

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

Friday, May 15, 2009

The Arkansas Legislative Council met at 9:00 a.m., Friday, May 15, 2009 in Room 171 of the State Capitol, Little Rock, Arkansas. Co-Chair Wilkins 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

The minutes of the December 18, 2008 Legislative Council meeting were approved without objection.

Selection of Seat Assignments

Chairman Wilkins asked David Ferguson to explain the procedure by which Legislative Council members would select their seats. Mr. Ferguson explained that each member's name would be called based on seniority beginning after the vice co-chairs of the Legislative Council had made their seat selections. The seating chart reflecting the members' seat assignments is filed as Exhibit D.

Monthly Revenue Report

Co-Chair Wilkins recognized Richard Wilson, Assistant Director of the Bureau of Legislative Research, to present the monthly revenue report for April 2009. Mr. Wilson reported that the April 2009 revenue report reflects that for the first ten months of this fiscal year, gross collections were up thirty point 4 million dollars (\$ 30.4 million) ahead of last year, which is a growth rate of six-tenths of one percent (.6%). The net available for distribution is thirty-five point six million dollars (\$ 35.6 million) below last year, which is a negative one percent (-1%) growth.

The graph page reflects that collections are \$38 million ahead of the official forecast. The spreadsheet reflects the downturn in income tax collections occurs mostly in the payments and estimates categories with one percent (1.0%) growth rate in withholding. In April payments and estimates were fifty-four percent (54%) of total individual income tax collections, but over the ten-month period it was twenty-three percent (23%). Refunds are currently sixty-nine million

dollars (\$69 million) ahead of the same time period last year. Mr. Wilson answered questions regarding the report.

Report of the Executive Subcommittee

Co-Chair Wilkins recognized Representative Maxwell to present the report of the Executive Subcommittee of the Legislative Council. Representative Maxwell reported that the subcommittee met May 14, 2009 and reviewed a personnel matter and determined that no action was necessary. The subcommittee reviewed the Legislative Council rules from the previous biennium with proposed revisions. The subcommittee passed a motion to recommend the revised rules to the Legislative Council for adoption as the rules for the 2009-2010 biennium. The subcommittee also passed a motion instructing the staff to contact the Arkansas Building Authority regarding the cost of constructing a tunnel between the Big Mac Building and the State Capitol and to retrofit the freight elevator to accommodate passengers. The subcommittee also passed a motion to recommend that the July 2009 meeting of the Legislative Council be cancelled and to authorize the Legislative Council subcommittees to act on behalf of the Legislative Council and that their actions are final and the subcommittee actions shall be reported to the Legislative Council during its meeting scheduled for August 21, 2009.

Co-Chair Wilkins asked David Ferguson to explain the proposed revisions to the Legislative Council rules. The revisions are detailed in the summary and mark-up draft attached to the Executive Subcommittee report. Mr. Ferguson answered questions from the members.

Senator Terry Smith moved that the rules be adopted as proposed. The motion received a second from Senator Faris and passed by a voice vote.

Senator Wilkins moved the adoption of the report of the Executive Subcommittee and the motion passed without objection.

Consideration of Motion to Hear Personnel Matter

Co-Chair Wilkins recognized Senator Whitaker who made a motion to suspend the rules and allow Kim Chavis to address the Legislative Council. Co-Chair Wilkins asked Senator Whitaker to explain the purpose of her motion. Senator Whitaker stated that Kim Chavis has spoken to several members concerning her dismissal from employment with the Bureau of Legislative Research and she is seeking a grievance hearing before the Legislative Council.

Co-Chair Wilkins explained that the matter being referred to now by Senator Whitaker is the personnel matter that the Executive Subcommittee considered and determined that no action was necessary as indicated in the Executive Subcommittee report.

The motion to suspend the rules and allow Kim Chavis to address the Legislative Council failed to pass by a roll call vote of 15 for the motion and 19 against the motion.

Motion to Cancel the July 2009 Legislative Council Meeting

Representative Maxwell moved that the July 2009 meeting of the Legislative Council be cancelled and that the Legislative Council subcommittees are authorized to act on behalf of the Legislative Council and that their actions are final and shall be reported to the Legislative Council during its meeting scheduled for August 21, 2009. The motion received a second and was passed by voice vote.

Reports of Standing Committees

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Wilkins 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 May 14, 2009 and reviewed all items on the agenda. There were no questions regarding this report.

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

Review Subcommittee

Co-Chair Wilkins recognized Senator Horn to present the Review Subcommittee report. Senator Horn reported that the Review Subcommittee met on May 14, 2009 and all items on the agenda were reviewed with the exception of contract number 66, which was pulled from review at the request of the agency. There were no questions regarding this report.

Senator Horn moved that the report of the Review Subcommittee be adopted and the motion passed by voice vote.

