

**MINUTES OF THE MEETING**  
**OF THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

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**Friday, September 19, 2008**

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The Arkansas Legislative Council met at 9:00 a.m., Friday, September 19, 2008, 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.

**Representative Hoyt moved the approval of the minutes of the Legislative Council meeting on August 15, 2008 and the motion was passed without objection.**

**Monthly Revenue Report**

Monthly Revenue Report for August 2008

Co-Chair Wilkins recognized Richard Wilson, Assistant Director, Bureau of Legislative Research, to present the monthly revenue report for August 2008. Mr. Wilson reported August 2008 revenue report reflects that for two months of this fiscal year, gross collections were \$ 35.1 million ahead of collections for the same period last year, for a collection growth rate of 4.4 percent. The net available for distribution is \$35.8 million ahead of the same period last year for a growth rate of 5.2 percent. The graph page reflects that the collections are \$39 million ahead of the current forecast. Mr. Wilson answered questions from the committee.

**Reports of Standing Committees**

**Administrative Rules and Regulations Subcommittee**

Co-Chair Wilkins recognized Senator John Paul Capps to present the report of the Administrative Rules and Regulations Subcommittee. Senator Capps reported the Administrative Rules and Regulations Subcommittee met on September 4, 2008 and it was a routine meeting. Senator Capps reported that the rules proposed by the Arkansas Development Finance Authority were deferred to the October meeting. The rules proposed by the State Medical Board concerning Collaborative Practice Regulations for Physicians were deferred and referred to the Senate and House Interim Committees on Public Health, Welfare, and Labor and that the committee had met to consider them.

**Senator Capps moved the adoption of the report of the Administrative Rules and Regulations Subcommittee and the motion passed without objection.**

**Game and Fish Subcommittee**

Co-Chair Wilkins recognized Representative Stewart to present the report of the Game and Fish Subcommittee. Representative Stewart reported that the Game and Fish Subcommittee met jointly with the Arkansas State Game and Fish Commission Oversight Committee on September 18, 2008 at the Witt Stephens, Jr. Central Arkansas Nature Center, during which the Fayetteville Shale gas lease agreements and revenue were discussed. The subcommittee also viewed a presentation from the Game and Fish Commission called "Fueling the Future of Arkansas Wildlife" (Exhibit F-5a), which detailed projects under consideration for funding with the gas lease revenues, including potential partner projects with other state agencies and the establishment of a matching grant program for local entities. A tour of the nature center was also provided.

Co-Chair Wilkins recognized Senator Whitaker who suggested that the committee members would benefit from more time to study the information provided. Co-Chair Wilkins stated that the Game and Fish Commission would be invited to the next meeting to respond to the following questions raised by committee members:

- Assuming that all the proposals are funded, what will be the impact on property taxes and the funding of school districts, and what will be the impact on property taxes levied by other governmental entities?
- Why has there been a change in the opinion by the Arkansas Game and Fish Commission staff concerning whether gas lease moneys may be shared with other state agencies?
- Why has the amount to be shared been limited to such a small percentage of the total amount to be received?

**Representative Stewart moved the adoption of the report of the Game Fish Subcommittee and the motion passed without objection.**

**Hospital and Medicaid Subcommittee**

Co-Chair Wilkins recognized Representative Kidd to present the report of the Hospital and Medicaid Subcommittee. Representative Kidd reported the Hospital and Medicaid Subcommittee had met on August 28, 2008 and discussed the Trauma System. Representative Kidd reported that the subcommittee would meet again in September to discuss funding for the trauma system. There were no questions regarding this report.

**Representative Kidd moved that the report of the Hospital and Medicaid Subcommittee be adopted and the motion passed without objection.**

**Performance Evaluation and Expenditure Review (PEER) Subcommittee**

Co-Chair Wilkins recognized Representative Anderson to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee. Representative Anderson reported that the PEER Subcommittee met on September 4, 2008 and reviewed all items on the report with the exception of those denoted with an asterisk. Representative Anderson reported that there are two out-of-the-ordinary issues to bring to the attention of the Legislative Council. The first is the subcommittee approved a request from the Secretary of State for supplemental

personnel services in the amount of \$80, 173 from operating expense. Since then, the Secretary of State has asked that amount be taken from professional fees instead.

