

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

Friday, June 19, 2009

The Arkansas Legislative Council met at 9:00 a.m., Friday, June 19, 2009 in Room 171 of the State Capitol, Little Rock, Arkansas. Co-Chair Maxwell called the meeting to order and dispensed with the calling of the roll. The members who attended are listed on the sign-in sheets.

Adoption of Minutes of the Last Meeting

Senator Wilkins made a motion to approve the minutes of the May 15, 2009 Legislative Council meeting and the motion passed without objection.

Monthly Revenue Report

Co-Chair Maxwell recognized Richard Wilson, Assistant Director of the Bureau of Legislative Research, to present the monthly revenue report for May 2009. Mr. Wilson reported that the May 2009 revenue report reflects that for the past eleven months of this fiscal year, gross collections were up twenty-six point three million dollars (\$ 26.3 million) ahead of last year, which is a growth rate of five-tenths of one percent (.5%). The net available for distribution is a negative thirty-eight point six million dollars (-\$ 38.6 million) below last year, which is a negative one percent (-1%) growth.

The graph page reflects that collections are \$44 million ahead of the official forecast. The spreadsheet reflects that gross receipts are about negative 1 percent (-1%) and the overall weighted average for income tax is slightly positive, and after about three (3) months of collections there is approximately seven and one-half million dollars (\$ 7.5 million) in natural gas severance tax revenues that was distributed to the Highway and Transportation Department, but are currently ten million dollars (\$10 million) less than this time last year. Mr. Wilson answered questions regarding the report.

Mr. Wilson answered questions concerning revenue from the tobacco tax and the impact of new federal taxes on Arkansas revenues. The report was filed without objection.

Reports of Standing Committees

Administrative Rules and Regulations Subcommittee

Co-Chair Maxwell recognized Senator Smith to present the report of the Administrative Rules and Regulations Subcommittee report. Senator Smith reported that the subcommittee met on May 21, 2009 and on May 22, 2009 and referred members to the reports in their packets.

Senator Terry Smith moved the adoption of the reports of the Administrative Rules and Regulations Subcommittee and the motion passed without objection.

Litigation Reports Oversight Subcommittee

Co-Chair Maxwell recognized Senator David Johnson to present the report of the Litigation Reports Oversight Subcommittee. Senator Johnson reported that the subcommittee met on June 18, 2009 and favorably reviewed two settlement agreements: (1) Baxter Healthcare Corporation v. Weis; and (2) Albemarle Corporation v. Weiss.

Senator David Johnson moved the adoption of the report of the Litigation Reports Subcommittee and the adoption of the two settlement agreements: (1) Baxter Healthcare Corporation v. Weis; and (2) Albemarle Corporation v. Weiss. The motion passed without objection.

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Maxwell recognized Representative Dismang to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee. Representative Dismang reported that the PEER Subcommittee met on June 4, 2009 and reviewed and approved all items on the agenda. There were no questions regarding this report.

Representative Dismang moved the adoption of the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee and the motion passed by voice vote.

Review Subcommittee

Co-Chair Maxwell recognized Senator Horn to present the Review Subcommittee report. Senator Horn reported that the Review Subcommittee met on June 10, 2009 and all items on the agenda were reviewed.

A contract between the Dental Examiners Board and William Trice (see number 63 on page 32), includes special language that requires the agency to make a written request to the Office of Attorney General for legal counsel and the Office of Attorney General must respond by providing legal counsel or by certifying that the agency may employ other legal counsel. The provisions and the amount of the contract were reviewed and approved. Other contracts between William Trice and the Medical Board and the Optometry Board are scheduled to be reviewed at the July 1, 2009 meeting of the Review Subcommittee. There were no questions regarding this report.

Senator Horn moved adoption of the report of the Review Subcommittee and the adoption of the contract between the Dental Examiners Board and William Trice. The motion passed by voice vote.

