RULES OF THE
ARKANSAS LEGISLATIVE COUNCIL

1. Purpose. The purpose of these Rules is to form a basis for the Legislative Council's operations and to inform the members of the General Assembly and the Public of the Legislative Council's procedure in order that they may properly utilize the Legislative Council's services and assist in studying problems before the General Assembly.

2. Parliamentary Procedure. Except as otherwise specified by these Rules, the proceedings of the Legislative Council shall be governed by the same rules as govern the House of Representatives and Senate of the General Assembly of Arkansas, so far as they are applicable, together with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

3. Order of Business.

(a) The regular order of business for meetings of the Legislative Council shall be as follows:

(1) Call to order by chair;
(2) Roll call;
(3) Approval of minutes;
(4) Presentation of revenue-related reports;
(5) Report of the Executive Subcommittee;
(6) Reports of standing subcommittees;
(7) Reports of interim or special committees or subcommittees;
(8) Review of communications;
(9) Memorials;
(10) Business carried over from previous council meetings;
(11) New business;
(12) New proposals and resolutions;
(13) Supplemental agenda items; and
(14) Adjournment.

(b) Items to be considered on an agenda, other than reports of Legislative Council subcommittees, shall be submitted no later than seven (7) days prior to a scheduled meeting date in order to be placed on the Legislative Council agenda. Items received less than seven (7) days before a scheduled meeting of the Legislative Council shall be accompanied by a request for placement on a supplemental agenda and a statement as to why the item cannot wait to be heard at the next regularly scheduled meeting of the Legislative Council. Placement on a supplemental agenda is subject to the approval of the Legislative Council Co-Chairs, and the items may only be considered by the Legislative Council upon a vote to suspend the rules. Otherwise, the items will be added to the agenda of the next meeting of the Legislative Council.

(c) An item may be taken up out of the order set forth herein by an affirmative vote of a majority of the members present.

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4. Officers.

(a) The Legislative Council shall have from among its membership a Senate Co-Chair and a House of Representatives Co-Chair, and a Senate Co-Vice Chair and a House of Representatives Co-Vice Chair who shall serve during the legislative biennium in which they are selected.

(b) The Director of the Bureau of Legislative Research shall serve as Executive Secretary of the Legislative Council.

5. Legislative Council Subcommittees.

(a) **Standing Subcommittees.** The Legislative Council shall have the following standing subcommittees with jurisdiction of the following subject areas:

(1) **Review Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) Agency requests for contracts requiring the services of one (1) or more persons, as provided in Arkansas Code § 19-11-265;

(B) Review of proposed methods of financing for capital expenditures in excess of $250,000, which have not been approved by the General Assembly, as provided in Arkansas Code § 22-9-104;

(C) Review of requests of state agencies for leasing of motor vehicles (for more than thirty (30) days) prior to final approval of the leases by the state purchasing administrator, as provided in Arkansas Code § 22-8-102;

(D)(i) Reports from the Office of State Procurement (OSP) regarding executed contracts and contracts procured by a state agency procurement official that has a delegation order, as provided in Arkansas Code § 19-11-2734.

(ii)(*a*) A primary member of the Legislative Council may request that a contract included in a report under subdivision (a)(1)(D)(i) of this subsection be considered for discussion by the Legislative Council.

(*b*) The primary member shall notify the Legislative Council co-chairs of his or her request for discussion at the Legislative Council meeting no later than one (1) business day prior to the day of the meeting of the Legislative Council at which the contract will be considered for discussion;

(E) Review of mandatory state contracts that are not for commodities or services within the exclusive jurisdiction of the OSP Director, pursuant to Arkansas Code § 19-11-223(a)(2);

(F) Review of rules submitted by the State Procurement Director, pursuant to Arkansas Code § 19-11-225(a);

(G) Review of other matters referred to the subcommittee by the Legislative Council that require Legislative Council review and that are not otherwise within the jurisdiction of another Legislative Council subcommittee;

(2) **Charitable, Penal, and Correctional Institutions Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) The Department of Correction and its various units;

(B) The state correctional facilities for juveniles;

(C) The state institutions that provide institutional services for citizens of this state; and

(D) Private facilities providing institutional services and care purchased by

the state for the benefit of indigent persons;

(3) **Performance Evaluation and Expenditure Review Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) The financial operation and fiscal performance of state agencies, departments, and institutions, including but not limited to;

(i) Program performance and evaluation;

(ii) Efficiency in the operation of agency programs and services;

(iii) Coordination of programs and services that require the expenditure of state funds;

(iv) The stability and adequacy of the various funds and fund accounts of the state, including without limitation :

(a) Approval of transfers from the ~~Long Term~~ Catastrophic Reserve Fund require prior approval of the Performance Evaluation and Expenditure Review Subcommittee, and, pursuant to Arkansas Code § 19-6-486, final approval of two-thirds (2/3) of the members of the Legislative Council; and

~~*(b)* [Effective through June 30, 2023] Approval of a release of Unallocated Restricted Reserve Fund Set-Aside require prior approval of the Performance Evaluation and Expenditure Review Subcommittee and the Legislative Council, pursuant to Act 1058 of 2021;~~

(b) ~~[Effective July 1, 2023]~~ Approval of transfers from Restricted Reserve Fund Set-Asides, including without limitation those listed in Addendum A hereto, which includes the vote threshold required for approval of the related requests. Addendum A is considered a part of these Rules upon adoption by the Legislative Council; and

(v) Other matters pertaining to agency performance and accountability in the use of public funds, which are not otherwise within the jurisdiction of another subcommittee of the Legislative Council;

(B) The organization, consolidation, merger, or abolishment of a state agency, board, commission, or program;

(C) Distribution and use of unanticipated discretionary federal funds for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health;

(D)(i) Consideration of requests by a state agency, constitutional office, or institution for a transfer of an American Rescue Plan Act appropriation, as approved or modified by the Chief Fiscal Officer of the State.

(ii) The American Rescue Plan Act of 2021 requests submitted pursuant to subdivision 5.(a)(3)(D)(i) of this section require prior approval of the Legislative Council;

(E) Other matters as may be assigned to the subcommittee by the Legislative Council; and

(G)(i) In addition to the duties listed above, and in accordance with the Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022, the Subcommittee shall hear appeals from any eligible local law enforcement agency regarding an adverse decision by the Secretary of the Department of Finance and Administration concerning the failure to abide by the provisions of subsection (i) of the Act, which sets forth the circumstances under which funds received under the Act shall be returned to the Secretary.

