



STATE OF ARKANSAS
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Memorandum

Date: February 4, 2010
To: Senator Bryles and Representative Dismang, Co-Chairs PEER
From: Kevin Anderson, Administrator, Budget and Fiscal Review
Copies: David Ferguson, Kim Arnall
Subject: Fall 2010 Budget Hearings

During the Fall of 2010 the Legislative Council and Joint Budget Committee will hold hearings on the agencies' budget requests for fiscal years 2012 and 2013. As has been done in the past, we have presented guidelines for the hearings in order to accommodate the large number of people and the schedule of members of the General Assembly. The following suggested guidelines are based on those approved by the Legislative Council in February of 2008:

1. The Budget Hearings will begin in October 2010.
2. The committee hearings will begin at 9:00 a.m. and will be held in Room 171 of the State Capitol Building.
3. The Committee will meet Tuesday through Thursday.
4. Hearings will conclude around 4:30 p.m. except on Thursdays when they will conclude at noon.
5. Monday and Friday will be reserved for subcommittee meetings, Legislative Joint Audit and Legislative Council regular monthly meetings.
6. The Committee will **not** meet in November on Election Day, Veterans Day, and Thanksgiving.
7. Each agency director will appear and present his/her budget request before the whole Committee.
8. A member of the legislative staff will summarize the budget request of each agency before the agency presentation begins.
9. Special Budget Subcommittees will be appointed, as needed, to consider selected budgetary matters in more depth.
10. Each member will receive a schedule of the next week's hearings before adjournment on Thursdays.
11. Each member will receive the Summary Budget Manuals, Tax Handbook, "A" Book (Agency Expenditures for the previous 10 years) and "B" Book (Selected Statistical Data).
12. Press and Public are not allowed around the table.
13. Member's seats will not be permanently assigned around the table nor will name plates be used.

**BUDGET HEARINGS SPECIAL RULES AND
POLICY POSITIONS
OF THE LEGISLATIVE COUNCIL AND
THE JOINT BUDGET COMMITTEES**

Budget Hearing Special Rules. The following special rules shall apply to actions taken by the Legislative Council and the Joint Budget Committee during consideration and review of budget requests immediately prior to the convening of a legislative session. All other rules of the Legislative Council and the Joint Budget Committee not superseded by the Budget Hearings Special Rules shall remain in effect during budget hearings.

- (a) **Quorum.** The presence of at least a majority of the full membership of the combined Legislative Council and the Joint Budget committee shall be necessary to constitute a quorum for the transaction of business concerning budgets or budget-related matters. The determination of the number of members which constitute the quorum for each day and for all day shall be by roll call that day. If a member arrives after the roll call has been completed, the member shall inform the staff of that member's attendance and the staff shall so record it.

- (b) **Vote.** The affirmative vote of 22 members or a full majority of those members of the combined membership of the Legislative council and Joint Budget Committee voting on a matter, whichever is the larger, shall be necessary to adopt any budget matter or motion, unless otherwise provided, except that any change to these rules shall require the affirmative vote of two-thirds (2/3) of the quorum.

- (c) **Budget Recommendations.** The Legislative Council and Joint Budget Committee, meeting as a joint committee, will prepare a recommended budget for submission to the General Assembly for each agency, department, or branch of State Government which received an appropriation in the preceding General Assembly. If the committees determine that an agency or program should cease to exist, be reorganized or consolidated, they may submit such recommendation to the General Assembly. Budget requests submitted to the Legislative Council and the Joint Budget Committee shall be prepared and presented in the manner provided by law. The Governor-Elect shall be given an opportunity to review all requests, except those of constitutional officers and their departments, and to attach a recommendation thereto, if any. The combined Legislative Council and Joint Budget

Committee may proceed to consider and act upon budget requests without having first been submitted to the Governor-Elect for his review and recommendations, but shall reopen its action with respect to such requests automatically upon receipt of the Governor's revised or the Governor-Elect's recommendation.

- (d) **Action on Budget Requests.** Final disposition of budget requests or any item of a budget request heard by the Legislative Council and Joint Budget Committee, meeting as a joint committee, shall not be made in the presence of the chief administrative officer or other employees of the department, agency, or institution whose budget is being considered.
- (e) **Reconsideration of Budget Requests.** After affirmative action has been taken by the Legislative Council and Joint Budget Committee on a budget request or on any other item therein, such action shall not be reconsidered except upon an affirmative vote of the greater of twenty nine (29) members or of two-thirds (2/3) of the quorum, except for budgets still under review by the Governor-Elect as provided in paragraph (c) above.
- (f) **Motions for action on Budget Requests.** Whenever the Legislative Council and Joint Budget Committee proceeds to act on any budget request, or any item therein, the Chairman shall state that the issue before the Legislative Council and Joint Budget Committee is that the budget
- (1) be approved as recommended by the Governor or Governor-Elect, in the case of all budget requests containing specific recommendations by the Governor, or
 - (2) be approved as requested by the department or agency, in the case of those budgets which have not been reviewed and recommended by the Governor or Governor-Elect.
 - (3) Motions to amend the budget request, or any item thereof, shall then be in order, unless the Legislative Council and Joint Budget Committee shall vote to limit the consideration of such motions. Upon conclusion of the consideration of motions to amend the budget request, the Legislative Council and Joint Budget Committee shall then vote on the question of approving the budget, as amended.
- If amendments to the budget request are not adopted, or if the motion to adopt the budget as amended fails, the Legislative Council and Joint Budget Committee shall then vote upon the budget as recommended by the Governor or Governor-Elect, or as requested by the department or agency, as the case may be.

