

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

DRAFT JET/VJF
SR

5 By: Senator Hickey
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7 **SENATE RESOLUTION**

8 A RESOLUTION TO ADOPT RULES OF PROCEDURE FOR
9 COMMITTEES OF THE SENATE OF THE NINETY-THIRD GENERAL
10 ASSEMBLY OF THE STATE OF ARKANSAS.
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13 **Subtitle**

14 TO ADOPT RULES OF PROCEDURE FOR
15 COMMITTEES OF THE SENATE OF THE NINETY-
16 THIRD GENERAL ASSEMBLY OF THE STATE OF
17 ARKANSAS.
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20 BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE
21 STATE OF ARKANSAS:
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23 SECTION 1. The rules of procedure for committees of the Senate of the
24 Ninety-Third General Assembly of the State of Arkansas are adopted to read as
25 follows:
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27 2021 Regular Session Senate Rules for Committee Procedures
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29 1. Purpose. In order to provide for continuity of government and the
30 carrying out of its Constitutional responsibilities related to the regular
31 legislative session, while also allowing for member, staff, and public
32 participation in the legislative process in an environment that is as safe
33 and healthy as possible, the Senate of the Ninety-Third General Assembly of
34 the State of Arkansas adopts these temporary emergency rules regarding the
35 conduct of committee meetings for the 2021 Regular Session.
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1 2. Duration. These rules shall continue until such time that the
2 COVID-19 public health emergency for the State of Arkansas is terminated or
3 allowed to expire. If the public health emergency is terminated or allowed
4 to expire during the 2021 Regular Session, a majority of the members of the
5 Senate may vote to extend all provisions or specific provisions of these
6 rules through sine die adjournment of the 2021 Regular Session.

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8 3. Applicability. These rules shall apply to standing and select
9 committees of the Senate. In the event that the Senate and the House of
10 Representatives adopt identical rules for committee procedures, these rules
11 shall also apply to the following joint committees: Energy; and Public
12 Retirement and Social Security Programs. If the rules adopted by the House
13 of Representatives and the Senate are not identical, these rules will not
14 apply to the joint committees and the joint committees may adopt rules of
15 procedure that do not substantially diverge from the rules adopted by the
16 Senate and the House of Representatives.

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18 4. Conflict with Existing Rules. If the procedures set forth herein
19 conflict with existing provisions of the Joint Rules or the Rules of the
20 Senate, these rules shall supersede those rules for the duration of these
21 rules.

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23 5. Meeting Schedule and Room Assignments. Committee meetings shall be
24 held at the times and on the days indicated in the Committee Rooms/Meeting
25 Assignments Table attached hereto as Attachment A. A committee chair may
26 schedule a meeting at a time or in a meeting room other than what is listed
27 on the schedule established in Attachment A, after consideration of
28 availability of a committee room and corresponding public comment holding
29 room and staff availability.

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31 6. Committee Room Health and Safety Requirements. The following health
32 and safety requirements shall be followed by all individuals, including
33 members, staff, and members of the public in legislative committee meetings
34 and public comment holding rooms. Failure of a member to abide by these
35 health and safety requirements may cause him or her to not be recognized by
36 the chair during a committee meeting. Continued violations of these

1 requirements may result in discipline by the member's respective chamber.
2 Other individuals violating these rules may be removed from the committee
3 room or public comment holding room.

4 a. Assigned Seating. Committee member seating will be assigned
5 for each committee. A legislator who is not a member of a committee shall
6 not be seated at the committee table unless presenting a bill. Each committee
7 room shall have a designated seating area for members waiting to present a
8 bill to the committee. Member seating shall remain the same for the duration
9 of the 2021 Regular Session.

10 b. Mask Requirement. A mask or other cloth face covering is
11 required to be worn over the mouth and nose of every individual in committee
12 rooms and public comment holding rooms at all times, except an individual
13 who: is speaking directly into the microphone; is able to maintain physical
14 distance of six (6) feet or more from other individuals; is consuming food or
15 drink; or has a medical condition or disability that prevents wearing a face
16 covering.

17 c. Physical Distancing. Every effort shall be made to maintain
18 physical distancing of at least six (6) feet in the committee rooms and
19 public comment holding rooms. Seating arranged to provide for this distance
20 shall not be rearranged. Individuals are not permitted to enter the room
21 once all available seating is filled.

22 d. Health Screening. All individuals shall have submitted to a
23 temperature check and onsite health screening and been given an armband
24 indicating admittance at the entrance to either the State Capitol Building or
25 the MAC Building that calendar day prior to entering the Senate chamber, a
26 committee room, or public comment holding room.

27 e. Removal of Trash. Committee members, staff, and members of
28 the public shall remove and properly dispose of any trash he or she creates
29 during the course of the committee meeting.