**Representative Anderson moved that the report be amended to reflect that those monies be transferred from professional fees rather than operating expenses and the motion passed by voice vote.**

Representative Anderson stated the second item would require that the rules be suspended to allow the committee to consider an item that did not make it on the PEER agenda in time and asked if the committee should consider this now. Co-Chair Wilkins stated that it would be considered now.

**Representative Anderson moved that the rules be suspended in order that the committee can consider a request from the Department of Health for a contract with UAMS in the amount of \$100,000, money out of the Governor's Emergency, to provide a medical consultant for the potential trauma system development. Motion passed by voice vote after Co-Chair Wilkins ruled that the "Ayes" have it.**

Representative Anderson noted that staff is passing out the contract summary (Exhibit F.9a), which is a contract between state agencies that would traditionally come through PEER. He commented that it deserves at least our consideration, and that representatives of the Department of Health are here to answer questions. Co-Chair Wilkins recognized Mary Leath, Deputy Director for Administration for the Department of Health, and Donny Smith, Director, Center for Health Protection to respond to questions. Ms. Leath and Mr. Smith answered questions regarding the reasons why this contract must be considered on an emergency basis, questions regarding the specifics of Dr. Kent Westbrook's duties and compensation, and whether Dr. Westbrook had worked with the Governor's Trauma Advisory Committee.

**Representative Pace moved that this request from the Department of Health for a contract with UAMS in the amount of \$100,000 to provide a medical consultant for the potential trauma system development be referred to the Performance Evaluation and Expenditure Review (PEER) Subcommittee to be taken up in a proper and regular fashion. The motion passed by voice vote after Co-Chair Wilkins ruled the "AYES" have it and the request is referred to PEER.**

**Representative Anderson moved the adoption of the report as amended of the Performance Evaluation and Expenditure Review (PEER) Subcommittee and the motion was passed by voice vote.**

#### **Policy-Making Subcommittee**

Co-Chair Wilkins recognized Representative Ragland to present the report of the Policy-Making Subcommittee. Representative Ragland reported that the Policy-Making Subcommittee had met on September 18, 2008 and approved a request to extend a \$30,000 contract between the Bureau of Legislative Research and the National Conference of State Legislatures (NCSL), which would strengthen legislative oversight of the Temporary Assistance for Needy Families (TANF) program. The subcommittee reviewed interim committee balances and reviewed for

germaneness the interim study proposals filed directly with committees and found that no action was necessary. There were no questions concerning this report.

**Representative Ragland moved the adoption of the report of the Policy-Making Subcommittee and the motion was passed without objection.**

### **Review Subcommittee**

Co-Chair Wilkins recognized Senator Horn to present the Review Subcommittee report. Senator Horn reported that the subcommittee met on September 3, 2008 and stated there are some items to bring to the attention of the Legislative Council. The Subcommittee deferred action on the contract for the Dental Examiners Board with William Trice until the October subcommittee meeting.

Also, the Review Subcommittee referred the contract between the Teacher Retirement System and Ennis Knupp and Associates to the Joint Committee on Public Retirement and Social Security Systems.

Senator Horn reported that for disclosure purposes, the subcommittee reviewed a competitively-bid contract between Pulaski Technical College and Hydco and that Representative Barry Hyde is the President of Hydco.

**Senator Horn moved that all other items stand reviewed and the adoption of the report of the Review Subcommittee. The motion passed by voice vote.**

### **Uniform Personnel Classification and Compensation Plan Subcommittee**

Co-Chair Wilkins recognized Representative Wells to present the report of the Uniform Personnel Classification and Compensation Plan Subcommittee. Representative Wells reported that the subcommittee met on September 11, 2008 and reviewed the following requests: two requests for special entry rates for exceptionally well-qualified applicants for the AETN and the Department of Workforce Services; two requests for special entry rates due to labor market conditions from the Department of Finance and Administration and the Minority Health Commission; a request from the Game and Fish Commission for one growth pool position; a request from the Administrative Office of the Courts for two growth pool positions; a request from the Secretary of State for one supplemental personal services position; a request for one salary adjustment for circuit court staff; and provisional positions requests from institutions of higher education totaling fifteen positions among seven schools. The subcommittee also held for further review a request from the Department of Health for a special rate of pay. There were no questions concerning this report.

