’ notice being given thereof.
- 23.4 *Extraordinary Sessions.* When an extraordinary session is called, the following portions of the following rules are automatically suspended as they relate to the disposal of all matters determined to fall within the scope of the Governor’s proclamation:
- (a) 7.11 “. . . No bill or resolution introduced and referred to a committee may be considered by a committee until at least one intervening day occurs between the day of referral and the day the committee meets to conduct business. . . .”

- (b) 8.3 “. . . Bills, resolutions and amendments shall not be called for final passage unless they appear on the calendar by 5:00 p.m. prior to the date on which the calendar is to be considered by the Senate.”
- (c) 14.9 “A bill shall not be called up for a third reading and final passage until a copy or a photocopy of the same, including all engrossments, shall have been placed on every Senator’s desk for twenty-four (24) hours.”
- (d) 14.16 “Before any resolution, memorial or petition may be considered by the Senate, a copy thereof shall have been on the desk of each member of the Senate at least twenty-four (24) hours prior to the consideration thereof. . . .”
- (e) 15.2 “. . . The bill or resolution to be considered in the order of business during any legislative day must be placed on the Agenda Calendar no later than one (1) hour after adjournment of the preceding legislative day. . . .”
- (f) 19.2 “Any bill, original or as amended, shall be on the desk in engrossed form twenty-four (24) hours before it can be considered. . . .”

RULE 24 — IMPEACHMENTS

24.1 *Authority.* Arkansas Constitution, Article 15, section 2, states that “The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate.”

24.2 *Definitions.* For purposes of these rules:

- (a) “Articles of Impeachment” means the written accusation of the officer, drawn up and approved by the House of Representatives. The Articles of Impeachment shall state with reasonable certainty the high crimes and

misdemeanors or gross misconduct for which the officer is impeached, and, if there is more than one (1), the high crimes and misdemeanors or gross misconduct shall be stated separately and distinctly;

- (b) “House Prosecutor” means the person selected to represent the House Prosecution Committee in all appearances before the Senate related to the impeachment trial. The House Prosecutor may be a member of the House of Representatives or the legal counsel for the House Prosecution Committee;
- (c) “Impeachment” means the prosecution by the House of Representatives before the Senate of the Governor, a State officer, or a judge for high crimes and misdemeanors or gross misconduct in office;
- (d) “Presiding Officer” means the Chief Justice of the Supreme Court. If the Chief Justice is impeached or otherwise disqualified, the Senate shall select the Presiding Officer; and
- (e) “Respondent” means a person against whom the House of Representatives has adopted and presented Articles of Impeachment to the Senate, and shall include reference to Respondent’s legal counsel, if any.

24.3 *Receiving Articles of Impeachment.* The Senate shall receive Articles of Impeachment from the House of Representatives as follows.

- (a) The President Pro Tempore of the Senate shall set a date for a business meeting of the Senate to occur within fourteen (14) calendar days of receiving notice from the Speaker of the House of Representatives that Articles of Impeachment have been approved by the House of Representatives and a House Prosecution Committee has been appointed to present the Articles of Impeachment to the Senate.

- (b) The purpose of the business meeting of the Senate is to:
- (1) Hear the presentation of the Articles of Impeachment by the House Prosecutor;
 - (2) Hear the plea of Respondent to each Article of Impeachment;
 - (3) Adopt a calendar for pre-trial proceedings and the date of commencement of the impeachment trial; and
 - (4) Issue the oath provided for in Rule 24.6 as required by Arkansas Constitution Article 15, section 2 to all members of the Senate and to the Presiding Officer.
- (c) The House Prosecution Committee shall be introduced to the Senate and then the House Prosecutor shall proceed to present the Articles of Impeachment approved by the House of Representatives.
- (d) The House Prosecution Committee shall provide the Articles of Impeachment and the entire record of impeachment proceedings in the House of Representatives to the Secretary of the Senate. Upon acceptance by the Secretary of the Senate, the Articles of Impeachment and the impeachment record will be considered filed of record with the Senate.
- (e) Upon conclusion of the presentation of the Articles of Impeachment to the Senate by the House Prosecutor, Respondent shall verbally enter a plea to each Article of Impeachment.
- (f) Following the entry of Respondent's plea, the Senate shall adjourn until a date and time set by the President Pro Tempore of the Senate for the trial.

- (1) The President Pro Tempore shall choose a date for the start of the trial that is within thirty (30) calendar days of the initial business meeting of the Senate.
 - (2) The date established for the start of the trial may be extended upon an affirmative vote of a majority of the membership of the Senate.
- (g) If the House Prosecution Committee presents Articles of Impeachment for more than one (1) person, the Senate shall conduct a separate trial of each Respondent individually.