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(ii) The Subcommittee shall hear the appeal and provide an advisory opinion to the Legislative Council for its consideration. If the advisory opinion is adopted by the Legislative Council, it shall be forwarded to the Secretary of the Department of Finance and Administration;

(4) **Administrative Rules Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) Administrative rules submitted to the Legislative Council by state agencies, boards, and commissions for Legislative Council review and approval, as required by Arkansas Code § 10-3-309;

(B) State agency appeals of administrative rule codification decisions and technical correction decisions made by the Bureau of Legislative Research under Arkansas Code § 25-15-218, regarding rules codified in the Code of Arkansas Rules;

(C) Other matters pertaining to administrative organization, rules, regulations, and procedures as may be assigned to the subcommittee by the Legislative Council; and

(5) **Uniform Personnel Classification and Compensation Plan Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) The State Uniform Personnel Classification and Compensation Plan;

(B) The adequacy of position classification and pay schedule of state agencies and institutions;

(C) Consideration of matters that require Legislative Council advice in regard to the administration of the State Personnel Classification and Compensation Plan;

(D) The duties of the General Assembly to establish the maximum number of employees, and the maximum annual salaries of all officials and employees of state government; and

(6) **Hospital, Medicaid and Developmental Disabilities Study Subcommittee.** To this subcommittee shall be referred all matters pertaining to:

(A) Hospitals;

(B) Medicaid;

(C) Incentives for the establishment of rural hospitals, clinics and other rural medical facilities;

(D) Incentives for physicians practicing in rural areas;

(E) Protection and advocacy for individuals with developmental disabilities and examination of the activities of the entities designated to carry out these duties in the state; and

(F) Any and all related matters;

(7) **Claims Review/Litigation Reports Oversight Subcommittee.** To this subcommittee shall be referred all matters pertaining to:

(A) Claims referred from the Arkansas State Claims Commission, in accordance with Arkansas Code § 19-10-215;

(B) Appeals from decisions of the Arkansas State Claims Commission, in accordance with Arkansas Code § 19-10-211;

(C) Appeals from decisions of the Arkansas State Claims Commission in connection with the solicitation or award of a contract by a state agency, in accordance with Arkansas Code § 19-11-244;

(D) Receipt of notification of lawsuits affecting the state; and

(E) Review of the lawsuits including the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and other information that will enable the Legislative Council to determine the action that may be necessary to protect the interests of the General Assembly and the State of Arkansas;

(8) **Game & Fish/State Police Subcommittee.** To this subcommittee shall be referred all matters pertaining to the Arkansas Game & Fish Commission and State Police, including all rules of the Arkansas Game & Fish Commission, which shall be reported to the subcommittee for discussion;

(9) **Higher Education Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) Four-year institutions of higher education;

(B) Two-year institutions of higher education;

(C) Technical education;

(D) Vocational education;

(E) Adult education;

(F) College and career readiness;

(G) Private institutions of higher education; and

(H) Any related matters as may be assigned to the subcommittee by the Legislative Council;

(10) **Lottery Oversight Subcommittee.** To this subcommittee shall be referred all matters pertaining to:

(A) Expenditures of lottery proceeds;

(B) Proposed rules of the Office of the Arkansas Lottery;

(C) Proposed contracts of twenty-five thousand dollars ($25,000) or more;

(D) Reports pertaining to the lottery and lottery scholarships;

(E) Review and approval of loans from the Scholarship Shortfall Reserve Trust Account to fund scholarships under the:

(i) Arkansas Academic Challenge Scholarship Program;

(ii) Arkansas Workforce Challenge Scholarship Program; or

(iii) Arkansas Concurrent Challenge Scholarship Program; and

(F) Any and all related lottery matters;

(11) **Highway Commission Review and Advisory Subcommittee.**

(A) Membership. The subcommittee shall consist of twenty (20) members with at least four (4) or more members of the Legislative Council from each congressional district of the state. The Legislative Council may, by an affirmative vote of two-thirds (2/3) of a quorum to suspend the rules, alter the membership of the subcommittee.

(B) Duties. To this subcommittee shall be referred the following matters:

(i)*(a)* Proposed rules of the State Highway Commission:

(1) Required under Arkansas Code § 27-65-107(a)(18)(A); and

(2) Related to implementation of the recommendations included in the final study report of the Subcommittee adopted by the Legislative Council on November 20, 2020.

(b) Proposed rules of the State Highway Commission submitted under this subdivision are not subject to approval by the Legislative Council or any of its subcommittees and shall be presented for review only.

(c) The Subcommittee shall allow members of the public a reasonable length of time to comment on the proposed rules submitted pursuant to subdivision 5.(a)(12)(B)(i)*(a)(2)* of this rule;

(ii) Reports from the State Highway Commission regarding the progress of each public road construction project of ten million dollars ($10,000,000) or more;

(iii) Report of the Director of State Highways and Transportation regarding draft legislation that has been approved by the State Highway Commission to be presented for filing during the next regular legislative session. This report shall be presented to the Subcommittee at its December meeting of each year immediately preceding a regular session;

(v) Proposed contracts of the State Highway Commission, in the amount of fifty thousand dollars ($50,000) or more, that are entered for the purpose of implementing any of the recommendations included in the final report adopted by the Legislative Council in November 2020. A contract shall be submitted to the Subcommittee for review prior to execution of the contract. The Subcommittee shall allow members of the public a reasonable length of time to comment on the proposed contracts submitted under this subdivision;

(vi) Monthly reports regarding the status of the implementation of the recommendations included in the final report adopted by the Legislative Council in November 2020 by the State Highway Commission and the Arkansas Department of Transportation;

(vii) Other State Highway Commission matters the subcommittee considers necessary to perform its duties as prescribed by law; and

(viii) Other duties as assigned to the subcommittee by the Legislative Council;

(12) ~~**Employee Benefits Division**~~ **State Insurance Programs Oversight Subcommittee.** To this subcommittee shall be referred all matters pertaining to the State and Public School Life and Health Insurance Program and the State Captive Insurance Program (collectively, "the Programs"), including:

(A)(i) New or significantly modified cost-containment measures

(ii) As used in subdivision 5.(a)(13)(A)(1), "cost-containment measure" means a process or practice of controlling and managing expenses of the program by reducing or limiting the amount of spending required to administer the program and remain within specific, preplanned budgetary constraints;

(B) Any change in plan options offered under the:

(i) State and Public School Life and Health Insurance Program ~~program~~ for state employees or public school employees; or

(ii) State Captive Insurance Program for property owned by public schools, state-supported institutions of higher education, or the state;

(C) Potential funding changes to either of the ~~program~~ programs;

(D) Any premium increases or decreases over the previous plan year;

(E) Any concern involving the reserve balance for ~~state employees or public school employees~~ either of the programs;

(F) Changes to the four-year projections for either the ~~program~~ programs;

(G) Changes that would limit, eliminate, or increase benefits of plan options offered under either of the ~~program~~ programs and the effect these changes would have

on the fiscal viability of the program, including the reserve balance ~~for state employees or public school employees~~;

(H) Changes that would limit, eliminate, or increase eligibility requirements for either of the ~~program~~ programs;

(I) Vendor issues or changes in vendors from the previous plan year;

(J) Proposed contracts or changes in contracts from the previous plan year;

(K) Any change in consultants from the previous plan year;

(L)(i) Rules promulgated by the State Board of Finance or by the Employee Benefits Division or the Department of Shared Administrative Services regarding the implementation, administration, or enforcement of either of the ~~program~~ programs.

