PARLIAMENTARY MANUAL OF THE SENATE

Eighty-Eighth General Assembly

State of Arkansas

Official Copy

PARLIAMENTARY MANUAL OF THE SENATE

Eighty-Eighth General Assembly

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JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

Joint Session - How Convened

Section 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

Section 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.

Section 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

Section 4. No bill shall be passed by either house containing more than one subject, which shall be expressed in the title and the subtitle. House bills shall have at least one House sponsor and Senate bills shall have at least one Senate sponsor. House bills may have Senate sponsors and Senate bills may have House sponsors.

Notice of Bill Rejection

Section 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

Section 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.

The rule may be waived by the President Pro Tempore of the Senate or in his absence the Chairman of Senate Rules Committee, or the Speaker of the House of Representatives.

Enrollment of Bills

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

Section 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.

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

Signing of Bills

Section 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 in the manner and procedure provided by Act 69 of 1959. (Arkansas Code §§ 21-10-101 through 21-10-106)

Announcement of Message

Section 11. When the Secretary of the Senate or Clerk of the House, or either of the assistants, shall wait upon the other house, notice thereof shall be given to the President or Speaker of the House by the Sergeant at Arms, or Assistant Sergeant at Arms, who shall declare the same, and a copy of the message to be laid on the table of the clerk or secretary.

Bills Passed by the Other House

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

Conference Committee

Section 13. 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

Section 14. 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

Section 15. 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

Section 16.(A) An "appropriation bill" means a bill by the General Assembly that authorizes the expenditure of moneys if moneys are available.

(B)(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; and, no other bill shall be filed for introduction in either the House of Representatives or the Senate later than the fifty-fifth (55th) 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) Any proposed legislation affecting any publicly supported retirement system or pension plan shall be introduced during the first fifteen (15) calendar days of a regular session.

(3) 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.

(C)(1) 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.

(2) For a fiscal session, a non-appropriation bill shall not be filed for introduction until a concurrent resolution authorizing the introduction of the bill has been approved by a vote of two-thirds (2/3) of the members elected to each house and the concurrent resolution becomes effective.

(3) A concurrent resolution 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.

(4) 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) 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.

(E) A bill affecting any publicly supported retirement system or systems shall not be introduced or considered 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. (Arkansas Code § 10-2-115)

Introduction of Health Care Legislation

Section 17. (A) Any proposed legislation affecting the licensure of any profession, occupation, or class of health care providers not currently licensed, or expanding the scope of practice of any profession, occupation, or class of health care providers 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.

(B) 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.

(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

Section 18. (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 provide 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) The staff of the Bureau of Legislative Research shall not:

(a) Draft any bill, resolution, or amendment pursuant to the instructions of a lobbyist registered under Arkansas Code §21-8-601 without the prior direct approval of a member of the General Assembly;

(b) List the name of any member of the Senate or the House of Representatives on any bill, resolution, or amendment without the prior director approval of that member; or

(c) List multiple sponsors on a bill unless the order in which the sponsors are listed has received the prior direct approval of the lead sponsor.

The prior direct approval requirement of this rule is met when a Senator or Representative communicates authorization to the staff of the bureau by telephone, e-mail, fax, or other written document, or in person.

(4) As used herein:

(a) "resolution" shall mean all resolutions prepared for introduction which require the concurrence of both houses of the General Assembly for the adoption thereof, and shall not include

resolutions prepared for consideration by only the house in which introduced;

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

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

(iii) 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) 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. A computer generated original and eight (8) copies of the bill or resolution, or a photocopy of an original computer generated copy with eight (8) additional copies thereof, shall be prepared for introduction. The original computer generated copy, shall be placed in the manuscript cover provided for the official copy of bills or resolutions and a photocopy of the computer generated original shall be placed in the manuscript cover provided for the duplicate copy, with the eight (8) copies thereof to be attached thereto in such manner as may be prescribed by the respective houses. In addition, eight (8) 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 and Senate 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 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; and
(c) sections which amend Arkansas Code §21-5-208(b) and 21-5-209(e).

(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 to each body of the Arkansas General Assembly at least three (3) 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 to each body of the Arkansas General Assembly at least three (3) 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 un-obligated 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 be 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."

Section 19. (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

Section 20. 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 veto as provided in the Constitution of the State of Arkansas.

Joint Committee on Constitutional Amendments

Section 21. The Joint Committee on Constitutional Amendments shall consist of the members of the Senate Committee on State Agencies and Governmental Affairs and the members of the House Committee on State Agencies and Governmental Affairs. No proposed constitutional amendment shall be recommended to either house of the General Assembly except upon the affirmative vote of a majority of the Senate members of the Joint Committee on Constitutional Amendments and an affirmative vote of a majority of the House members of the Joint Committee on Constitutional Amendments. No resolution proposing a constitutional amendment shall be filed in either the House of Representatives of the Senate after the thirty-first (31st) day of each regular session of the General Assembly. All resolutions proposing constitutional amendments shall be referred to the Joint Committee on Constitutional Amendments. Other resolutions proposing constitutional amendments shall not be reported to or considered by either house of the General Assembly until the original recommendations of the Joint Committee on Constitutional Amendments are disposed of by both Houses. A resolution proposing a constitutional amendment may be considered only during a regular session.

Joint Meetings of Senate and House Committees

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

Correction of Obvious Errors

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

Assigning Bill and Resolution Numbers

Section 24. In assigning numbers to bills and resolutions introduced in the Senate and House of Representatives, Senate bills and resolutions shall be numbered commencing with the figure 1, and House bills and resolutions shall be assigned numbers commencing with the figure 1001.