24.4 *Plea and Answer.* Respondent shall enter a plea or pleas and file an answer as follows:

- (a) Respondent shall have the right to appear at the initial business meeting of the Senate and hear the presentation of the Articles of Impeachment. Following presentation of the Articles of Impeachment, Respondent shall enter on the record a plea on each article.
 - (1) If Respondent appears and pleads not guilty to each article, the pre-trial schedule and trial shall proceed.
 - (2) If Respondent appears and pleads guilty to one (1) or more articles, the Senate shall immediately proceed to a vote regarding judgment and removal from office. A vote regarding disqualification from holding further office shall take place at a later date and time set by the President Pro Tempore of the Senate.
- (b) If Respondent fails to appear after being notified, or appears but fails to enter a plea in response to the Articles of Impeachment, the Senate shall proceed ex parte.

- (c) Respondent shall submit a written answer and brief responding to the Articles of Impeachment. Respondent may attach any evidence deemed relevant to the matter, including affidavits and depositions of witnesses. The brief shall include all arguments that Respondent plans to present at the trial.
- (d) A date shall be set by the President Pro Tempore of the Senate for submission of Respondent's written answer to the Articles of Impeachment, which once received shall be filed of record with the Secretary of the Senate.

24.5 *Summons*. Summonses may be issued as follows:

- (a) When the date of the business meeting of the Senate for receipt of the Articles of Impeachment is set, Respondent shall be summoned by a precept issued by the Secretary of State to appear before the Senate on that day.
- (b) The precept shall be served by delivering a copy of the precept and of the Articles of Impeachment to Respondent in person, if found, or by leaving the copy of the precept and of the Articles of Impeachment at Respondent's residence with a member of Respondent's family over sixteen (16) years of age.
- (c) If Respondent fails to appear, the Senate shall proceed ex parte.

24.6 *Oaths*. The following oaths must be taken:

- (a) Senators. At the business meeting set for the purpose of receiving the Articles of Impeachment from the House Prosecution Committee, each Senator shall take the following oath: "I do solemnly swear or affirm that I will faithfully and impartially try the impeachment against [impeached party], and give my decision according to the law and evidence."

- (1) Any Senator not present at the business meeting, shall be administered the oath upon entering the Senate chambers during the trial. The Secretary of the Senate shall maintain a record of the Senators who have been administered the oath.
 - (2) An allegation of violation of the oath set out in subdivision (a)(1) of this section, may be brought to the Select Committee on Senate Ethics, under that committee's procedures set out in the Senate's Code of Ethics.
- (b) Presiding Officer. At the commencement of the business meeting set for the purpose of receiving the Articles of Impeachment, the Presiding Officer shall be issued the following oath: "I do solemnly swear or affirm that I will support the Constitution of the United States and of the State of Arkansas and will faithfully discharge the duties of Presiding Officer in all matters that come before the Senate regarding the trial of impeachment to the best of my skill and judgment."
- (c) Witnesses. The following oath shall be taken and subscribed by every witness prior to providing testimony: "Do you solemnly swear or affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?" The witness shall answer "I do". The Presiding Officer shall administer the oath to each witness.

24.7 *Pre-Trial Proceedings*. The following procedures apply to pre-trial proceedings:

- (a) Discovery. A date for discovery deadlines shall be set in the pre-trial calendar. Respondent may request and the House Prosecutor shall disclose and make available to Respondent for inspection and copying the following:

- (1) Any evidence the House Prosecutor intends to introduce in the trial, whether held in writing, recording, photographic format, electronic format, or other format;
- (2) A listing of all persons the House Prosecutor intends to call as witnesses in the trial, including a summary of their expected testimony, and a listing of any witnesses who may require a subpoena to appear; and
- (3) A written summary of any expert testimony the House Prosecutor intends to use during the trial. The written summary shall describe the expert witness's opinions, the bases and reasons for the opinions, and the witness's qualifications.

(b) Depositions of Witnesses.

- (1) Upon the request of Respondent or the House Prosecutor, the President Pro Tempore of the Senate shall establish a time frame for taking depositions of witnesses who are unable to attend the impeachment trial. Depositions shall only be taken when the witness certifies that the witness is unable to attend the impeachment trial due to sickness or other infirmity or due to the distance and expense of travel to attend the trial in person.
- (2) Depositions shall be taken in the same manner, and the same notice shall be given, as is required under the most current version of Rule 30 of the Arkansas Rules of Civil Procedure.
- (3) Any individual who is deposed shall be identified on the respective party's witness list.