- (g) **Voting by Alternates.** In the event that there is more than one Joint Budget Committee alternate attending budget hearings for a member of the Joint Budget Committee, the member selected as the first alternate by the alternate's legislative body shall cast the vote for the absent member. If neither the member of the Joint Budget Committee nor the first alternate are in attendance, the member selected as the second alternate may cast the vote for the absent member.

An alternate may vote only when the primary member has not been recorded as having been in attendance during the day. Votes cast by an alternate after the recording of the primary member's attendance shall be invalid. Votes cast by an alternate prior to the recording of the primary member's attendance shall be valid.

- (h) **Roll Call Vote.**

A roll call vote may be requested and approved in one of the following ways:

- 1) Upon completion of a voice vote, any three (3) members of the combined membership of the Legislative Council and Joint Budget Committee may require an oral roll call on any issue before the committee and have the ayes and nays entered into the record.

An example of this procedure is provided below to provide further clarification:

Example for (h)(1):

- 1) A voice vote is completed on an issue.
 - 2) Any three (3) members request a roll call vote on the issue.
 - 3) Roll call vote is completed and the results are entered into the record;
- or

- 2) Upon completion of a voice vote and upon request of at least three (3) members, separate votes of the House and Senate members of the combined committees may be taken and recorded separately on any committee action. The request for a separation of the votes must precede the roll call vote. In such circumstances, no action of any matter shall be adopted unless:

- A. a majority of the House members and a majority of the Senate members voting on the matter vote in the affirmative, and
- B. the combined affirmative vote of the House and Senate members meets the vote requirements of paragraph (b) or paragraph (e) as the case may be.

Example #1 for (h) (2):

- 1) A voice vote is completed on a matter.
- 2) Any three (3) members request both a roll call vote on the matter and a separate vote of the House and the Senate members of the combined committees.

3) The roll call vote is completed separately for both the House and the Senate members and recorded separately in the record.

Example #2 for (h) (2):

- 1) A voice vote is completed on a matter.
- 2) Any three (3) members request a roll call vote, and any three (3) members request a separate vote of the House and Senate members of the combined committees.
- 3) The roll call vote is completed separately for both the House and the Senate members and recorded separately in the record.

(i) Non-voting members of the Legislative Council.

Non-voting members of the Legislative Council shall not be eligible to vote on matters before the full Legislative Council-Joint Budget Committees during pre-session budget hearings but may be appointed to and serve on Legislative Council-Joint Budget Subcommittees appointed for the pre-session budget hearings and when so appointed shall have full voting privileges in all matters coming before their respective subcommittees.

(j) Subcommittees

The co-chairs of the Legislative Council and the Joint Budget Committee shall be ex-officio members of all subcommittees formed during the Fall budget hearings. However, the ex-officio members shall not be counted in determining the number of members that constitute a quorum of the subcommittee but the ex-officio members shall be counted in determining whether a quorum is present. For instance, if seven non ex-officio members are appointed to a subcommittee, four members constitute a quorum and if two of the seven members are present and three ex-officio members are present, a quorum exists for the subcommittee to conduct business.

If a member of a subcommittee is unable to attend a meeting of the subcommittee, the member's alternate may attend and vote for that member during the entire meeting. The alternate must notify the staff prior to the meeting of the name of the member for which the alternate is substituting.

POLICY POSITIONS OF THE LEGISLATIVE COUNCIL/JOINT BUDGET COMMITTEE

1. No recommendation of the Arkansas Legislative Council (ALC) meeting with the Joint Budget Committee (JBC) on operating budgets is to be considered as approving or disapproving any fee or tax increase proposed unless the motion adopted by the ALC/JBC expressly specifies otherwise.

2. No salary recommendation of the ALC/JBC for an employee or group of employees is to be considered final action by the ALC/JBC until a report on such salary level is submitted by the subcommittee of the ALC/JBC appointed to review salary level requests unless the motion adopted by the ALC/JBC on the salary recommendation expressly specifies otherwise.

3. No recommendation of the ALC/JBC on a special language request is to be considered final action by the ALC/JBC until a report on such special language is submitted by the subcommittee of the ALC/JBC appointed to review special language requests unless the motion adopted by the ALC/JBC expressly specifies otherwise.