Prefiling of Bills and Resolutions

Section 25.(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 pre-file bills and resolutions for such regular session with the Chief Clerk of the House and the Secretary of the Senate. (Arkansas Code §10-2-112.)

(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 requirement in Amendment 86 of the Constitution of Arkansas that a concurrent resolution be approved by a vote of two-thirds (2/3) of the members elected to each house before either body may consider a non-appropriation bill.

Succession to the Powers of Governor

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

(B) Neither the President Pro Tempore of the Senate nor the Speaker of the House shall exercise the powers of the Governor unless he or she succeeds to the powers of the Governor because of a vacancy in both the office of Governor and Lieutenant Governor, the disability of both officers, or a vacancy in one office and the disability of the other officer.

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

(a) The Governor or Lieutenant Governor transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives his or her written declaration that he or she is unable to discharge the powers and duties of his or her office; or

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

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

(D) If the Speaker of the House of Representatives exercises the powers of the Governor in violation of this Rule, he or she may be removed from the office of Speaker of the House upon a majority vote of the House. If the President Pro Tempore of the Senate exercises powers of the Governor in violation of this Rule, he or she may be removed from the office of President Pro Tempore of the Senate upon a majority vote of the Senate.

RULES OF THE SENATE

RULE 1

THE PRESIDENT

1.01 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. He 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.

1.02 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, he 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

2.01(a) 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 his 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 a member 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 his or her absence.

(b) Beginning with the 87th General Assembly, 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", "B" or Class "C" Committee nor the Joint Budget Committee.

(c) 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

3.01 At the beginning of every regular session of the General Assembly, the Senate shall elect a Secretary of the Senate.

Seal

(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;

Contracts

(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;

Record of Disbursements

(d) The Secretary of the Senate shall keep full and accurate records and accounts of all disbursements of funds of the Senate;

Supplies

(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;

Assistant Secretary of the Senate

(f) The Secretary of the Senate may designate an Assistant Secretary, to the Secretary of the Senate office, to sign all papers that may 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;

(g) 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.

Journal

3.02 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 Internet web site.

Delivery of Bills to the Governor

3.03 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 his designated representative. In the event the Governor or his 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 return it to the Senate with his veto, as provided in the Constitution of the State of Arkansas.

RULE 4

THE SERGEANT AT ARMS

4.01 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 use of the Senate;

(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 his assistants;

(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 he shall see that the floor is cleared of all persons except those privileged to remain and kept so until recess or adjournment. When the Senate is in recess or has adjourned, allow no unauthorized person to enter the Chamber until fifteen (15) minutes have expired after the recess or adjournment has been announced by the presiding officer.

(f) prohibit the distribution of advertising matter within the Senate.

RULE 5

THE CHAPLAIN

5.01 The Chaplain shall be selected daily by the President Pro Tempore or his 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

6.01 Each member of the Senate shall attend the Senate when in session, unless excused or necessarily prevented.

Quorum Required

6.02 A quorum is necessary before business can be transacted, except adjournment and call of the Senate.

RULE 7

COMMITTEES OF THE SENATE

7.01 (a) The Committees of the Senate shall consist of:

(1) Four (4) Standing Class "A" Committees shall be as follows:
Public Health, Welfare and Labor
Judiciary
Education
Revenue and Taxation

(2) Four (4) Standing Class "B" Committees shall be as follows:
State Agencies and Governmental Affairs
Insurance and Commerce
Agriculture, Forestry and Economic Development
City, County and Local Affairs

(3) One (1) Standing Class "C" Committee shall be as follows:
Public Transportation, Technology and Legislative Affairs

(4) Six (6) Joint Committees

(5) Two (2) Select Committees

(b) Membership of the Senate Committees shall be determined in the following manner:

(1) Prior to the convening of the 86th General Assembly, and all subsequent sessions thereafter, all members shall assemble for an organizational meeting to select committee assignments. The committees of the Senate shall be selected in the following manner:

(2) 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 his or her selection. After the member with the least seniority makes his or her selection, the most senior member shall select his or her second Class "A", Class "B" or Class "C" Committee. The seniority rotation procedure shall continue until the member with the least seniority selects his or her second Class "A", Class "B" or Class "C" Committee. When the least senior member selects his or her 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 the Chairman of a Class "A", Class "B" or Class "C" Committee.

(3) No member may serve on committees of the same class.

(4) 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 last preceding legislative session.

(5) After the Class “A”, “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.

(6) 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 his or her selections.

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

Class "A", "B" and "C" Committees

7.02 (a) 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:

(1) COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR - matters pertaining to public health, mental health, mental retardation, public welfare, human relations and resources; the aged and problems of the aging; environmental affairs, water and air pollution, labor and labor relations and similar legislation;

(2) COMMITTEE ON REVENUE AND TAXATION - matters pertaining to the levy, increase, reduction, collection, enforcement and administration of taxes and other revenue-producing measures;

(3) 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;

(4) 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;

(5) COMMITTEE ON AGRICULTURE, FORESTRY & 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;

(6) 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;

(7) 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;

(8) 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;

(9) 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, bio-technology 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.

Members of Class "A", Class "B" and Class "C" Committees

(b) Class "A", Class "B" and Class "C" Committees of the Senate shall be composed of eight (8) members.

Vacancies

(c) 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, and soon, as often as the case may happen, 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 within the first three (3) days of the next regular or special session of the General Assembly.

Special Election

(d) 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 he or she is 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 committees he or she assumes. The term "Senate Committee" are those committees defined by Senate rule 7.01(a), 7.03(a) and 7.04, but shall not include the Joint Budget Committee. The person 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 that Senator has served in a fiscal or extraordinary session of the General Assembly.