(ii) Proposed rules submitted to the subcommittee under this section are not subject to approval by the subcommittee, but are submitted for review purposes only;

(M) Quarterly reports from the State Board of Finance, ~~and~~ the Director of the Employee Benefits Division, and the Director of the Office of Property Risk or the Secretary of the Department of Shared Administrative Services, as required by ~~Act 113 of 2022~~ law;

(N) Other matters related to the ~~State and Public School Life and Health Insurance Program~~ programs that may be referred to the subcommittee or that the subcommittee considers necessary to perform its oversight of all matters related to the program; and

~~(O) In addition to the duties listed above, and in accordance with Act 113 of 2022, the Subcommittee, with the cooperation of the Director of the Employee Benefits Division, shall conduct a study regarding the viability and sustainability of a general diabetes management program for the State and Public School Life and Health Insurance Program to include:~~

~~(i) Evaluating possible general diabetes management programs for managing diabetes of members of the State and Public School Life and Health Insurance Program;~~

~~(ii) Developing recommendations for potential legislation for the 2025 Regular Session of the General Assembly that are necessary to implement a general diabetes management program for the State and Public School Life and Health Insurance Program; and~~

~~(iii) Submitting a report summarizing the results of the study to the Legislative Council no later than July 1, 2024.~~

(13) **Occupational Licensing Review Subcommittee.** To this subcommittee shall be referred:

(A) The responsibilities and duties set forth in Act 600 of 2019, the Red Tape Reduction Sunrise and Sunset Act of 2019, including without limitation conducting a periodic comprehensive review of all occupational authorizations and occupational entities; and

(B) Other matters related to occupational authorizations and occupational entities that may be assigned to the subcommittee; and

(14) **Medical Marijuana Advisory Subcommittee.** To this subcommittee shall be referred all matters related to Arkansas Constitution, Amendment 98, including:

(A) Licensing and operation of dispensaries and cultivation facilities;

(B) Registration and certification of cultivation facility agents and dispensary agents;

(C) Licensure of transporters, distributors, and processors;

(D) Registration and certification of transporter agents, distributor agents, and processor agents;

(E) Qualifying medical conditions for the medical use of marijuana;

(F) The taxation and distribution of medical marijuana proceeds;

(G)(i) Rules promulgated by one (1) or more of the following state agencies regarding the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98:

(a) The Alcoholic Beverage Control Division;

(b) The Department of Health;

(c) The Medical Marijuana Commission; and

(d) Any other state agency involved with the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98.

(ii) Proposed rules submitted to the subcommittee under this section are not subject to approval by the subcommittee, but are submitted for review purposes only;

(H) Review of proposed contracts of one (1) or more of the following state agencies in the amount of twenty-five thousand dollars ($25,000) or more that relate to the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98:

(i) The Alcoholic Beverage Control Division;

(ii) The Department of Health;

(iii) The Medical Marijuana Commission; and

(iv) Any other state agency involved with the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98;

(I) Other matters related to medical marijuana that may be referred to the subcommittee or that the subcommittee considers necessary to provide its advice.

(b) **Select Subcommittees.** The Co-Chairs of the Legislative Council may designate subcommittees to assist in the administration of the affairs of the Legislative Council and of the Bureau of Legislative Research, including but not limited to the following:

(1) **Executive Subcommittee.**

(A) This subcommittee shall consist of:

(i) The House of Representatives Co-Chair;

(ii) The Senate Co-Chair;

(iii) The immediate past Co-Chairs of the Legislative Council; and

(iv) Other members as prescribed by Arkansas Code § 10-3-303(f).

(B) The Co-Chairs of the Legislative Council shall serve as the Co-Chairs of the subcommittee.

(C) The subcommittee shall assist the House of Representatives Co-Chair and the Senate Co-Chair and the Director of the Bureau of Legislative Research in regard to:

(i) The development of proposed policies governing the Legislative Council;

(ii) Personnel policies and matters pertaining to the operation of the

Bureau of Legislative Research;

(iii) Review and offer instruction to the Bureau of Legislative Research with respect to requests received from members of the General Assembly for distribution of letters, documents, or other information to all members of the General Assembly and to other states;

(iv) Review and approval of proposed emergency rules submitted by state agencies; and

(v) Providing immediate action on reforms proposed by the Department of Human Services to meet its savings goals under the Medicaid provider-led organized care plan, as required by Act 802 of 2017.

(D) In addition, the subcommittee shall:

(i)*(a)* Review study proposals referred to interim committees by members thereof, which have not previously been reviewed by the Legislative Council as to germaneness.

(b) The subcommittee shall submit its recommendations to the Legislative Council concerning the germaneness of the study proposals to the subject areas assigned to the interim committee as provided by law; and

(ii) Review and make recommendations to the Legislative Council regarding the allocation of funds and personnel to be funded from monies appropriated to the Legislative Council for use by interim committees, task forces, and subcommittees of the Legislative Council;

(E) The Director of the Bureau of Legislative Research shall report to and regularly seek the review and advice of the Executive Subcommittee as may be required by the subcommittee under Arkansas Code § 10-3-303.

(2) **Other Select Subcommittees.** The House of Representatives Co-Chair and Senate Co-Chair may from time to time with the approval of the Legislative Council name such other select subcommittees and define their duties as they deem necessary to assist in the internal operation and affairs of the Legislative Council and the Bureau of Legislative Research.

(c) **Other Subcommittees.** In addition to the standing and select subcommittees, other subcommittees may be created by the Legislative Council from time to time. Special subcommittees of the Legislative Council may be established only upon suspension of the Rules.

(d) **Subcommittee Membership.**

(1)(A) Unless otherwise stated in these rules, each of the subcommittees of the Legislative Council shall have sixteen (16) members, eight (8) Senate members and eight (8) House of Representatives members, in addition to the House of Representatives Co-Chair and the Senate Co-Chair and the House of Representative Co-Vice Chair and Senate Co-Vice Chair of the Legislative Council who shall serve as ex officio members of each subcommittee of the Legislative Council.

(B) The Legislative Council Co-Chairs may add additional members to any subcommittee of the Legislative Council during the initial selection of subcommittees for each biennium at their joint discretion.

(2) The Co-Chairs and Vice-Co Chairs of the Legislative Council as ex officio members of the Legislative Council subcommittees shall enjoy the same rights and privileges as other members of the subcommittees.

(3) The Senate members shall be appointed by the Senate Co-Chair of the

Legislative Council and the House of Representatives members shall be appointed by the House of Representatives Co-Chair of the Legislative Council.

(e) **Alternate Members.**

(1) First alternate members shall have a vote in matters before the Legislative Council if the regular member which the first alternate represents is not in attendance.

(2) Second alternate members shall have a vote in matters before the Legislative Council if the regular member and the first alternate member which the second alternate represents are not in attendance.

(3) For purposes of these rules, a member or an alternate shall be considered to be "not in attendance" when he or she is determined by the chair to not be in the committee room at the time that the motion on which action is required is made.

(4) Alternate members of the Legislative Council shall have the same subcommittee assignments as regular members, but shall serve on the subcommittees only upon absence of regular members. However, an alternate member shall not serve as a chair or vice chair of the subcommittee or serve on the Executive Subcommittee, except upon becoming a regular member. When it becomes apparent that a regular member of the Legislative Council will no longer be serving as a member of the Legislative Council, his or her alternate, upon becoming a regular member, may request new subcommittee assignments.

(f) **Temporary Ex Officio Non-Voting Members of Subcommittees.** Any regular member of the Legislative Council who introduces a proposal for study by the Legislative Council shall be a non-voting ex officio member of the subcommittee to which the proposal is referred for study for purposes of that study only.

(g) **Chairs of Subcommittees.**

(1) No member shall serve as chair of more than one (1) standing subcommittee.

(2) The chairs of subcommittees of the Legislative Council, other than the Executive Subcommittee, shall serve at the pleasure of the Legislative Council Co-Chair of the house to which the subcommittee chair is a member.

(h) **Meetings of Subcommittees.**

(1) A Legislative Council subcommittee shall not meet during a regularly scheduled meeting of the Legislative Council.

(2)(A) All meetings of Legislative Council subcommittees should be scheduled during the week of a scheduled Legislative Council meeting.

(B) The Senate Co-Chair and the House of Representatives Co-Chair must give prior approval for a subcommittee of the Legislative Council to meet at a date outside the week of a scheduled Legislative Council meeting.