24.8 *Subpoenas.* The following rules apply to the use of subpoenas:

- (a) Requests for subpoenas for witnesses, documents, or other materials may be made by the House Prosecutor

or Respondent in the form of a written motion submitted to the Presiding Officer, with a copy submitted to the Secretary of the Senate. The motion shall include a showing that the subpoena is reasonably required to obtain information that cannot be obtained through voluntary requests for information.

- (b) A motion for a subpoena for witness testimony shall contain the name, address, and telephone number of the witness, a description of the subject matter of the testimony, an explanation of why the testimony is relevant, material, and not redundant, and shall indicate when the party seeks to have the witness testify before the Senate.
- (c) A motion for subpoena *duces tecum* shall specify the documents or other materials to be produced and the material or relevant facts to be proved by them.
- (d) The Presiding Officer shall submit all motions for a subpoena to the full Senate for its decision. Passage of the motion and issuance of the subpoena requested requires an affirmative vote of a majority of the membership of the Senate, or at least eighteen (18) members.
- (e) If a motion for a subpoena is granted, the subpoena shall be issued by the President Pro Tempore of the Senate.
- (f) Any subpoenas issued by the Senate shall be served by the State Capitol Police.

24.9 *Rules of Evidence.* The following evidentiary rules apply to impeachment proceedings:

- (a) Evidence may be admitted that is relevant, material, and not redundant. Formal rules of evidence used in Arkansas state and federal courts do not apply to impeachment trials before the Senate.

- (b) The House Prosecutor or Respondent may object to the admission or exclusion of evidence. Any objection shall be addressed to the Presiding Officer. No objection, however, shall be made against all or any part of the House of Representatives' impeachment record filed by the House Prosecution Committee with the Secretary of the Senate.
- (c) The Presiding Officer may rule on an objection, and such ruling shall stand unless a Senator asks that the Senate override the ruling of the Presiding Officer, at which time an affirmative vote of a majority of the membership of the Senate may override the ruling.
- (d) The Presiding Officer may decide to submit an objection to the Senate for its determination.
- (e) Consideration of an objection or an override of a ruling on an objection by the Senate is not debatable and may be taken by voice vote.
- (f) The House Prosecution Committee shall have the burden of proof as to all factual allegations to the Articles of Impeachment.

24.10 *Floor Privileges.* Only the following may enter the floor of the Senate Chamber during the trial:

- (a) Senators;
- (b) Senate Staff;
- (c) Members of the House Prosecution Committee;
- (d) Staff of the House Prosecution Committee;
- (e) Respondent and Respondent's legal counsel;
- (f) The Presiding Officer;
- (g) A law clerk of the Presiding Officer;
- (h) The court reporter;
- (i) Witnesses and their legal counsel while testifying; and

- (j) Authorized media personnel, who shall be located in an area of the chamber designated by the Secretary of the Senate.

24.11 *Attendance.* Every Senator shall attend all impeachment proceedings unless excused by a majority vote of the Senate.

- (a) A Senator's absence shall not be excused for more than two (2) days of the impeachment proceedings. Absences in excess of two (2) days will result in the Senator being barred from voting on any final decisions of the impeachment trial.
- (b) A Senator who is out for an excused absence shall be provided the opportunity to review all evidence and witness statements entered into the record of the impeachment trial for any date on which the Senator was absent.

24.12 *Court Reporter; Transcripts.* All proceedings of the Senate related to impeachment shall be recorded by an official court reporter. The recordings of the court reporter shall be provided in an official transcript and filed with the Secretary of the Senate to be entered in the Senate Journal as a part of the record of the impeachment trial.

24.13 *Trial Procedure.* The trial shall proceed as follows:

- (a) At the date and time set for the commencement of the impeachment trial, the Presiding Officer shall call the Senate to order and then hear any preliminary matters or motions.
- (b) Upon the conclusion of preliminary matters, the House Prosecutor may make an opening statement not to exceed thirty (30) minutes. Respondent may then make an opening statement not to exceed thirty (30) minutes.
- (c) The House Prosecutor shall proceed to present the case for impeachment. Respondent shall then be provided

the opportunity to present evidence relevant to the allegations against Respondent as they appear in the Articles of Impeachment. The House Prosecutor shall have an opportunity to present any rebuttal upon conclusion of Respondent's case.