Legislative Council and Joint Auditing Committee

(e) Prior to the convening of the 86th General Assembly, and all subsequent sessions thereafter, 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 and a second alternate member for each regular 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. 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 his or her first alternate. The second alternate shall then assume the first alternate position.

(f) Prior to the convening of the 85th General Assembly, and all subsequent sessions thereafter, 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), (ii), (iii) and (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.

Joint Meetings of Committees

(g) 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.

Special Meetings of Committees

(h) 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.

Public Hearing - Two Days' Notice

(i) All meetings and hearings of committees and their subcommittees, at which public testimony is to be taken (normally called "public hearings"), shall be open to the public, and shall be scheduled at least two (2) days in advance, and agendas of all bills, resolutions, or other proposals or business to be considered at such meetings of committees shall be posted in a designated place at least two (2) days in advance. 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.

Schedule of Committee Meetings

(j) Each Class "A", Class "B" and Class "C" Committee shall meet a scheduled time which shall be determined by the Rules Committee of the Senate.

Joint Committees

7.03 (a) The joint committees of the Senate shall consist of:

(1) the Joint Budget Committee which shall be composed of twenty-eight (28) Senators;
(2) the Joint Committee on Public Employee Retirement and Social Security programs which shall be composed of ten (10) Senators;
(3) the Joint Committee on Energy which shall be composed of ten (10) Senators;
(4) the Joint Performance Review Committee which shall be composed of ten (10) Senators;

(5) the Joint Legislative Facilities Committee which shall be composed of seven (7) Senators; and

(6) the Senate Interim Committee on Children and Youth which shall be composed of ten (10) Senators.

(b) Meetings of joint committees of the Senate and the House shall be scheduled, insofar as is possible, at times that do not conflict with regular scheduled meetings of the regular Class "A", Class "B" and Class "C" Committees of the Senate and the standing Committees of the House.

Select Committees

7.04 The following committees shall be select committees of the Senate:

(1) Rules Committee;

(2) Efficiency Committee.

Rules Committee

(a) The Rules Committee shall consist of fifteen (15) 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.

Efficiency Committee

(b) The Efficiency Committee shall consist of twelve (12) members, and shall perform the following duties:

(1) have charge of the chambers and property of the Senate and of the maintenance, repair, and upkeep thereof;

(2) the selection, qualifications and compensation of Senate employees, with the approval of the Senate;

(3) shall assign and designate the usage of offices of Senators by seniority and request. The following shall be third floor offices designated for Senators: Rooms 301, 302, 303, 304, 305, 306 and 318. The President Pro Tempore of the Senate shall be permanently assigned Room 301 and he or she shall hold this office until his or her term expires. When the President Pro Tempore's term expires, he or she shall exit Room 301 but he or she shall have the right to select any office that is vacant on the third floor. If no office is vacant, the out going President Pro Tempore shall have the option to select an office presently held by the junior Senator on the third floor who has less seniority than the out going President

Pro Tempore. The Efficiency Committee shall assign and designate the usage of other facilities of the Senate.

(4) shall approve all purchases of the Senate;

(5) all disbursement of funds appropriated for the Senate, with vouchers thereof to be approved by the Chairman of the Efficiency Committee or designee;

(6) shall perform all other duties for the efficient administration of the Senate; and

(7) shall control admission to the floor of the Senate.

(c) Policies of the Efficiency Committee

(1) 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 in such office or corridor after his or her business has been completed with a Senator or Senate employee.

(2) 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, or computers at any time without specific permission or authorization of a Senator or permanent Senate staff member.

(d) Select Committees - Meetings and Membership

(1) 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.

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

Committees in General

7.05 The following procedures shall apply to Committees of the Senate.

Seniority

(a) 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.

Chairman and Vice Chairman

(b) For Class "A", Class "B" and Class "C", Joint Committees and Select Committees, a member shall not be Chairman of more than one (1) such Committee.

(1) Members of the Senate who serve on both Class "A", Class "B" and Class "C" Committees, Joint Committees and Select Committees shall not be Vice Chairman of more than one (1) of said Committees nor shall any member be Chairman and Vice Chairman of Class "A", Class "B" and Class "C" Committees.

(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.

Seating of Members

(c) 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.

Bills May Not be Divided

(d) 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.

Election Contests

(e) 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.

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.

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.

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 authority of 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 shall have the authority to adopt any procedure deemed necessary to conduct an election contest hearing under authority of Article 5, Section 12 of the Arkansas Constitution and report such finding to the full Senate.

Seating Of Member-Elect

(f) 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.

Retirement Bills

(g) 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 Rules Committee. 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 a Senator's

desk twenty four (24) hours before consideration.

(h) 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.

Vote Required for Committee Action

(i) 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) No committee shall sit during the sittings of the Senate without special leave, except the Committee on Rules and such committee shall notify the Senate.

Committee Reports - Contents

(k) 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.

In addition to the aforementioned committee report, which shall be attached to the bill or

resolution, the committee staff shall keep records of:

(1) 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

(2) 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.

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.

Bills to be Transferred to Appropriate Committee

(l) 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 which 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.

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 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.

Committee Staff

(m) 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

8.01 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.

8.02 A bill or resolution shall not be called for a third reading and final passage unless it appears on the calendar of the Senate.

8.03 A calendar of bills, resolutions and amendments to be considered in the order of business during any legislative day shall be printed and placed on the members' desks after adjournment of the preceding legislative day.

8.04 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.