Uniform Personnel Classification and Compensation Plan Subcommittee

Co-Chair Maxwell recognized Representative Wells to present the report of the Uniform Personnel Classification and Compensation Plan Subcommittee. Representative Wells reported that the subcommittee met on June 11, 2009 and reviewed many requests from agencies and institutions, most of which were related to the transition to the new state pay plan that will be implemented on July 1, 2009. The subcommittee reviewed thirteen (13) requests for correctional pool positions, four (4) requests for growth pool positions, six (6) pay-grid requests; four (4) new title requests; and miscellaneous grant requests from eight (8) agencies. There were no questions regarding this report.

Representative Wells moved the adoption of the report of the Uniform Personnel Classification and Compensation Plan Subcommittee and the motion passed without objection.

Co-Chair Maxwell recognized Co-Chair Wilkins who asked Senator Bobby Glover, Co-Chair of the Charitable, Penal & Correctional Institutions Subcommittee, if he wished to share his work regarding recent events at the Department of Correction although the subcommittee had not met this month. Senator Glover responded that the Director of the Department of Correction is scheduled to meet with the subcommittee next month and items to be discussed will include the continuing growth of the inmate population and discussion of the recent escape of an inmate and what preventive procedures have been instituted at the prison.

Review of Communications

Co-Chair Maxwell stated that the communications before the Legislative Council are routine communications that require no action by the Legislative Council, with the exception of the report from the Arkansas State Parks Division (item H.10). The routine communications were filed without objection.

Co-Chair Maxwell recognized Greg Butts, Director of the Arkansas State Parks Division, to explain the request for the Legislative Council's approval of expenditures from the special maintenance program. Mr. Butts explained that this report is pursuant to special language in the appropriation bill for the State Parks Division and concerns maintenance projects in the annual preventive maintenance program for state parks that cost more than the day-to-day repair projects, but less than the major projects that require the letting of a contract. This report is a list of projects that were prioritized after consultation with the state park superintendents. There were no questions concerning this report.

Co-Chair Maxwell recognized Senator Horn who moved the approval of the expenditures reflected in the report. The motion was passed without objection.

Business Carried Over from Previous Meeting

Co-Chair Maxwell explained that the next report concerning the number of aircraft owned by the State of Arkansas was prepared by the Bureau of Legislative Research at the request of Representative Lea during the May 15, 2009 Legislative Council meeting.

Co-Chair Maxwell recognized Richard Wilson to respond to questions. Representative Lea asked whether any changes had occurred since last year and Mr. Wilson responded that the only change was that the Game and Fish Commission had one airplane last year and now has none. Senator Jeffress asked if the report included air craft other than airplanes and Mr. Wilson responded that it does, such as the four (4) air craft listed for the State Police are two (2) fixed-wing aircraft and two (2) helicopters. Mr. Wilson also responded to questions from Senator Jeffress regarding the Military Department's reason to not disclose a specific number of air craft and stated that the State of Arkansas does not pay for air craft used by the Military Department. There were no further questions regarding this report.

New Proposals and Resolutions

Co-Chair Maxwell referred the members to Interim Study Proposal 2009-181 by Representative Carroll, which requests the House Interim Committee on Education to conduct a study of the Arkansas School for the Deaf and the Arkansas School for the Blind, including the schools' students, academic policies, funding, and other important matters. There were no questions regarding the interim study proposal.

Senator Wilkins moved that the Legislative Council refer Interim Study Proposal 2009-181 for study by the House Interim Committee on Education and the motion passed without objection.

Adjournment

Co-Chair Maxwell recognized Senator Wilkins who asked the members of the Legislative Council to join with him in acknowledging the wonderful job Representative Maxwell has done in chairing his first Legislative Council meeting. The members responded with applause.

There being no further business to come before the committee the meeting was adjourned at 9:35 a.m.

Respectfully submitted,

ATTEST:

Representative Allen Maxwell
Co-Chair, House

David Ferguson
Executive Secretary