

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

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**Friday, November 21, 2008**

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The Arkansas Legislative Council met at 9:00 a.m., Friday, November 21, 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 Sullivan moved the approval of the minutes of the October 17, 2008 Legislative Council meeting and the motion passed by voice vote.**

**Introduction of Executive Director of Employee Benefits Division**

Co-Chair Wilkins recognized Richard Weiss, Director of the Department of Finance and Administration, who introduced Jason Lee, the new Executive Director of Employee Benefits Division of the Department of Finance and Administration.

**Monthly Revenue Report**

Co-Chair Wilkins recognized Richard Wilson, Assistant Director, Bureau of Legislative Research, to present the monthly revenue report for October 2008. Mr. Wilson reported that the October 2008 revenue report reflects that for first four months of this fiscal year, gross collections were \$ 78.7 million ahead of collections for the same period last year, for a growth rate of 4.5 percent. The net available for distribution is \$72.3 million ahead of the same period last year for a growth rate of 4.9 percent. The graph page reflects that the collections are \$71 million ahead of the official forecast and the weighted average growth rate on total income tax was 3.8 percent. A year ago, that percentage was 6.3 percent. There were no questions regarding this report.

**Reports of Standing Committees**

Administrative Rules and Regulations Subcommittee

Co-Chair Wilkins recognized Representative Pace to present the report of the Administrative Rules and Regulations Subcommittee. Representative Pace reported that the Administrative Rules and Regulations Subcommittee met on November 6, 2008 and reviewed all the agenda items with the following exceptions: (1) rules from the Arkansas Teacher Retirement System

were referred to the Joint Committee on Public Retirement and Social Security Programs; and (2) rules from the Department of Health concerning the trauma system were referred to the Senate and House Interim Committees on Public, Health, Welfare and Labor. The subcommittee also adopted a procedure that provides a two-week buffer for scheduling a rule on the subcommittee agenda. Representative Pace also asked that Rule No. 8 from the Department of Environmental Quality be held in the Legislative Council for a month while a few issues are worked out.

**Representative Pace moved that the report of the Administrative Rules and Regulations Subcommittee be adopted and the motion passed by voice vote.**

Charitable, Penal, and Correctional Institutions Subcommittee

Co-Chair Wilkins recognized Representative Hoyt to present the report of the Charitable, Penal, and Correctional Institutions Subcommittee. Representative Hoyt reported that the Charitable, Penal, and Correctional Institutions Subcommittee met on November 6 and November 20, 2008 and discussed over crowding in local jails and the possibility of requesting a report from a privatization group. A motion was adopted at the November 20th meeting to invite Emerald Correctional Management Company to make a presentation to the subcommittee. There were no questions regarding the report.

**Representative Hoyt moved that the report of the Charitable, Penal, and Correctional Institutions Subcommittee be adopted and the motion passed by voice vote.**

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Wilkins recognized Senator Altes to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee. Senator Altes reported that the PEER Subcommittee met on November 6, 2008 and reviewed all items on the agenda. There were no questions regarding this report.

**Senator Altes 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 Representative Ragland to present the Review Subcommittee report. Representative Ragland reported that the subcommittee met on November 3, 2008 and reviewed all items on the agenda. There were no questions regarding this report.

**Representative Ragland 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 November 19, 2008 and reviewed two routine reports and the following

requests: two special entry rate requests for exceptionally well-qualified applicants; one OPM pool position request; a Game & Fish Commission certification pay request; two requests for miscellaneous federal grant positions; six requests for circuit court salary adjustments that were in accordance with the grid; and a provisional position request from an institution of higher education. 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**

#### Reports from the Arkansas Legislative Task Force on Substance Abuse Treatment Services and Task Force on Substance Abuse Prevention

Co-Chair Wilkins recognized Senator Bill Pritchard to present the Final Report and Recommendations of the Arkansas Legislative Task Force on Substance Abuse Treatment Services (Exhibit G.1) and the Annual Report of the Task Force on Substance Abuse Prevention (Exhibit 2). Senator Pritchard answered questions from the members.

#### Report of the Traumatic Brain Injury (TBI) Task Force

Co-Chair Wilkins recognized Representative Prater to present the Final Report of the Traumatic Brain Injury (TBI) Task Force (Exhibit G.3). Representative Prater answered questions from the members. Representative Prater answered questions from the members. Representative Shelby was recognized and commented that a TBI registry is a part of the new trauma system that has been studied.

#### Report from the House and Senate Interim Committees on Education

The report from the House and Senate Interim Committees on Education concerning recommendations on the issues of student transportation and public school employee health insurance were referred to subcommittee and will be filed without objection.

#### Joint Advanced Communications and Information Technology Committee

Co-Chair Wilkins recognized Representative Pace to present the report from the Joint Advanced Communications and Information Technology Committee. Representative Pace reported that the committee met to review a request submitted by the Department of Health that was required by Act 1283 of 2007, which concerns the creation of a database for vital records. The Department of Health will raise fees to help fund this project. There were no questions concerning this report.

**Representative Pace moved that the report from the Joint Advanced Communications and Information Technology Committee be adopted and the motion passed by voice vote.**

### **Review of Communications**

Co-Chair Wilkins asked members to review the communications in their packets and stated that as no action was required by the Legislative Council these communications would be filed without objection.

Co-Chair Wilkins recognized Dan Flowers , Director of the Arkansas Highway and Transportation Department to present the Summary of the Study of Increasing Speed Limits on the Arkansas Primary Highway Network, submitted pursuant to A.C.A. § 27-51-215(e). The study concluded that raising speed limits would not be advisable at this time due to the national initiative to raise speed limits to 60 miles per hour nationally, the negative impact on safety and on fuel economy, the increased cost for signage, and the negative impact on driver expectation. Mr. Flowers answered questions from the committee.

Senator Jimmy Jeffress asked Mr. Flowers if the department engineers could give him their opinion regarding the feasibility of installing rumble strips on the double-yellow lines on highways to prevent drivers from crossing the double-yellow line to pass slower vehicles. Mr. Flowers stated they would.

Representative Ragland commented that rumble strips can sometimes cause a vehicle to veer off course and that the reflective highway markers are dislodged by snow plows and are not cost effective. Mr. Flowers stated they would look into the rumble strips causing the vehicle to veer and that plow able markers may be available.

Senator Faris commented that cyclists riding on rural roads with no shoulder who will not allow faster traffic to pass create a traffic hazard and asked if there are minimum speed limits on highways or is there department policy or state law that might address this issue. Mr. Flowers stated there are no longer minimum speed limits on Arkansas highways and that the state is developing a Bicycle Plan Route.

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

Co-Chair Wilkins recognized Marcia Harding, Associate Director of Special Education for the Department of Education, to provide the information requested during the last meeting concerning the educational costs to local schools as a result of children placed in out-of-state treatment facilities by the Department of Human Services.

Ms. Harding reported that children are placed in residential treatment facilities by the courts, by parents, and by one school district that needed to provide a school appropriate public education to a child. A total of \$210,017.16 was reimbursed to school districts for children placed in residential treatment facilities during the last school year. Arkansas Code 20-6-107 limits the liability of the Department of Education for education costs of children placed in out-of-state residential facilities to the lower rate charged in either the other state or in the State of Arkansas. The Department of Education goes through child case review on difficult to place children with the Department of Human Services, and the Department of Education knows prior to the placement if a child must be placed in an out-of-state facility. There were no questions regarding this information.

**Announcement**

Co-Chair Wilkins announced that the Game and Fish/State Police Subcommittee is scheduled to meet in Room 272 upon adjournment of the meeting.

**Adjournment**

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