Policy Concerning Items Which Are Not On The Agenda

8.05 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 he 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

Address the Chair

9.01 When any member desires to speak or deliver any matter to the Senate, he/she 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.

Decorum and Order

9.02 The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to

other members (rising from his 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.

Recognition by Presiding Officer

9.03 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.

Limitation on Debate

9.04 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.

Open and Close of Debate

9.05 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, he shall be entitled to one (1) hour to close, notwithstanding he may have used an hour in opening.

Member Called to Order for Transgression of Rules

9.06 If any member in speaking or otherwise transgresses the Rules of the Senate, the Presiding Officer shall, or any member may, call him to order, in which case he 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 he shall be at liberty to proceed, but not otherwise, and, if the case requires it, he shall be liable to censure or such punishment as the Senate may deem proper.

Member Called to Order for Words Spoken in Debate

9.07 If a member is called to order for words spoken in debate, the member calling him to order 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 he shall not be held to answer, or by such other censure of the Senate, therefore, if further debate or other business has intervened.

No Member to Speak More Than Once on Same Question

9.08 No member shall speak more than once to the same question without leave of the Senate, unless he is the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Order and Decorum When in Session

9.09. When a member is speaking, another member shall not pass between him 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.

Questions of Privilege

9.10 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

Roll Call

10.01 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 may allow members to vote who were present and did not hear their name called, but not after the ballot has been ordered cast up.

Calls for Yeas and Nays (Sounding of the Ballot)

10.02 Any five (5) members of the Senate shall have the right to call for yeas and nays (sounding of the ballot).

Vote

10.03 Upon the call for the yeas and nays (sounding of the ballot) on any question, each member shall answer from his seat. Provided, any member shall have the right to explain his vote in writing. 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 Internet web site.

Pairs

10.04 Any Senator who will be absent from the Senate may pair his vote with a Senator who shall be present.

(a) Such 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) The Senator may not cast his vote by other methods when he is paired.

Compel the Attendance of Absent Members

10.05 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.

Leave to be Absent

10.06 In all cases where an absent member shall be sent for, and he shall fail to attend in obedience to the summons, the report of the messenger shall be entered upon the Journal. No member of the Senate shall absent himself from the service of the Senate unless he has leave, or is unable to attend.

RULE 11

MOTIONS
Order of Motions

11.01 When a question is under debate, motions shall have a precedence as per the following order:

NON-DEBATABLE

to fix the time at which the Senate will adjourn;
to adjourn;
to take a recess;
to lay on the table;
for the previous question;

DEBATABLE

to postpone to a certain day;
to refer;
to amend;
to postpone indefinitely.

The above motions shall have precedence in the foregoing order, and 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.

TABLE OF MOTIONS

ADJOURN. (When Privileged.)

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
Requires a majority vote of those voting.
Floor must be secured for that purpose.

ADOPT, ACCEPT OR AGREE TO A REPORT.

Debatable.
Debate confined to pending question.
Can be amended.
Can be reconsidered, if affirmative vote.
Cannot be reconsidered, if negative vote.
Requires a majority vote of those voting.
Subsidiary motion can be applied.

ADOPT, STANDING RULES, OR RULES OF ORDER.

Debatable.
Debate confined to pending question.
Can be amended.
Cannot be reconsidered, if affirmative vote.
Can be reconsidered, if negative vote.
Requires eighteen (18) votes.
Subsidiary motions can be applied.

AMEND

Debatable, except non-debatable when the motion to be amended or reconsidered is non-debatable.
Debate confined to pending question.
Can be amended; but not to third degree.
Subsidiary motions can be applied.
Can be reconsidered.
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.)

AMEND RULES OF ORDER.

Debatable.
Debate confined to pending question.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered.
One (1) day's notice must be given.
Requires twenty-four (24) votes.

APPEAL, RELATING TO INDECORUM, ETC.

Not debatable.
Cannot be amended.
Subsidiary motions may be applied.
Can be reconsidered.
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).

APPEAL, ALL OTHER CASES.

Debatable.
Debate confined to pending question.
Cannot be amended.
Subsidiary motions may be applied.
Can be reconsidered.
Requires eighteen (18) votes.

COMMIT, RECOMMIT, REFER OR RE-REFER

Debatable.
Debate confined to pending question.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered.
May not be postponed.
Requires eighteen (18) votes.

DEBATE, TO LIMIT, EXTEND, OR CLOSE (IMMEDIATE CONSIDERATION).

Not debatable.
Can be amended.
Subsidiary motions may be applied.
Can be reconsidered.
Requires twenty-four (24) votes.
(May be moved whenever the immediately pending question is debatable, and they apply only to it, unless otherwise specified.)

DIVISION OF THE SENATE, ON A QUESTION.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
Any member may call for a division of the question when the same will admit it.

EXPUNGE.

Debatable.
Debate confined to pending question.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered.
Requires twenty-four (24) votes.

FIX THE TIME TO WHICH TO ADJOURN.

Non-debatable if made when another question is before the Senate.
Debate confined to pending question.
Subsidiary motions can be applied.
Can be reconsidered.
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.)

LAY ON THE TABLE.

Not debatable. Author of bill, etc., may explain.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
Requires eighteen (18) votes.

LEAVE TO CONTINUE SPEAKING AFTER INDECORUM.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Can be reconsidered.
Requires a majority vote of those voting.

MAIN MOTION OR QUESTION.

Debatable. Debate confined to pending question.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered.
Requires a majority vote of those voting.

NOMINATIONS, TO MAKE.

Debatable.
Cannot be amended.
Subsidiary motions can be applied.
Cannot be reconsidered.
Requires only nominator.