(C) Either chair of a subcommittee or a majority of the members of a subcommittee shall have the authority to call a subcommittee meeting if there is sufficient work to warrant the meeting, and the chair shall notify the Director of the Bureau of Legislative Research of the time of the subcommittee meeting in order to avoid conflicting dates in subcommittee meetings.

(3) Participation in discussion at Legislative Council subcommittee meetings shall be in the following priority:

(A) Members of the subcommittee;

(B) Alternate members of the subcommittee; and

(C)(i) Legislators who are not members of the subcommittee.

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(ii) Legislators who are not members of the subcommittee may be allowed to participate in the discussion after all members and alternates have participated, if time allows, and if at that point it is the will of the co-chairs of the subcommittee.

(4) Motions shall only be recognized when made by members of the subcommittee or their alternates.

(i) **Powers of Subcommittees.**

(1) A subcommittee of the Legislative Council shall consider only those matters that have been duly referred to it by the Legislative Council.

(2)(A) A subcommittee shall not:

(i) Embark upon any study unless the study shall have been directed by the Legislative Council;

(ii) Make or undertake any investigation unless:

(a) The nature and purposes of the investigation have been filed in writing as a proposal in the manner provided in these rules; and

(b) The study has been approved at a regular meeting of the Legislative Council by a two-thirds (2/3) vote of the entire membership of the Legislative Council; or

(iii)*(a)* Incur any "special expenses" during the course of its business without the prior consent of the Senate Co-Chair and the House of Representatives Co-Chair of the Legislative Council.

(b) For purposes of this rule, "special expenses" means any expenses incurred beyond payment of mileage and per diem to members of the General Assembly for attendance at the subcommittee meeting, and includes without limitation witness fees, interpreter fees, and court reporter expenses.

(B)(i) If a subcommittee determines, during the course of any study referred to it that an investigation is necessary for the proper determination of the matter under study, the subcommittee shall, in writing, report the facts to the Legislative Council.

(ii) The report shall be filed with the Director of the Bureau of Legislative Research at least six (6) days in advance of the next regular meeting of the Legislative Council and placed on the agenda of the meeting.

(iii) If the Legislative Council approves the investigation by a two-thirds (2/3) vote of the entire membership, the investigation may be undertaken by the subcommittee within such limits as the Legislative Council may direct.

(j) **Bypassing Subcommittee Review.**

(1) All matters that fall under the jurisdiction of the Legislative Council subcommittees, as set forth in this Rule 5, shall be presented to the subcommittees rather than being brought directly to the Legislative Council.

(2)(A) In order for a matter usually referred to a Legislative Council subcommittee to receive direct review or approval by the Legislative Council, there must first be a vote to suspend the rules of the Legislative Council under Rule 17.(c). Upon passage of the motion to suspend the rules, the Legislative Council may hear the matter directly.

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

(k) **Planned Activities.** The Legislative Council and its subcommittees shall not participate in planned activities, as defined in Article 19, § 30 of the Arkansas Constitution.

6. Offices. The Legislative Council shall maintain offices in the State Capitol, but the House of Representatives Co-Chair and Senate Co-Chair may call any meeting at any other place.

7. Legislative Council Meetings.

(a) Regular meetings of the Legislative Council shall be held on the third Friday of each month, with the House of Representatives Co-Chair and Senate Co-Chair alternating the chair, unless otherwise agreed by the Co-Chairs.

(b) The Co-Chairs may cancel any regular meeting date upon six (6) days' notice to the members.

(c)(1) Special meetings may be called, at such additional times as may be deemed desirable, by the Co-Chairs upon six (6) days' notice thereof, upon vote by the Legislative Council at a meeting of the Legislative Council, or by written request of a majority of the members of the Legislative Council.

(2) Special meetings of the Legislative Council related to legislative oversight as set forth under Rule5.(3)(D), regarding American Rescue Plan Act funds, and Rule 25, related to emergency declarations, may be called by the Co-Chairs with one (1) business day's notice thereof.

(d) All meetings of the Legislative Council shall be open to the public except that executive sessions may be held as authorized by law.

8. Quorum and Action.

(a)(1) **Legislative Council Meeting.** A majority of the members of the Legislative Council, or their alternates, shall constitute a quorum for the transaction of all business. A quorum is the minimum number of members or alternates necessary to conduct business. As the number of members or alternates present exceeds the minimum for a quorum, the number present becomes the quorum, (e.g. If a majority of the members is 30, but 47 members are present, then 47 is the quorum.)

(2) Except as otherwise provided by these rules, an affirmative vote of a majority of the members present shall be required for any issue or matter. A majority of the members present, when the members present represent less than a quorum may not effectively take action.

(3)(A) Upon the request of any three (3) members of the Legislative Council, a separate vote of House of Representatives members and Senate members shall be taken on any issue or matter before the Legislative Council and, except as otherwise provided by these rules, approval of a majority of the members present when a quorum is present from the House of Representatives and a majority of the members present when a quorum is present from the Senate shall be required for the issue or matter.

(B) If the vote required to take action on a matter requires anything other than a majority of the members present, that amount required to take action will be the amount required for each house in a separate vote (e.g., Suspension of the rules requires an affirmative vote of two-thirds (2/3) of a quorum. In a separate vote of the houses, suspension of the rules would require an affirmative vote of two-thirds (2/3) of a

quorum of the members of the House of Representatives and two-thirds (2/3) of a quorum of the members of the Senate.)

(C) A request for a separation of the vote may be combined with a request for a roll call.

(b) **Legislative Council Subcommittee Meeting.** A majority of the membership of a subcommittee of the Legislative Council shall constitute a quorum, and except as otherwise provided by these rules, an affirmative vote of a majority of the members present of a subcommittee of the Legislative Council shall be necessary for action on any matter. The Senate Co-Chair and Vice-Chair and the House of Representatives Co-Chair and Vice-Chair of the Legislative Council shall only be counted towards the membership number necessary for a quorum of the Subcommittee when present at the time that action is being taken by the Subcommittee.

9. Motions/Objections.

(a) **Motion to Reconsider.** A motion to reconsider a proposition that has been made and carried or lost shall only be made by a member who voted in the majority of the vote on the proposition. The vote on a proposition may once be reconsidered by a majority vote of the total membership of the Legislative Council, but once a vote has been taken to reconsider, a further motion to reconsider is not in order. A motion to reconsider shall only be taken up within the same meeting as the vote which is the subject of reconsideration.

(b) **Motion to Expunge.** The record on any action taken by the Legislative Council may be expunged by a two-thirds (2/3) vote of the total membership of the Legislative Council.

(c) **Second to Motions Required.** Action may only be taken by the Legislative Council after a motion and a second have been recognized by the Legislative Council Co-Chairs, the Co-Vice Chairs, or the Co-Chair designee.

(d) **Substitute Motions.** A substitute motion to a main motion may be made and shall be considered prior to consideration of the main motion. A substitute to the substitute motion shall be allowed and considered prior to consideration of the original substitute motion and the main motion. However, a substitute motion to the third degree shall never be permitted.

(e) **Objections.** An objection to consideration or to the Chair's ruling must be made immediately following the motion or ruling. It may be made when another has the floor but must be made before debate or voting has begun, and before any action has been taken.

10. Roll Call. A roll call shall be taken upon any question upon demand of three (3) members. A request for a roll call may be combined with a request for a separation of the vote between the members of the House of Representatives and the members of the Senate.