**Representative Wells moved the adoption of the report of the Uniform Personnel Classification and Compensation Plan Subcommittee and the motion was passed by voice vote.**

### Review of Communications

Co-Chair Wilkins asked members to review the communications and noted that items H.11, H.15, and H.17 require action of the Legislative Council.

#### Distribution from the Research Development Fund

Co-Chair Wilkins stated item H-11 was a request from the Department of Higher Education for the Legislative Council's advice concerning the distribution of research development funds to the University of Arkansas at Fayetteville.

**Senator Madison moved that the Legislative Council give favorable advice to the distribution of funds from the Research Development Fund to the University of Arkansas at Fayetteville and the motion passed by voice vote.**

#### Approval of Cycle I of 2009 Grants

Co-Chair Wilkins stated that item H-15 was a request for the Legislative Council's approval of Cycle I of fiscal year 2009 funding of rural community grants and county fair building grants from the Department of Rural Development.

**Representative Sullivan moved that the Legislative Council approve the Cycle I of fiscal year 2009 funding of rural community grants and county fair building grants proposed by the Department of Rural Development and the motion passed by voice vote.**

#### Approval of model Qualified Domestic Relations Order form

Co-Chair Wilkins stated that item H.17 is a request by the Arkansas Teacher Retirement System for the Legislative Council's approval of the model Qualified Domestic Relations Order form.

**Senator Jimmy Jeffress moved that request by the Arkansas Teacher Retirement System for approval of the model Qualified Domestic Relations Order form be referred to the Joint Committee on Public Retirement and Social Security Programs for discussion and the motion passed by voice vote.**

Co-Chair Wilkins recognized Christa Clark, the General Counsel for the Arkansas Teacher Retirement System to respond to questions by Representative Flowers. Ms. Clark stated the current model Qualified Domestic Relations Order form was approved by the Legislative Council in 1995 and it is not in line with the actual plan provisions in the statutes. Ms. Clark stated the new model form is designed to bring it up to the current plan provisions, such as the T-DROP provisions that were adopted after the original model form was approved.

#### UAMS College of Medicine Admissions Report

Co-Chair Wilkins recognized Representative Pennartz, who referred to the report listed under item H.18 concerning admissions to the UAMS College of Medicine. Representative Pennartz asked that committee members be provided a demographic breakdown by congressional district of where in the State of Arkansas the applicants come from, how many applicants are from out-of-state, and how many applicants were admitted from the Community Match Program. Co-Chair Wilkins stated the additional information would be requested for the next meeting.

### **Business Carried Over from Previous Meeting**

Co-Chair Wilkins referred members to the chart on funding to school districts under Item I.1 and stated it was provided for informational purposes and in response to questions during the last meeting.

### **New Business**

Co-Chair Wilkins stated that the travel policy adopted by the Senate and House Committees on State Agencies and Governmental Affairs and the House Revenue and Taxation Committee are submitted for the approval of the Legislative Council.

Co-Chair Wilkins recognized Representative Saunders, Vice Chair of the House Committee on State Agencies and Governmental Affairs, who asked that the travel policy adopted by the Senate and House Committees on State Agencies and Governmental Affairs be passed over and be considered at the next Legislative Council meeting. Co-Chair Wilkins stated that request would be allowed.

Co-Chair Wilkins recognized Representative Anderson to present the travel policy adopted by the House Committee on Revenue and Taxation.

**Representative Anderson moved the Legislative Council approve the travel policy adopted by the House Committee on Revenue and Taxation and the motion passed by voice vote.**

### **Consideration of New Interim Study Proposals**

Co-Chair Wilkins asked the Legislative Council members to review the interim study proposals in their packets and then recognized Representative Ragland.

**Representative Ragland moved that Interim Study Proposal 2007-232, Interim Study Proposal 2007-233, and Interim Study Proposal 2007-234 be referred to the House Committee on State Agencies and Governmental Affairs, and that Interim Study Proposal 2007-235 be referred to the Legislative Council Subcommittee on Charitable, Penal, and Correctional Institutions. The motion passed without objection.**

### **Announcements**

Co-Chair Wilkins recognized Senator Trusty who announced that the Win Rockefeller Memorial Subcommittee would meet immediately in Room 309.

### **Adjournment**

There being no further business to come before the committee the meeting was adjourned at 9:55 a.m.

Respectfully submitted,

ATTEST:

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

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David Ferguson  
Executive Secretary