NOMINATIONS, TO CLOSE.

Not debatable.
Can be amended.
Subsidiary motions can be applied.
Cannot be reconsidered if affirmative vote.
Requires a majority vote of those voting.

OBJECTIONS TO CONSIDERATION OF QUESTION.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered, if affirmative vote.
Requires twenty-four (24) votes.

ORDER, QUESTION OF

Not debatable. Except on appeal, see appeal.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
Requires decision of Presiding Officer; if matter is before Senate.

ORDER, TO MAKE A SPECIAL.

Debatable.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered.
Requires twenty-four (24) votes.

PARLIAMENTARY INQUIRY.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
Requires decision of Presiding Officer, if matter is before Senate.

POSTPONE TO A TIME CERTAIN.

Debatable.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered.
Requires a majority vote of those voting.

POSTPONE INDEFINITELY.

Debatable.
Mover speak but once; except by consent.
Author or sponsor of bill shall close debate.
Cannot be amended.
Subsidiary motions can be applied.
Cannot be reconsidered, if negative vote.
Requires a majority vote of those voting.

PREVIOUS QUESTION.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered after vote taken on it.
Must be seconded by five (5) members. Requires twenty-four (24) votes.

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.

PRIVILEGE, TO RAISE QUESTION OF:

Not debatable. One (1) hour be person debating.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
No vote required.

PRIVILEGE, QUESTIONS OF, WHEN PENDING:

Debatable.
Can be amended.
Subsidiary motions can be applied.
Can be reconsidered. (majority vote of those voting)

READING PAPERS.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Can be reconsidered.
Requires a majority vote of those voting.

RECESS, TO TAKE A. (When Privileged).

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

RECONSIDER

Non-debatable when the motion to be amended or reconsidered is non-debatable.
Opens to debate main questions when same is debatable.
Cannot be reconsidered.
Cannot be amended.

Subsidiary motion can be applied.
If not given on the same day, one (1) day's notice shall be required to be given of the intention to make it.
Must be disposed of within three (3) days from the time the vote was taken which it is sought to have reconsidered.
Cannot be given within the last six (6) days of a Regular Session.
If made within the last six (6) days of a Regular Session, must be disposed of when made.
Cannot reconsider a question on which one (1) motion to reconsider has been laid on the table.
Requires a majority vote of those voting.
After Clincher requires twenty-four (24) votes.

RESCIND OR REPEAL.

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

SUBSTITUTE.

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

SUSPEND THE RULES.

Not debatable.
Cannot be amended.
Subsidiary motions cannot be applied.
Cannot be reconsidered.
Requires twenty-four (24) votes.

TAKE FROM THE TABLE.

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

Special Orders

11.02 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.

Motion to be Reduced to Writing on the Demand of any Member

11.03 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.

Stating and Withdrawal of Motions

11.04 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.

Precedence of Privileged Motions

11.05 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.

The Motion to Adjourn

11.06(a) 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.

(b) If no time is set, the Senate adjourns until 1:30 p.m. of the next legislative day.

(c) 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.

(d) A Motion to Adjourn may be made after the yeas and nays are ordered and before the roll call has begun.

(e) The Motion to Adjourn may not interrupt a member who has the floor or interrupt the Senate while in the voting process.

(f) 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.

(g) The Presiding Officer, with three (3) members, in the absence of a quorum, shall be a sufficient number to adjourn.

(h) 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.

(i) 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.

Motion to Lay on the Table

11.07 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.

The Motion to Postpone

11.08 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.

The Motion to Refer

11.09 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 proposition which it is proposed to refer may not be brought into the debate. The motion to refer with instructions is debatable.

Instructions With the Motion to Refer

11.10 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. 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. 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.

Repetition of Motions

11.11 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.

Germane Amendment

11.12 No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Pending Motion to Suspend Rules

11.13 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, he shall not entertain any other motion until the motion is taken on suspension.

Dilatory Motions

11.14 No dilatory motion shall be entertained by the Presiding Officer.

Motion to Expunge

11.15 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 in his records, 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.

Yielding Floor for Motion

11.16 A member having the floor may not yield it to another for the purpose of making a motion; but if he desires to allow the motion to be made he must yield the floor.

The Motion to Strike Out the Enacting Words of a Bill

11.17 A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

RULE 12

PREVIOUS QUESTION

12.01 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.

Vote required to Sustain the Previous Question

12.02 Twenty-four (24) votes are required to sustain the previous question.

Effect of Previous Question on Debate

12.03 The previous question is the only question used for the closing of debate in the Senate, except the motion to immediately consider.

12.04 The previous question motion is not in order in the Committee of the Whole.

Motion to Refer

12.05 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.

Relation of the Previous Question to Other Motions

12.06 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.

Relation of Previous Question to Failure of a Quorum

12.07 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.

Questions of Order Pending the Motion for the Previous Question

12.08 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.

Effect of Previous Question

12.09 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

The Motion to Reconsider

13.01 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 his 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. Provided, such notice (or motion) to reconsider, if given (or made) after the fifty-fourth (54th) day of a regular session, must be disposed of immediately.

Immediate Disposition Required

(a) During a special session, a motion to reconsider must be disposed of immediately.

Who May Make Motion to Reconsider

(b) 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 himself and 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 he 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.

Precedence of the Motion to Reconsider

(c) 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 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 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, 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.

Application of Motion to Reconsider

(d) A bill in the possession of the Senate 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. 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.

(e) A notice to reconsider is not debatable. A motion to reconsider is debatable when the item to which it applies is debatable.