30 f. Security. The Senate shall place staff in all committee
31 rooms and public comment holding rooms to ensure compliance by members of the
32 public with room capacity limits, masking requirements, and physical
33 distancing requirements.

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35 7. Committee Agendas.

36 a. Referred Items List. As a bill is filed and assigned to a

1 committee by each chamber, the bill shall be placed on the referred items
2 list for the committee. The bills on the referred items list are bills that
3 are referred to the committee but not currently on a committee agenda. In
4 addition, a bill that has failed to pass one time in committee will revert to
5 the referred items list. The committee chair will use the referred items
6 list to create the regular agenda for each committee meeting.

7 b. Creation of Committee Agenda.

8 (1) Bills pulled from the referred items list will be
9 placed in one of the following three categories on the committee agenda:

10 (A) Regular Agenda – bills to be considered by the
11 committee on the date of the agenda;

12 (B) Consent Agenda – bills on the committee agenda
13 for which there is no known opposition or expected public testimony and that
14 may be taken up at any time by the committee; or

15 (C) Deferred Bills – bills for which committee
16 consideration has been deferred either for failure of the sponsor to appear
17 or at the request of the sponsor.

18 (2) It is the responsibility of a bill's primary sponsor
19 or the member who will be presenting the bill in committee to contact the
20 committee chair to let the chair know that he or she is ready to have his or
21 her bill placed on a committee agenda. The primary sponsor or the member who
22 will be presenting the bill in committee shall advise the chair of:

23 (A) A specific date on which he or she is available
24 to present his or her bill;

25 (B) Whether the bill is considered to be
26 controversial;

27 (C) The number of witnesses he or she plans to bring
28 with him or her to testify before the committee; and

29 (D) An estimate of the time the committee may need
30 to consider the bill.

31 (3) The committee chair will provide committee staff with
32 a list of bills that will be considered at the next committee meeting and the
33 order in which they will be taken up.

34 c. Consent Agenda.

35 (1) The chair may place a bill on the consent agenda if
36 the sponsor has advised the chair that the bill has no known opposition and

1 no public testimony to be given on the bill.

2 (2) Prior to including a bill on the consent agenda, the
3 chair shall ask that the committee members review the list of bills being
4 added to the consent agenda, and the chair shall state that without objection
5 the bills will be placed on the consent agenda.

6 (3) If any member objects, the bill shall be moved to the
7 referred items list.

8 (4) A bill that has been placed on the consent agenda may
9 at any time be moved to the referred items list if the chair learns of
10 opposition to the bill or at the request of the bill's sponsor.

11 (5) A bill on the consent agenda may remain on the agenda
12 for multiple meetings before being taken up by the committee, and its sponsor
13 is not subject to the provisions of subsection 7.e. of this rule, regarding
14 failure to appear to present the bill.

15 d. Posting Committee Agenda.

16 (1) The committee agenda shall be posted at least
17 eighteen (18) hours prior to the committee meeting.

18 (2) The committee agenda shall state the room number for
19 the public comment holding room to which members of the public should report
20 to wait to be called to provide testimony on a bill.

21 e. Failure of Sponsor to Appear at Committee Meeting.

22 (1) The first time a bill appears on the regular agenda
23 and the sponsor or his or her designee does not appear at the committee
24 meeting to present his or her bill, the member's bill will be moved back to
25 the referred items list. It is within the discretion of the chair to place
26 the bill on the regular agenda for the next scheduled meeting of the
27 committee.

28 (2) If a bill appears on a regular agenda three (3) times
29 without the member or his or her designee appearing to present the bill, the
30 bill will be moved to the deferred list.

31 f. Consideration of Bills. Only those items listed on the day's
32 regular agenda or consent agenda shall be considered by the committee. Bills
33 shall not be called up from the referred items list with less than eighteen
34 (18) hours' notice. This rule may be suspended by a vote of two-thirds (2/3)
35 of the membership of the committee in order to allow the committee chair to
36 create the agenda in a more expedient manner.

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8. Public Participation. Due to restraints on space and physical distancing required in committee rooms and public comment holding rooms, only a member of the public who is present to testify on a bill that is listed on a committee agenda will be allowed in a committee room or public comment holding room. In order to allow for public participation in the legislative process during the public health emergency in a manner that provides for the health and safety of legislators, staff, and members of the public, public comment regarding bills being considered by a committee shall be allowed in any of the following ways:

a. Committee Rooms.

(1) Agency Personnel. Each committee room shall have a designated seating area for state agency personnel that need to be present in the committee meeting to answer questions regarding various bills related to their agency.

(2) Media. Each committee room shall have a designated seating area for members of the media.