Uniform Personnel Classification and Compensation Plan Subcommittee

Co-Chair Wilkins recognized Senator Faris to present the report of the Uniform Personnel Classification and Compensation Plan Subcommittee. Senator Faris reported that the subcommittee met on May 12, 2009 and heard routine reports required by law from the Public Service Commission, the Department of Education, and the quarterly employment reports. The subcommittee heard five requests for special entry rates for exceptionally well qualified applicants, requests from the School of the Deaf and the School of the Blind for renewal of their salary plan for teachers and education professionals, two requests for pool positions from two-year institutions of higher education, two requests from the Game and Fish Commission for certification pay, and four requests for circuit court staff salary adjustments. There were no questions regarding this report.

Senator Faris moved that the report of the Uniform Personnel Classification and Compensation Plan Subcommittee be adopted and the motion passed by voice vote.

Reports of Interim or Special Committees

Joint Interim Committee on Legislative Facilities

Co-Chair Wilkins recognized Marty Garrity, Assistant Director for Legal Services of the Bureau of Legislative Research, to present the report of the Joint Interim Committee on Legislative Facilities. Ms. Garrity reported that the committee met on May 14, 2009 and heard a presentation on the powers and duties of the committee. Jim Schratz, the Administrator of the Information Technology Section of the Bureau of Legislative Research provided the committee with proposals and recommendations for maintenance and upgrade of committee rooms. The recommendations were to upgrade the sound systems in Rooms 138, 149, 151, and 428 and to purchase portable projection screens and equipment for use in committee rooms.

The committee passed a motion to authorize the Bureau of Legislative Research to proceed with the upgrade of committee rooms under state guidelines. The committee discussed the possible need for additional space for staff due to fiscal legislative sessions and a request to upgrade the sound system in the Old Supreme Court Room, which the committee decided to consider at its next meeting.

Senator Whitaker moved that the report be adopted. The motion received a second and was passed by voice vote.

Report of the Joint Interim Committee on Advanced Communications and Information Technology

Co-Chair Wilkins recognized Senator Capps to present the report of the Joint Interim Committee on Advanced Communications and Information Technology. Senator Capps reported that the Joint Interim Committee on Advanced Communications and Information Technology met on May 13, 2009 and reviewed a request from the Department of Information Systems for \$5.75 million in additional appropriation authority for telecommunications technology. Senator Capps explained that this is normal procedure and is a normal request that is filed with the committee. There were no questions concerning the report.

Senator Capps moved the adoption of the report by the Joint Interim Committee on Advanced Communications and Information Technology and the motion passed by voice vote.

Senator Malone requested that the Joint Interim Committee on Advanced Communications and Information Technology inform the Legislative Council if they are going to be raising the rates for any boards, commissions, or agencies along the way to generate revenue that might result in the need for additional appropriation. Senator Capps agreed to provide the information.

Senator Capps moved that the Legislative Council approve the request from the Department of Information Systems for the additional appropriation and the motion was passed by voice vote.

Review of Communications

Co-Chair Wilkins asked David Ferguson to explain the communications and Mr. Ferguson stated the communications listed under items I-1 through I-21 were filed for review by the Legislative Council and no action was required by the Legislative Council on these communications. Co-Chair Wilkins also noted that under the Supplemental Agenda was a notification of imminent need to enter into a partial equity ownership agreement, submitted by the Arkansas Teacher Retirement System pursuant to Act 1211 of 2009, which was also filed for review by the Legislative Council. The communications were filed without objection.

Co-Chair Wilkins recognized Representative Lea who referred to the Annual Report State Agency Vehicle Inventory and asked whether it is possible to request a report of how many aircraft are owned or operated by the state as well. Co-Chair Wilkins instructed staff to request that report.

New Proposals and Resolutions

Co-Chair Wilkins referred the members to the new interim study proposals filed with the Legislative Council and asked if there was a motion.

Senator Capps moved that the Legislative Council refer the interim study proposals for study by the committee indicated as follows:

- **Interim Study Proposal 2009-002 referred to the House Committee on Revenue and Taxation;**
- **Interim Study Proposal 2009-011 (HB 1562) referred to the House Committee on City, County, and Local;**
- **Interim Study Proposal 2009-120 (HB 1672) referred to the House Committee on Education;**
- **Interim Study Proposal 2009-140 (HB2241) referred to the House Committee on Education;**
- **Interim Study Proposal 2009-177 referred to the House Committee on Judiciary; and**
- **Interim Study Proposal 2009-178 referred to the House Committee on Judiciary.**

The motion passed by voice vote.

Report of the Executive Secretary

Co-Chair Wilkins recognized David Ferguson for the report of the Executive Secretary. Mr. Ferguson reported that the Arkansas Lottery Commission had requested the Bureau of Legislative Research provide staff assistance as provided in their legislation. The Bureau of Legislative Research had seven members of the staff present to assist the Lottery Commission at the last meeting; one of the seven staff members was at the meeting to monitor on behalf of the Arkansas Lottery Commission Oversight Subcommittee. Many other Bureau employees are also assisting the Lottery Commission.

Adjournment

There being no further business to come before the committee the meeting was adjourned at 10:10 a.m.

Respectfully submitted,

ATTEST:

Senator Henry "Hank" Wilkins, IV
Co-Chair, Senate

David Ferguson
Executive Secretary