(f) No bill, petition, memorial, or resolution referred to a committee or reported from the committee for recommitment shall be brought back into the Senate on a motion to reconsider.

Effect of the Motion to Reconsider

(g) 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.

The Vote on the Motion to Reconsider

(h) 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.

Clincher Motion

13.02 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, MEMORIALS, ENGROSSED COPIES, AND AMENDMENTS

Introduction of Bills

14.01 Any Senator may introduce bills, petitions, resolutions, and memorials by filing them with the Secretary of the Senate or his 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 which has been

improperly introduced shall be returned to the Senator who introduced the measure.

First Reading

14.02 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.

Second Reading

14.03 (a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

Withdraw Bill from Consideration

14.04 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 request for withdrawal. This action will be listed on the Own Bill Own Amendment - Withdrawn from Further Consideration Calendar.

Yeas and Nays Vote for Final Passage

14.05 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.

Printed Copies on Members' Desks Before Vote on Final Passage

14.06 A bill shall not be called up for a third reading and final passage until a printed copy or a photocopy of the same, including all engrossments, shall have been placed on every Senator's desk for twenty-four (24) hours.

Effect on Rejected Bill

14.07 A bill having been rejected may not be brought up again the same session, unless it be an appropriation bill.

Recall from the House or Governor

14.08 (a) No action shall be taken on any resolution or bill which is not physically inside the Senate Chamber.

(b) 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.

(c) 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.

Bills - How Received

14.09 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.

Bills - Not to be Defaced or Interlined

14.10 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.

Engrossed and Enrolled Bills

14.11 A bill engrossed, passed or enrolled shall be certified by the Secretary upon its passage.

Resolutions, Memorials, and Petitions

14.12 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.

(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.

Procedural Resolutions

14.13 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 above and, without necessity of being referred to committee, unless otherwise directed by the Senate.

Resolutions of Inquiry

14.14 (a) All resolutions of inquiry addressed to the heads of executive departments shall be reported to the Senate within one (1) week after presentation.

(b) A Senate resolution authorizing a committee to request information is treated as a resolution of inquiry.

(c) A resolution of inquiry from a committee shall have a privileged status to report.

Forms of Resolutions

14.15 Resolutions introduced in the Senate shall be either:

(a) A simple resolution (or 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.

Local Bills

14.16 The General Assembly shall not pass any local or special act. This amendment shall not prohibit the repeal of local or special acts (Amendment 14, Arkansas Constitution).

Emergency Clause

14.17 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 yea 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 (Amendment 7, Arkansas Constitution).

RULE 15

ORDER OF BUSINESS

15.01 The following shall be the daily Order of Business in the Senate:

(1) roll call;

(2) prayer;

(3) Pledge of Allegiance;

(4) reading of Journal;

(5) petitions and memorials;

(6) report of Select Committees;

(7) report of Class "A", Class "B" or Class "C" Committees;

(8) motions, resolutions, and notices;

(9) unfinished business;

(10) Executive communications;

(11) House communications and amendments to Senate bills;

(12) introduction and advancement of bills and joint resolutions;

(13) bills and resolutions from the House on First Reading;

(14) bills and resolutions from the House on Second Reading;

(15) House bills and joint resolutions on Third Reading.

15.02 There shall be maintained within the Senate Chamber a "Business Agenda" by an employee designated by the Rules Committee. 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."

Morning Hour

15.03 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.

15.04 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 15.02, 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.

The Privileged Matters Which May Interrupt the Order of Business

15.05 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 his discretion, interrupt the Order of Business for the reception of messages.

Unfinished Business

15.06 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.

Decision of Questions as to Priority of Business

15.07 All questions relating to the priority of business shall be decided by a majority without debate.

RULE 16

COMMITTEE OF THE WHOLE

16.01 All motions and propositions involving a tax or charge upon the people and all proceedings involving appropriations of money or authorizing payments out of appropriations already made shall be first considered in the Committee of the Whole, and a point of order under this Rule shall be good at any time before the consideration of any such bill has commenced.

(a) At any time after the reading of the Journal, it shall be in order to move that the Senate resolve itself into the Committee of the Whole Senate

for the purpose of considering bills raising revenues, or bills to appropriate funds.

(b) In forming a Committee of the Whole the President shall leave his chair after appointing a Senator to preside, who shall have the same power as the President to preserve order.

(c) 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.

(d) 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.

(e) 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.

(f) A majority of those voting shall prevail in the Committee of the Whole, provided a quorum is present.

Amendments in Committee of the Whole

16.02 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 he 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.

16.03 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.

16.04 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. 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.

16.05 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

17.01 It shall be the duty of the Senate to consider for confirmation appointments made by the Governor, as provided by law.

Referral of Proposed Appointments to Committee

17.02 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.

17.03 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

Messages from the House and the Governor

18.01 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.

18.02 The Senate may receive a message from the House when the House is not in session.

RULE 19

AMENDMENTS TO BILLS, RESOLUTIONS AND MOTIONS

Amendments to Text and Title

19.01 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.

Engrossed Copies to be on Desks of Members Before Consideration

19.02 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.

Amendments to Strike

19.03 Amendments for striking may be made and adopted the same day.

Senate Consent Amendment Calendar

19.04 (a) 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 Rules Committee Chairperson.

(b) 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.

(c An objection by any member, written or oral, to the Rules Committee Chairperson 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.

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

(e) 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".

(f) These proposed amendments may be placed on the Senate Consent Amendment Calendar up to one (1) hour after adjournment the day preceding the day the amendment is be to considered.

(g) 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.

Precedence of the Motion to Amend

19.05 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.

