

Stricken language would be deleted from and underlined language would be added to present law.  
Act 739 of the Regular Session

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: H4/7/21  
**A Bill**

SENATE BILL 542

By: Senator J. Dismang

By: Representative McNair

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE DUTIES OF THE  
STATE HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE DUTIES OF  
THE STATE HIGHWAY COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

- (1) Acts 2019, No. 298, required a study of the working processes and functioning of the Arkansas Department of Transportation;
- (2) The purpose of the study was to examine and identify areas of potential improvement within the overall functioning of the department and to recommend legislation to the General Assembly for consideration in order to:
- (A) Maximize the department's use of taxpayer dollars;
- (B) Improve the efficiency and overall functioning of the department; and
- (C) Ensure the responsiveness of the department to the needs of the State of Arkansas and its citizens with regard to improvement of the state highways and roads;
- (3) The study was conducted with transparency through the collaboration of the department, members of the Highway Commission Review and Advisory Subcommittee of the Legislative Council, and members of the public;



and

(4) Continued collaboration between the department, members of the Highway Commission Review and Advisory Subcommittee of the Legislative Council, and members of the public is necessary to facilitate transparency and the implementation of the recommendations resulting from the study.

SECTION 2. Arkansas Code § 27-65-107(a)(18), concerning the powers and duties of the State Highway Commission, is amended to read as follows:

(18)(A) To propose and submit rules regarding the:

(i) Criteria for distribution of funds and the distribution of funds from the:

(a) State Highway and Transportation

Department Fund; and

(b) Road and Bridge Repair, Maintenance, and

Grants Fund; ~~and~~

(ii) Spending priority designated for highway construction contracts and public road construction projects by the department and the commission, including the criteria used to establish the spending priority-; and

(iii) Implementation of the recommendations included in the final report submitted by the Legislative Council resulting from the study of the Arkansas Department of Transportation required by the Highway Commission Review and Advisory Subcommittee of the Legislative Council under Acts 2019, No. 298.

(B)(i) The commission shall submit the proposed rules required under subdivision (a)(18)(A) of this section to the Highway Commission Review and Advisory Subcommittee of the Legislative Council for review.

~~(ii) Proposed rules required under subdivision (a)(18)(A) of this section that are under consideration at the time the act passes do not require review by the Highway Commission Review and Advisory Subcommittee of the Legislative Council prior to implementation but shall be submitted to the Highway Commission Review and Advisory Subcommittee of the Legislative Council by October 1, 2017, as a report.~~

~~(iii)~~ (ii) The proposed rules required under subdivision (a)(18)(A) of this section are not required to be promulgated

under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but shall be published after review by the Highway Commission Review and Advisory Subcommittee of the Legislative Council, ~~and~~.

(C) The commission shall submit proposed contracts under subdivision (a)(18)(A)(iii) of this section of fifty thousand dollars (\$50,000) or more to the Highway Commission Review and Advisory Subcommittee of the Legislative Council for review before the execution of the contracts.

(D) The Highway Commission Review and Advisory Subcommittee of the Legislative Council shall allow members of the public a reasonable length of time to comment on the proposed rules and contracts submitted under subdivision (a)(18)(A)(iii) and subdivision (a)(18)(C) of this section.

*/s/J. Dismang*

**APPROVED: 4/16/21**