11. Agenda. On or before six (6) days prior to the date of any meeting of the Legislative Council, the Executive Secretary shall prepare and make available to each member of the Legislative Council the agenda or program to be considered at the meeting.

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12. Proposals, Resolutions and Memorials.

(a) Matters of legislative and governmental interest may be brought to the attention of the Legislative Council in three (3) ways:

(1)(A) **Proposals.** Those matters that call for study and research by the Legislative Council or an interim committee should be submitted in the form of a proposal. Any member of the General Assembly may submit a proposal. Each proposal shall bear a descriptive title, and bear the name of the sponsor.

(B) Proposals must be filed with the Executive Secretary at least six (6) days before the meeting at which they are to be considered. New proposals shall not be accepted by the Legislative Council after the August meeting of the second year of the biennium.

(C)(i) Proposals shall be filed in or referred to the interim committee to which the subject matter of the proposal is germane. Identical proposals or substantially identical proposals shall be filed in or referred to only one (1) interim committee.

(ii) If identical or substantially identical proposals are filed in more than one (1) interim committee, the Executive Subcommittee shall make the determination as to which interim committee the subject matter of the proposals is most germane. If the subject matter of the identical or substantially identical proposals can be considered germane to more than one interim committee, the interim committee that adopted the proposal first will retain the proposal.

(iii) The sponsor of each of the identical or substantially identical proposals shall be a non-voting ex officio member of the committee that retains the proposal for study under subdivision (a)(1)(C)(ii) of this section for the purposes of that study.

(2)(A) **Resolutions.** Those matters that call for the consensus of the Legislative Council on a particular subject or that urge an official or body such as the United States Congress to take or not take certain actions or adopt a certain policy, should be submitted in the form of resolutions and may be submitted by any member of the General Assembly.

(B) Resolutions must be filed at least six (6) days in advance of the meeting at which they are to be considered.

(3) **Memorials.** Memorials that pay tribute to the memory of a deceased person may be submitted to the Legislative Council by any member of the General Assembly at any time without prior approval.

(b)(1) Under the heading "New Business" in the Order of Business, Rule 3, announcements may be made, and any member of the Legislative Council shall be privileged to bring up for discussion routine matters or proposals for future consideration or action.

(2) The matters, however, shall be regarded as suggestions only, and must be brought within the requirements of this Rule 12 requiring proposals, resolutions, and memorials to be reduced to writing and presented formally before final consideration.

13. Study and Report.

(a) Each study proposal referred to the Legislative Council by the General Assembly, or on request of a member or members of the General Assembly, and each study undertaken by the Legislative Council on its own motion, shall be the subject of

such research and recommendation as the Legislative Council may determine.

(b) The House of Representatives Co-Chair and the Senate Co-Chair, or the Legislative Council, shall refer study proposals to the appropriate joint interim committee or the appropriate standing Legislative Council subcommittee in accordance with Arkansas Code § 10-3-313(b)(1)(B) whenever a committee or subcommittee study is deemed appropriate.

(c) The Bureau of Legislative Research shall compile the information and prepare drafts of proposed legislation in connection with each study as may be directed by the Legislative Council or appropriate interim committee or the Legislative Council subcommittee to which the study was referred.

(d)(1) Each Legislative Council subcommittee shall consider each matter referred to it and shall report to the Legislative Council with respect thereto at the earliest possible date.

(2) The Legislative Council shall report the findings and recommendations to the General Assembly in connection with each matter submitted to it for study as the Legislative Council may determine to be informative and advisory to the General Assembly.

(e) Whenever any member of the General Assembly, who is not a regular member of the Legislative Council, presents a study proposal to the Legislative Council, the member of the General Assembly shall be privileged to appear before the Legislative Council on one (1) occasion and explain the purpose of the study, and shall be entitled to draw per diem and mileage therfor at the same rate as authorized by law for regular Legislative Council members.

14. Reports by the Bureau of Legislative Research.

(a) Reports by the Bureau of Legislative Research shall be impartial and comprehensive, and shall set out clearly such relevant information as may be useful to the interim committees, the Legislative Council and the General Assembly on each proposal studied.

(b) A copy of each report made by the Bureau of Legislative Research shall, upon completion, be made available to members of the General Assembly, the governor, and other persons as may be designated by the Legislative Council, upon their request therefor.

15. Legislative Institute. During the fall preceding each regular session of the General Assembly, the Legislative Council, together with the Senate, the House of Representatives, and the Legislative Joint Auditing Committee, shall sponsor and conduct a Legislative Institute for the purpose of:

(a) Training new members in parliamentary procedure and bill drafting techniques;

(b) Acquainting them with the work of the Legislative Council and the Bureau of Legislative Research, the Legislative Joint Auditing Committee and its staff, and other agencies established to assist legislators; and

(c) Other related matters.

16. Emergency Action.

(a) **State Agency Request for Emergency Action.** Whenever a matter that requires Legislative Council review, approval, or advice is filed with the Legislative

Council office for consideration at the next regular meeting of the Legislative Council, or the subcommittee to which the matter is normally referred, and either the Chief Fiscal Officer of the State, the Secretary of the Department of Transformation and Shared Services, or the Director of the Department of Higher Education states, in writing, that the matter requires immediate action, the Co-Chairs of the Legislative Council may institute "Emergency Action Procedures" for the consideration of the matter, if they determine that it is in the best interest of the agency or institution of higher education, or that immediate action is essential to enable the agency or institution of higher education to perform essential services.

(b) **Executive Subcommittee Request for Emergency Action.** Whenever a matter is decided by the Executive Subcommittee of the Legislative Council that requires final review or approval of the Legislative Council, and it is determined by the members of the Executive Subcommittee that the matter requires immediate action, the Co-Chairs of the Legislative Council may institute "Emergency Action Procedures" for the consideration of the matter, if they determine that delaying the matter until the next regularly scheduled meeting of the Legislative Council would be detrimental to the entity(ies) involved in the matter being decided.

(c) "Emergency Action Procedures" shall consist of:

(1) The Co-Chairs of the Legislative Council determining that there is sufficient justification to consider the matter by Emergency Action Procedures;

(2)(A) Consideration of the matter by the Co-Chairs of the Legislative Council, and the co-chairs of the subcommittee to which the matter is normally presented for review.

(B) If one (1) or more of the Co-chairs of the Legislative Council or the co-chairs of the subcommittee recuse from the emergency action or are otherwise unavailable to be consulted regarding the emergency action, the recused or unavailable co-chair's corresponding vice-chair shall act in the co-chair's place regarding the request for emergency action; and

(3) The co-chairs of the affected subcommittee and the Co-Chairs of the Legislative Council are unanimous in their evaluation that emergency review, approval, or advice is advisable, then the House of Representatives Co-Chair and Senate Co-Chair may act on behalf of the Legislative Council in regard thereto.

(d) All matters considered under the emergency procedures shall be reported in writing to the Legislative Council at its next regular meeting.

17. Legislative Council Rules.

(a) The rules of the Legislative Council may be adopted by an affirmative separate vote of a majority of the members of the House of Representatives and a majority of the members of the Senate.

(b) The rules of the Legislative Council may be amended by an affirmative separate vote of two-thirds (2/3) of the members of the House of Representatives and two-thirds (2/3) of the members of the Senate. Amendments to the rules may be made after six (6) days' written notice of intent thereof.