Relation of the Motion to Amend to Other Motions

19.06 The motions to postpone, 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.

House Amendments

19.07 House amendments to a Senate bill shall take the same course of the bill, but are considered by a 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

20.01 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.

20.02 The presentation of reports of committees of conference 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.

20.03 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

Use of the Senate Chamber

21.01 The Chamber of the Senate during regular and special sessions 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.

21.02 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.

21.03 Whenever any person desires to visit a member of the Senate, he shall first write his name upon a form given him, together with the name of the member he desires to visit. 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:

(i) 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

(ii) 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.

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.

21.04 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.

21.05 (a) 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.

(b) A lobbyist or a family member of a lobbyist shall be prohibited from working for the Senate on a permanent basis.

21.06 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.

21.07 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 for his or her use. 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

Objection to Reading of Papers

22.01 All Senators should have as much information as possible on every question 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.

Paper Read on Demand of a Member

22.02 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.

22.03 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

CHANGE OR SUSPENSION OF RULES

Vote Required to Suspend the Rules

23.01 It shall take twenty-four (24) votes to suspend the rules of the Senate.

Vote Required to Amend the Rules

23.02 To amend the rules requires a two-thirds (2/3) vote of the membership of the Senate (24 votes).

Notice Required to Revise or Amend the Rules

23.03 No standing rule or order shall be revised or amended without one (1) day's notice being given thereof.

RULE 24

CODE OF ETHICS

24.01 Introduction

The holding of public office is a public trust created by the confidence which the electorate places in the integrity of Senators who serve in the Arkansas Senate. Members of the Senate are expected to carry out their duties in a manner that brings honor and integrity to the body. It is recognized that the part-time, citizen-based nature of the Arkansas General Assembly may create ethical dilemmas, but this does not nullify or diminish the Senate's expectation that Senators will make every effort to resolve these issues in satisfactory fashion and comply with these rules.

This Code of Ethics has been adopted to define the ethical expectations, provide a process for addressing accusations of ethical misconduct, and to provide for sanctions and penalties. The Code is adopted pursuant to authority granted by the Constitution of the State of Arkansas for the Senate to be the sole judge of the qualifications of its members and to determine its own rules and procedures.

24.02 Definitions

(a) "State agency" means every board, commission, department, division, institution, and other office of state government whether located within the legislative, executive, or judicial branch of government and including state supported colleges and universities.

(b) "Family" means an individual who is a spouse, natural or adopted child, parent, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.

(c) "Financial Interest" means any relationship to a business in which a Senator or a member of his or her family is an officer, director or owns more than ten percent (10%) interest.

(d) "Compensation" means any money or anything of value received, whether in the form of a retainer fee, fee, salary, or expense allowance, or any form of recompense or any combination thereof.

(e) "Business" means any specific and particular corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self employed individual, receivership, trust or any legal entity through which a commercial enterprise is conducted.

(f) "Contract" means any contract, lease agreement, grant, request for proposal, sub-grant, sub-contract, sub-lease, or assignment.

24.03 Compliance with Law

Senators shall comply with all constitutional and statutory provisions relating to elected office. Violation of any constitutional or statutory provision shall be grounds for administering penalties as provided in the Code of Ethics. Any penalty imposed by the Senate shall not bar any other civil or criminal proceedings.

24.04 Advisory Opinion

A Senator may request in writing an advisory opinion from the Senate Rules Committee concerning his or her compliance with the Senate Code of Ethics. A written opinion from the Rules Committee shall be signed by the Chairman. An opinion shall be advisory only and shall not be binding on the Senate as a whole.

24.05 Use of Influence and Knowledge for Personal Gain

A Senator, personally or through others, shall not knowingly:

(a) Use the influence or knowledge of his or her office to obtain personal or family financial gain other than that provided by law for the performance of the Senator's legislative duties.

(b) Acquire a financial interest in any business which the Senator has reason to believe may be directly affected to its economic benefit by action taken by the Senate.

(c) Perform an act that adversely affects a business when the Senator or his or her family has a financial interest in a competing business.

(d) Use or attempt to use his or her official position to secure or create privileges, advantages, or special treatment for the Senator's benefit or the benefit of the Senator's family unless the enactment or administration of law benefits the public generally.

(e) Use public funds or the time or counsel of public employees, for his or her personal or family gain.

(f) Use his or her official position by any means to influence a State agency for personal or family gain by the use of express or implied threat of legislative reprisal.

24.06 Contracts with the State

No Senator shall have a financial interest in any contract with any State agency unless it is awarded through a process of public notice and competitive bidding, or through a public notice requesting proposals, or has received the prior approval of the Legislative Council. Contracts entered into prior to a Senator's election are not subject to this rule. Extension of any such contracts are subject to the provisions of this rule.

24.07 Conflicts of Interest

(1) A Senator shall not participate in the discussion of a question in committee, or on the floor of the Senate, or vote in committee or on the floor of the Senate on any matter in which the Senator knows:

(a) He or she, or any member of his or her family, or a business in which the Senator has a financial interest, will derive a benefit as a result of legislative action. This prohibition does not apply when the matter provides a benefit to the Senator, his or her family, or business associate,

as a member of a business, profession, occupation or other group, that is no greater than the benefit which accrues generally to other members of like business, profession, occupation, or other group. The Senator shall have his or her abstention noted of record.

(b) Will specifically relate to a business which employs the Senator or in which he or she receives compensation as an attorney or consultant. This prohibition does not apply when the matter provides a benefit which accrues generally to other like businesses, professions, occupations, or other groups. The Senator shall have his or her abstention noted of record.