- (d) Closing arguments shall follow the presentation of all evidence to the Senate. The House Prosecutor shall have sixty (60) minutes to present a closing argument. Respondent shall have ninety (90) minutes to present a closing argument. The House Prosecutor shall then have thirty (30) minutes to present a rebuttal argument.
- (e) The trial may be recessed or adjourned and continued from day to day, or to specific dates and times.

24.14 *Witnesses.* Witnesses may be questioned as follows:

- (a) Questioning by Parties. Each witness shall be examined by one (1) person on behalf of the party producing that witness and then cross-examined by one (1) person on the other side. The Presiding Officer shall permit redirect examination and may permit re-cross examination.
- (b) Questioning by Senators. Upon completion of questioning of a witness by the parties, any Senator desiring to question a witness shall reduce the question to writing and present it to the Secretary of the Senate.
 - (1) Questions submitted by Senators shall be posed to the witness by the Presiding Officer without indicating the name of the Senator presenting the question.
 - (2) If an objection to the Senator's question is raised by a party, the objection shall be decided in the manner provided for in Rule 24.9.

- (3) It shall never be in order for a Senator to directly question a witness or to interrupt the questioning of a witness by one of the parties.

24.15 *Public Access to Proceedings.* The public shall have access to the proceedings as follows:

- (a) The business meeting of the Senate to receive the Articles of Impeachment and the trial of impeachment shall be open meetings of the Senate, posted on the General Assembly website and made accessible to members of the public to attend in person or to view or hear online.
- (b) Upon conclusion of closing arguments, the Senate shall proceed into a closed meeting, pursuant to Arkansas Constitution, Article 5, section 13, to conduct Senate deliberations and debate on the evidence presented to them.
- (c) Upon conclusion of its deliberations, the Senate shall convene in a public meeting, the date and time of which shall be announced and made accessible to the public, in order to conduct its vote and announce its verdict and judgment.

24.16 *Verdict and Judgment.* The Senate shall render its verdict and judgment as follows:

- (a) The Senate shall take a separate roll call vote on each Article of Impeachment. If there is more than one (1) Article of Impeachment, a vote shall be taken on each article in the order that it appears in the Articles of Impeachment. The Presiding Officer shall state the question on each Article of Impeachment, as follows: "Shall the Senate sustain the [first, second, third] Article of Impeachment against Respondent, alleging [insert allegation language from particular article], and remove Respondent from the office of [insert Respondent's title]?"

- (b) As the Secretary of the Senate calls each Senator's name, the Senator shall rise and answer "Yes" or "No".
- (c) If two-thirds (2/3) of the Senators elected, or at least twenty-four (24) Senators, vote to sustain one (1) or more Article of Impeachment against Respondent, a judgment of conviction and removal from office shall be pronounced and entered upon the Senate Journal.
- (d) If Respondent is acquitted of any Article of Impeachment, a judgment of acquittal as to that article or articles shall be pronounced and entered upon the Senate Journal.
- (e) If Respondent is convicted, a vote shall then be taken on the question of whether Respondent shall also be disqualified to hold any office of honor, trust, or profit under the State of Arkansas. If two-thirds (2/3) of the Senators elected vote to disqualify, a judgment of disqualification shall be pronounced and entered upon the Senate Journal.
- (f) A motion to reconsider the vote by which any Article of Impeachment is sustained or rejected is never in order.
- (g) A motion to reconsider the vote by which disqualification is sustained or rejected is never in order.
- (h) A copy of all judgments entered shall be filed with the Secretary of State.

24.17 *Resignation.* Any Senator may move to dismiss the Articles of Impeachment against a Respondent if at any time before a vote has been taken by the Senate on a verdict, Respondent resigns or retires from public office. If a majority of the membership of the Senate vote to dismiss the Articles of Impeachment, a judgment of dismissal shall be pronounced and entered upon the Senate Journal.

- (a) Upon dismissal of the Articles of Impeachment, all pre-trial proceedings and trial proceedings regarding Respondent shall immediately cease.

- (b) If Articles of Impeachment are brought against more than one Respondent, dismissal of the resigned or retired Respondent shall not dismiss the articles against any other Respondent who has not resigned or retired.

24.18 *Contempt.* The Senate may punish any person for contempt committed toward the Senate or for obstructing the administration of justice on an impeachment trial, in as full a manner as any court of record could do for a like contempt toward the court.

RULE 25 — MASON’S MANUAL

25.1 *Applicability.* Rules of parliamentary practice comprised in Mason’s Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with the Senate’s Rules, orders, and practices, or the Joint Rules and orders of the Senate and House of Representatives.