(c) The rules of the Legislative Council may be suspended by an affirmative vote of two-thirds (2/3) of a quorum, or, if a separate vote is requested, affirmative vote of two-thirds (2/3) of a quorum of the members of the House of Representatives and two-thirds (2/3) of a quorum of the members of the Senate.

(d) Unless suspended or amended, or changed by law, these rules shall continue in full force and effect as the temporary rules for the Legislative Council during the future successive biennial periods until permanent rules have been adopted by the Legislative Council.

18. Subpoena Powers.

(a)(1) The subpoena powers of the Legislative Council shall be exercised only upon the two-thirds (2/3) vote of the entire membership of the Legislative Council at a regular meeting, after notice shall have been given in writing to all Legislative Council members setting forth the purpose or purposes for which the subpoena powers are to be used.

(2) The notice shall include the names of all persons to be subpoenaed and the description of all books, documents, or records to be subpoenaed.

(b) All hearings at which witnesses or documents, books and records are subpoenaed shall be held before the entire membership of the Legislative Council.

(c) No subcommittee of the Legislative Council shall have the authority to issue subpoenas.

19. Staff Services and Special Procedures for Joint Interim Committees.

(a)(1) The Bureau of Legislative Research shall make available staff assistance from its various divisions to assist the interim committees and members thereof in the performance of their respective legislative duties.

(2) In order to provide for the equitable distribution of staff time and services among the interim committees, the Director of the Bureau of Legislative Research may, from time to time, submit reports to the Legislative Council of the workload of the staff, the requests received from each of the interim committees, and the ability to adequately furnish the services requested.

(b)(1) In the event an interim committee desires to seek a grant of federal or private funds for a special study project, or to obtain the services of staff assistance not available through the Bureau of Legislative Research, the interim committee shall submit a request, in writing, to the Legislative Council outlining:

(A) The need and sources of the funds;

(B) The projects for which the funds will be used;

(C) The staff positions that will need to be created;

(D) The maximum annual salary rate for each position; and

(E) Other pertinent information.

(2) If the Legislative Council determines that the funds and services are not available through the Bureau of Legislative Research, or other funds available to the Legislative Council, the Legislative Council may authorize:

(A) The House of Representatives Co-Chair and Senate Co-Chair of the Legislative Council, or the Director of the Bureau of Legislative Research, to submit a request for the funds, to be administered by the Bureau of Legislative Research; or

(B) The Co-Chairs of the interim committee to make the application for the federal or private grant to be administered with procedures outlined in the request submitted by the interim committee and approved by the Legislative Council, and in accordance with the appropriate fiscal laws and procedures of the state.

(c) No interim committee shall make an application for, or receive a grant of funds, from a private person, company, firm, corporation, or other organization without first

obtaining the approval of the Legislative Council.

20. Presession Budget Hearing Special Rules. The Legislative Council and the members of the Joint Budget Committee shall, at the beginning of the biennial presession budget hearings, which shall commence after the October 1 preceding the next regular session of the General Assembly, in accordance with Arkansas Code § 10-3-507(a), adopt appropriate special budget hearing rules.

21. Review and Approval of State Agency Rules. In accordance with Arkansas Code § 10-3-309, the following procedures shall apply with regard to review and approval of state agency rules:

(a) As used in these rules:

(1)(A) "Rule" means a state agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice of a state agency and includes without limitation the amendment or repeal of a prior rule.

(B) "Rule" does not mean:

(i) A statement that concerns the internal management of a state agency and that does not affect the private rights or procedures available to the public;

(ii) A declaratory order or ruling issued under § 25-15-206 or other provision of law applicable to the state agency issuing the declaratory order or ruling; or

(iii) Intraagency memoranda;

(iv) A medical code within the Arkansas Medicaid Program that is issued by the Centers for Medicare and Medicaid Services, including without limitation:

(a) Current Procedural Terminology codes;

(b) Healthcare Common Procedure Coding System codes;

(c) International Classification of Diseases codes;

(d) National Uniform Billing Committee Official UB-04 Data Specifications Manual codes; ~~and~~

(e) National Correct Coding Initiative codes; or

(v) ~~[Effective August 1, 2023]~~ An internal policy or the internal guidelines of a state agency related to a cybersecurity incident involving, or a cyberattack on, a state agency; ~~and~~

(vi) An adjustment to the maximum campaign contribution limit under Arkansas Code § 7-6-203(i); or

(vii) [Effective August 5, 2025] A proclamation issued by the Secretary of the Department of Finance and Administration under Arkansas Code § 26-51-423(a)(2); and

(2)(A) "State agency" means an office, board, commission, department, council, bureau, or other agency of state government having authority to promulgate or enforce rules.

(B) "State agency" does not include the following:

(i) The Arkansas State Game and Fish Commission, if the rule is not promulgated under the authority of a statute enacted by the General Assembly;

(ii) The State Highway Commission and the Arkansas Department of Transportation, if the rule is not promulgated under authority of a statute enacted by

the General Assembly; and

(iii) An institution of higher education.

(b) A state agency shall file a proposed rule with the Legislative Council at least thirty (30) days before the expiration of the period for public comment on the rule under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other laws or policies pertaining to the rulemaking authority of that state agency.

(c) The Legislative Council shall refer all proposed rules filed by a state agency to the Administrative Rules Subcommittee.

(d) **Review and Approval of Rules by the Administrative Rules Subcommittee.** The Administrative Rules Subcommittee (the "Subcommittee") shall conduct its review of state agency rules and report its actions to the full Legislative Council for final approval.

(e) **Review and Approval of Rules by the Legislative Council.**

(1) The Legislative Council shall conduct its approval of rules reviewed and approved by the Administrative Rules Subcommittee in the following manner:

(A) A proposed rule approved by the Administrative Rules Subcommittee shall be considered approved by the Legislative Council upon adoption by the Legislative Council of the Subcommittee's report in which the rule is contained.

(B)(i) If a proposed rule is considered separately from the Subcommittee's report, upon conclusion of its review by the Legislative Council, the chair shall state, "Without objection, this rule is considered reviewed and approved."

(ii) A majority of a quorum present of the Legislative Council may request a vote regarding approval of a specific proposed rule contained in the report of the Subcommittee. If the Legislative Council votes on the issue of approving the proposed rule, the proposed rule shall be approved unless a majority of a quorum present vote for the proposed rule to not be approved.

(iii)(*a*) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(*b*) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or with legislative intent.

(c) If a rule contains a fee or penalty promulgated in accordance with Arkansas Code § 25-15-105, the Legislative Council may choose not to approve the rule for any reason, and is not required to state the grounds for not approving.

(d) [Effective February 1, 2026] If a rule institutes a moratorium in a watershed or other body of water under Arkansas Code § 15-23-107, the Subcommittee may choose not to approve the rule for any reason and is not required to state the grounds for not approving.

(C)(i) If enacted legislation requires or results in more than one (1) state agency adopting, amending, or repealing rules on a similar subject matter:

(*a*) A state agency or a member of the General Assembly may request that all proposed rules filed with the Legislative Council regarding the enacted legislation be grouped together and considered as a single group;

(*b*) A request to group the proposed rules shall be submitted in writing to the chairs of the Legislative Council at least one (1) business day prior to the meeting of the Legislative Council at which the rules will be considered; and

(*c*) Approval of a request to group proposed rules shall be by

affirmative vote of a majority of the members present when a quorum is present.