(c) However, a Senator may participate and vote on any matter pending before a committee or on the floor of the Senate if the Senator has disclosed any compensation or financial interest he or she may have regarding the matter. Disclosure shall be made when a Senator enters a written statement upon the Senate Journal, or with the staff of the appropriate interim committee, detailing the source of compensation and/or the financial interest held.

(2) An attorney member of the Senate shall be prohibited from representing any claimant before the Arkansas Claims Commission.

(3) No member of the Senate shall serve as a registered lobbyist, as defined by Arkansas Code Annotated 21-8-402.

(4) A family member of a Senator or a family member of a Senate staff person shall be prohibited from working for the Senate on a permanent basis.

24.08 Allegations of Violations

Any member of the Senate who has good reason to believe that a member, or members, of the Senate have violated the Senate's Code of Ethics may petition the full Senate to meet in a public forum to conduct an investigation regarding the alleged violation. The petitioning process shall be as follows:

(a) A member shall prepare a petition. The petition shall list the accused member's name, the name of the accuser or accusers, the Code of Ethics provision that has allegedly been violated, and a description of the activity that allegedly violated the Code of Ethics. The member making the accusation shall deliver a copy of the petition to the accused at least ten (10) days prior to the petition's being submitted to the Senate membership. The member making the accusation shall then determine whether a majority of the members of the Senate are willing to sign the petition to convene the full Senate for the purpose of conducting a hearing. If the accusing member presents the President Pro Tempore of the Senate with a petition, or duplicate petitions with individual signatures, signed by eighteen (18) or more Senators, the President Pro Tempore shall schedule a hearing for a time certain within thirty (30) days of the receipt of the petition(s) to consider the accusation. The President Pro Tempore shall notify every member of the Senate in writing by Certified Mail, Return Receipt Requested. The hearing shall be open to the public and shall be held in the Senate Chamber.

(b) If the accused member or the accuser is the President Pro Tempore, the President Pro Tempore shall step aside from the petitioning process and all duties and obligations shall be under the jurisdiction of the Chairman of the Rules Committee. If the Chairman of the Rules Committee is accused or is the accuser, along with the President Pro Tempore, the majority party leader and the minority party leader shall meet to set the date, notify members of the Senate in writing, and determine the chair of the hearing.

(c) The President Pro Tempore (or Rules Committee Chairman, or Senator properly chosen by the majority or minority leaders) shall preside over the hearing and call the roll.

(d) Members of the news media shall be welcomed to the same seating arrangements available to them during the last Regular or Special Sessions. The public shall be allowed to observe the entire proceeding.

24.09 Hearing Procedure

The hearing shall proceed as follows:

(a) The accuser(s) shall state why he or she asked for the hearing, stating the section of the Code of Ethics he or she believes has been violated.

(b) The accused shall be asked by the presiding officer to answer any and all allegations. The accused may decline to answer any allegations and his or her refusal to answer shall not be used against him or her in the proceedings.

(c) The accused and the accuser may call witnesses who shall be allowed to testify under oath.
(d) At the end of the hearing, the accuser and accused may make closing statements.

(e) The membership, including the accused and the accuser, shall vote in public on whether the accused has violated the Senate's Code of Ethics. The roll shall be called by the Secretary of the Senate. Each Senator shall respond at the time his or her name is called by voting yea, nay or abstain.

(f) Eighteen (18) or more votes are required to find a Senator in violation of the Senate's Code of Ethics. The pairing of votes shall not be recognized.

24.10 Penalties

If a Senator has been found to have violated the Senate's Code of Ethics, the Senate shall proceed to discipline the member. Immediately following the vote determining that a violation occurred, the accuser shall move that the Senate discipline a member by one (1) or more of the following penalties:

(a) letter of caution;
(b) loss of committee assignment(s);
(c) loss of leadership assignment(s);
(d) loss of seniority;
(e) temporary suspension;
(f) expulsion;
(g) other measures to be determined by the members of the Senate.

The accuser's motion shall be subject to substitution and amendment. Any letter of caution shall be authored by the presiding officer of the hearing. It shall take a two-thirds (2/3) majority of the membership to suspend or expel a member.

24.11 Ineligibility to Retain Office

If a Senator under a felony criminal indictment in any federal or state court is subsequently found guilty of the charges against him/her, the Senator shall immediately be ineligible to retain his/her office under authority of Article 5, Section 9 of the Constitution of Arkansas and a vacancy shall be immediately declared by the President Pro Tempore with notification given to the convicted Senator, all members of the Senate, the Secretary of the Senate, the Governor, the Secretary of State and the Auditor of State.

24.12 Spurious or Frivolous Accusations

When the Senate votes to absolve an accused member of any ethical violation, the membership may levy against the accuser one or more of the penalties as described in Rule 24.10 if it determines that the accusations were spurious or frivolous.

RULE 25

CAMPAIGN CONTRIBUTIONS

25.01 It shall be a violation of the Rules of the Senate for any member of the Senate to accept a campaign contribution for all offices, except a special election for United States Representative, during the period beginning thirty (30) days before and ending thirty

(30) days after any regular session of the General Assembly. If there is an extended recess of the General Assembly, the period shall end thirty (30) days after the beginning of the recess. It shall also be a violation of the Rules of the Senate for any member of the Senate to accept a campaign contribution during any extended session of the General Assembly or during any special session of the General Assembly except a special election for United States Representative. The term "regular session" shall not apply to "fiscal sessions" as required by Amendment 86 to the Arkansas Constitution.

RULE 26

MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO APPLY IN CASES NOT COVERED BY THESE RULES

26.01 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 these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

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