(3) Other members of the public. Each committee room shall have a number of designated seating for members of the public who are present to testify on a specific bill for which testimony is currently being taken.

b. Public Comment Holding Rooms. Members of the public present in the State Capitol Building to present testimony on a bill listed on a committee agenda that is not currently being discussed in the committee will be sent to the public comment holding room or bullpen assigned to the specific committee. Each public comment holding room will have limited capacity with physically distanced seating. There will be no standing allowed in the public comment holding rooms. Once all available seating is full, no other individuals will be permitted in the room. Members of the public will wait in these designated areas until the bill on which they plan to testify is called. They will then be directed by Senate staff posted in the public comment holding room to the appropriate committee room to give testimony. Following presentation of his or her testimony, the individual will exit the committee room.

c. Public Comment Sign-In Sheets. Public comment sign-in sheets for each committee meeting will be posted electronically with the agenda on

1 the General Assembly website and physically at each public comment holding
2 room. An individual's name appearing on a public comment sign-in sheet is not
3 a guarantee that the individual will have an opportunity to speak during the
4 committee meeting.

5 d. Lobbyists. For purposes of these rules, a lobbyist is
6 considered to be a member of the public and shall adhere to the rules
7 regarding public participation and presence in committee rooms.

8 e. Additional Public Seating. Additional socially distanced
9 seating areas will be designated throughout the State Capitol Building for
10 use by members of the public.

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12 9. Remote Participation.

13 a. Members.

14 (1) A member of a legislative committee who is either
15 unwilling or unable to physically attend a meeting of a committee of which he
16 or she is a member due to one of the following reasons shall be allowed to
17 participate remotely via the electronic means designated by the Senate for
18 remote participation:

19 (A) He or she is considered an individual at high
20 risk for severe illness related to COVID-19;

21 (B) He or she has a household member or individual
22 for whom he or she is a caregiver who is considered an individual at high
23 risk for severe illness related to COVID-19;

24 (C) He or she has been directed by the Arkansas
25 Department of Health to quarantine due to close contact with an individual
26 who has tested positive for COVID-19; or

27 (D) He or she has tested positive for COVID-19.

28 (2) The following shall apply regarding the deadline for
29 submitting a request to participate remotely in committee:

30 (A) A committee member who wishes to participate
31 remotely may submit a request to the Secretary of the Senate, who will submit
32 that request to the President Pro Tempore of the Senate for approval. The
33 request shall be submitted no later than 4:00 p.m. on the day prior to the
34 meeting at which the member wishes to participate remotely.

35 (B) If a member planning to be physically present is
36 unable to attend a committee meeting due to a failed health screening or

1 another reason listed under subsection 9.a.(1), he or she may be allowed to
2 participate remotely under the provisions of these rules, and the 4:00 p.m.
3 previous day requirement shall be waived.

4 (3) The Secretary of the Senate shall notify the
5 requesting member and the chair of each committee on which the requesting
6 member sits of the approval for the member to participate remotely in the
7 committee proceedings.

8 (4) A member participating remotely shall be considered
9 present and in attendance at the committee meeting, including for purposes of
10 determining a quorum.

11 (5) A member participating remotely shall be able to be
12 seen and heard while making any comments during debate, asking any questions
13 of other members or of those testifying, and when submitting his or her vote.

14 (6)(A) If a member's remote connection is unintentionally
15 disconnected or lost, the member will no longer count toward the quorum for
16 the meeting and will not be able to vote on any motion before the committee
17 until he or she is connected again and can be seen and heard in the committee
18 room.

19 (B) If a member is unable to reconnect through
20 remote technology that allows him or her to be seen and heard by the
21 committee, a majority of the committee members may vote to allow the member
22 to participate by phone for the purpose of voting, and that allowance shall
23 only apply to the committee meeting at which that vote is taken.

24 (7) Committee staff shall record the names of all
25 committee members that participated remotely on the committee report for each
26 day.

27 b. Agency Personnel. A representative of a state agency who is
28 unable to physically attend a meeting of a committee at which he or she is
29 requested by the committee to testify shall be allowed to provide his or her
30 testimony via electronic means designated by the Senate for remote
31 participation at the committee meeting if he or she:

32 (1) Is in isolation due to testing positive for COVID-19;

33 (2) Has been directed by the Arkansas Department of Health
34 to quarantine due to close contact with an individual who has tested positive
35 for COVID-19; or

36 (3) Failed the health screening required under subsection

1 6.d. of these rules required for entering the committee room on the day he or
2 she has been requested to testify.

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4 10. Suspension of Rules. In order to ensure protection of the health
5 and safety of all individuals participating in legislative committee meetings
6 during the 2021 Regular Session and to ensure uniformity of procedure among
7 the committees during this time, except as otherwise stated herein, these
8 rules may only be suspended by a two-thirds (2/3) vote of the membership of
9 the Senate.

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11 11. Planned Activities and Committee Dinners. Planned activities for
12 committees and committee dinners will not be allowed during the 2021 Regular
13 Session.

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