(ii) If the proposed rules are grouped together under subdivision (e)(1)(C)(i) of this section for review, the Legislative Council may:

(*a*) Separate the proposed rules at the request of a member of the General Assembly or one (1) of the state agencies that promulgated the proposed rules;

(*b*) Elect to consider one (1) or more of the proposed rules separated from the group.

(2)(A) A proposed rule submitted by the State Board of Health under Arkansas Code § 20-7-604(d)(2)(D), concerning exemptions from the requirements of the Prescription Drug Monitoring Program, shall be considered reviewed and approved by the Legislative Council upon an affirmative vote of three-fourths (3/4) of the members present when a quorum is present, and shall be considered separately from other rules reported to the Legislative Council by the Administrative Rules Subcommittee.

(B) When considering review and approval of a proposed rule under subdivision (e)(2) of this section, grounds for not approving the rule are not required to be stated.

(f) **Review and Approval of Emergency Rules.** The following procedures apply with regard to the review and approval of proposed emergency rules:

(1) A state agency shall file a proposed emergency rule with the Executive Subcommittee of the Legislative Council.

(2) A proposed emergency rule may be considered reviewed and approved by the Executive Subcommittee in one of two ways:

(A)(i) The proposed emergency rule is reviewed and approved at a meeting of the Executive Subcommittee.

(ii) Upon conclusion of the Executive Subcommittee's review of the proposed emergency rule, the rule shall be considered approved unless a majority of a quorum present request a vote regarding approval of the proposed emergency rule. If the Executive Subcommittee votes on the issue of approval, the proposed emergency rule shall be approved unless a majority of a quorum present vote for the proposed emergency rule not to be approved.

(iii)*(a)* At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(b) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or legislative intent.

(c) If an emergency rule contains a fee or penalty promulgated in accordance with Arkansas Code § 25-15-105, the Legislative Council may choose not to approve the rule for any reason, and is not required to state the grounds for not approving.

(B) A majority or more of the members of the Executive Subcommittee approve the proposed emergency rule in writing.

(3) Except for emergency rules adopted under Arkansas Code § 5-64-201, regarding the addition, deletion, or rescheduling of controlled substances and gamma-hydroxybutyrates and its known precursors and analogs by the Director of the Department of Health:

(A) If possible, a proposed emergency rule shall be sent electronically to the members of the Legislative Council at least one (1) business day before the Executive

Subcommittee considers the emergency rule for review and approval.

(B) Either chair of the Legislative Council or a majority of the members of Legislative Council may call a meeting to be held within one (1) business day after review and approval by the Executive Subcommittee of the emergency rule to request reconsideration of the emergency rule by the Executive Subcommittee.

(4) A proposed emergency rule approved by the Executive Subcommittee shall be reported to the Administrative Rules Subcommittee and to the Legislative Council.

22. Expenditure of Legislative Council Funds.

(a)(1) **Special Expenses.** Any expenditure of Legislative Council funds for special expenses by a committee or task force of the General Assembly shall require an affirmative vote of a majority of the committee or task force wishing to expend the funds prior to expenditure of the funds.

(2)(A) For purposes of this rule, "special expenses" means any expenses incurred other than payment of mileage and per diem to members of the General Assembly for attendance at the meeting of the committee or task force, and includes without limitation witness fees, interpreter fees, and court reporter expenses.

(B) "Special expenses" does not include expenditure of funds in relation to the hiring of a consultant.

(3) Any committee or task force voting to incur special expenses shall provide monthly reports to the Executive Subcommittee of the Legislative Council regarding authorization and payment of the special expenses.

(b)(1) **Consultant Contracts.** Upon completing its process for selecting a consultant, a subcommittee of the Legislative Council or committee or task force of the General Assembly, desiring to hire a consultant to assist with a study of the subcommittee, committee, or task force, shall authorize the Bureau of Legislative Research to enter the contract with the chosen consultant and recommend approval of the contract to the Executive Subcommittee of the Legislative Council by an affirmative vote of a majority of the members of the subcommittee, committee, or task force.

(2) The Executive Subcommittee shall conduct a review of the proposed contract and make a recommendation to the Legislative Council regarding authorization of the Bureau of Legislative Research to enter the contract. During a legislative session, the Executive Subcommittee has final approval authority of consultant contracts and shall report such action to the Legislative Council at the next meeting of the Legislative Council.

(3) Upon approval of the contract by the Legislative Council, the Bureau of Legislative Research may execute the approved contract, and the selected consultant may begin work for the subcommittee, committee, or task force.

23. Records, Reports, and Other Documents of the Legislative Council. Pursuant to Arkansas Code § 10-3-305(b), the Legislative Council may determine that certain records, reports, and other matters that come before it or that are held in the office of the Director of the Bureau of Legislative Research are privileged. As such, the Legislative Council determines that exemptions from disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., and under Arkansas Code § 10-2-129 apply to documents held in the office of the Director of the Bureau of Legislative Research.

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24. Emergency Declarations – Legislative Council Oversight.

(a) **Unanticipated Federal Funds.**

(1)(A) If the State of Arkansas receives unanticipated discretionary federal funds from the United States Government for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health, the Legislative Council may request that the Chief Fiscal Officer of the State submit a detailed plan for the distribution and use of the unanticipated discretionary federal funds before actual expenditures or obligations related to the funds are incurred.

(B) A request by the Legislative Council to the Chief Fiscal Officer under subdivision 24.(a)(1)(A) of this rule may only be made upon an affirmative vote of a majority of the members present when a quorum is present.

(2)(A) The Legislative Council shall meet to review the plan submitted by the Chief Fiscal Officer within thirty (30) calendar days of submission of the plan.

(B) If the Legislative Council does not take up the review of the plan submitted by the Chief Fiscal Officer within thirty (30) calendar days of its submission, the Legislative Council shall be considered to have approved the plan.

(3) Except as provided in subdivision 24.(a)(2)(B) of this rule, the funds shall not be distributed, expended, or otherwise obligated unless the plan is approved by the Legislative Council.

(b) **Request for Renewal of a Statewide State of Disaster Emergency Related to Public Health.**

(1) If the Governor desires to renew a statewide state of disaster emergency related to public health, pursuant to Arkansas Code § 12-75-107(g)(3), he or she shall submit a written statement to the Legislative Council at least ten (10) days prior to the date on which the emergency will expire. The statement shall include without limitation:

(A) The number of days that the emergency will continue, not to exceed sixty (60) days; and

(B) The rationale for continuing the emergency.

(2) Upon receipt of the Governor's written statement, the Legislative Council shall meet prior to the expiration of the emergency to consider the request to renew the emergency.

(3) The emergency shall be renewed unless, by a majority vote of a quorum present, the Legislative Council votes to deny the Governor's request for renewal.

(4) If the Governor's request to renew is not denied by the Legislative Council, the emergency shall be renewed for the number of days specified in the Governor's written statement.

(5) The duties of the Legislative Council under subsection 24.(b) of this rule shall not be delegated to a subcommittee of the Legislative Council.

(6) The Legislative Council may meet at any time to perform its duties under this subsection 24.(b), including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.

(c) **Executive Orders and Proclamations.**

(1) **Issuance of Executive Orders and Proclamations.**

(A) An executive order or proclamation issued by the Governor to meet or mitigate dangers to the people and property of the state presented or threatened by a

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statewide state of disaster emergency related to public health shall be submitted to the Legislative Council for review.

(B) Except as set forth in subdivision 24.(c)(2)-(3) of this rule, once issued, the executive order or proclamation shall be in effect for the remaining duration of the emergency to which it is related.

(2) **Request for Renewal.**

(A)(i) If the Governor seeks to renew a statewide state of disaster emergency related to public health, under subdivision 24.(b)(2) of this rule, he or she may also submit a request to the Legislative Council for the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health.

(ii) If the Governor requests renewal of more than one (1) executive order or proclamation, the Legislative Council may consider each executive order or proclamation individually.

(B) If the Legislative Council does not deny the Governor's request to renew the executive order or proclamation by a majority vote of a quorum present prior to the expiration of the emergency to which the executive order or proclamation is related, the executive order or proclamation shall be renewed for the same time period as the emergency.

(3) **Executive Orders or Proclamations Issued after Renewal of a Statewide State of Disaster Emergency Related to Public Health.**

(A) If the Governor issues an executive order or proclamation related to a statewide state of disaster emergency related to public health after the emergency has been renewed, the executive order or proclamation shall become effective immediately upon its issuance by the Governor and shall remain in effect unless the Legislative Council, by a majority vote of a quorum present, votes to terminate the executive order or proclamation.

(B) If the Legislative Council does not terminate the executive order or proclamation, it shall expire when the emergency expires or is terminated.

(4) The duties of the Legislative Council under this subsection 24.(c) shall not be delegated to a subcommittee of the Legislative Council.

(5) The Legislative Council may meet at any time to perform its duties under this subsection 24.(c), including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.

(d) **Directives of the State Board of Health.**

(1) **Initial Issuance of Directives.**

(A) If the State Board of Health or its designee issues one (1) or more directives imposing restrictions upon individuals, commerce, or travel to prevent the introduction of infectious, contagious, and communicable disease into the state or from one place to another within the state, the directive shall be subject to review and termination by the Executive Subcommittee.

(B) A directive issued pursuant to Arkansas Code § 20-7-110(c), shall:

(i) Not continue for longer than thirty (30) days unless renewed under subdivision 24.(d)(2) of this section;

(ii) Become effective immediately upon its issuance by the board or its designee;

(iii) Be drafted in a manner that allows for the Executive Subcommittee to vote upon each directive separately; and

(iv) Remain in effect unless a majority of a quorum of the Executive Subcommittee votes to terminate the directive.

(C) The Executive Subcommittee shall meet to consider termination of a directive within four (4) business days of its issuance.

(D)(i) If the Executive Subcommittee, by a majority vote of a quorum present, does not terminate the directive, it shall continue for the number of days specified by the board or its designee.

(ii) If the Executive Subcommittee votes to terminate the directive, it shall be terminated immediately.

(2) **Request for Renewal.**

(A) If the State Board of Health or its designee desires to renew a directive imposing restrictions upon individuals, commerce, or travel to prevent the introduction of infectious, contagious, and communicable disease into the state or from one place to another within the state, it shall submit a written statement to the Legislative Council at least ten (10) days prior to the date on which the directive will expire that includes without limitation the following information:

(i) The number of days that the directive will continue, not to exceed thirty (30) days; and

(ii) The rationale for continuing the directive.

(B) Upon receipt of the written statement, the Legislative Council may consider renewal of the directive at any time prior to the expiration of the directive.

(C)(i) The directive shall be renewed unless the Legislative Council, by a majority vote of a quorum present, denies the request to renew the directive.

(ii) If the Legislative Council does not deny the request to renew the directive, it shall be renewed for the number of days specified by the board or its designee in the written statement.

(D) The duties of the Legislative Council under subdivision 24.(d)(2) of this rule shall not be delegated to a subcommittee.

(4) The Legislative Council may meet at any time to perform its duties under this subdivision 24.(d), including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.

25. Review of Presidential Executive Orders.

(a) During the interim between legislative sessions, a member of the General Assembly may submit a request in writing to the co-chairs of the Legislative Council requesting that the Legislative Council meet to review an executive order issued by the President of the United States that has not been affirmed by a vote of the United States Congress and signed into law as prescribed by the United States Constitution.

(b)(1) Upon receipt of such written request, the Legislative Council shall refer the executive order that is the subject of the request for review to the appropriate standing committees of the General Assembly that would address the subject matter of the executive order under review.

(2) The standing committees to which the executive order is referred, meeting jointly, may request that the Attorney General review the presidential executive order and prepare an opinion for the standing committees.

(3) The standing committees to which the executive order is referred, meeting jointly, shall make a recommendation to the Legislative Council, including:

(A) Whether state resources and personnel are required to implement the presidential executive order; and

(B) Identifying other action deemed necessary to protect the General Assembly's and the state's interests in litigation regarding the presidential executive order.

(c)(1) Following receipt of the recommendation from the standing committees, the Legislative Council shall meet to:

(A) Discuss the report of the standing committees; and

(B) Determine:

(i) Whether state resources and personnel are required to implement the presidential order;

(ii) Whether the presidential executive order is unconstitutional; and

(iii) Whether to take other action deemed necessary to protect the General Assembly's and the state's interests in litigation regarding the presidential executive order, including without limitation, reporting the Legislative Council's determination to the Governor.

(2) All determinations of action shall be by affirmative action of a majority of the members present when a quorum is present.

(d) Notwithstanding any other provision of law, the state, a political subdivision of the state, or any entity that receives an appropriation of funds from the General Assembly shall not implement a presidential executive order using state resources if:

(1) The Legislative Council issues a determination that the presidential executive order restricts a person's rights and relates to:

(A) Pandemics or other health emergencies;

(B) The regulation of natural resources, including coal and oil;

(C) The regulation of the agriculture industry;

(D) The use of land;

(E) The regulation of the financial sector as it relates to environmental, social, or governance standards; or

(F) The regulation of the constitutional right to bear arms;

(2) The Legislative Council affirmatively votes to report the determination to the Governor; and

(3) The Governor directs the state, the political subdivision, or the entity that receives an appropriation of funds from the General Assembly to not implement the presidential executive order.

26. Application of Rules to Subcommittees. The Rules of the Legislative Council, as set forth herein, shall apply to the proceedings of the Subcommittees of the Legislative Council and shall control over any rules adopted by a Subcommittee that may conflict with these rules.

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ADDENDUM A – Rules of the Arkansas Legislative Council

Act 1017 of 2025 – Distribution of Surplus Funds (Restricted Reserve Fund Set-Asides)

Release or distribution of "Set-Aside" funds requires a request from the Department of Finance and Administration, and prior approval of the Legislative Council by an affirmative vote of the vote thresholds stated below.

A. Requiring an Affirmative Vote of a Majority of the ALC Members Present:

1. Various General Discretionary Majority Vote Set-Aside

B. Requiring the greater of three-fifths of the quorum present or a majority of the ALC membership:

1. Educational Facilities Set-Aside
2. Medicaid Sustainability Fund Set-Aside
3. Children's Educational Freedom Account Set-Aside
4. Economic Stimulus Program Set-Aside
5. Arkansas School for the Deaf/Blind Set-Aside
6. Teacher Academy Scholarship Set-Aside
7. Motor Vehicle Set-Aside
8. State Capitol HVAC Upgrade Set-Aside
9. State Crime Lab Set-Aside
10. Charter School Facilities Set-Aside
11. Teacher Education Facilities Set-Aside
12. Performance Fund Set-Aside
13. UAPB Land Grant Set-Aside
14. Rapid ID DNA Set-Aside
15. Corrections Prison Set-Aside

C. Requiring approval of at least two-thirds of the membership of the ALC:

1. Arkansas Reserve Fund Set-Aside

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