

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

Friday, March 20, 2020

The Arkansas Legislative Council met at 9:00 a.m., Friday, February 21, 2020, in Committee Room A of the Big Mac Building, Little Rock, Arkansas. Co-Chair Jeff Wardlaw called the meeting to order and recognized a quorum of members present. The members present are listed on the sign-in sheets.

Minutes of the Previous Meeting

Co-Chair Wardlaw referred the members to the minutes of the last Legislative Council meeting on January 17, 2020 (Exhibit C) and asked if there were any questions. There were no questions.

Representative Mark Lowery moved that the minutes of the January 17, 2020 meeting of the Legislative Council be adopted. The motion was seconded and passed by voice vote.

Bureau of Legislative Research: Website Presentation

Mr. Timothy Carlock, Assistant Director, Bureau of Legislative Research, Information Technology Division, and Mr. Don Ferren, Programmer, Bureau of Legislative Research, Information Technology Division gave a presentation of the newly updated Bureau of Legislative Research website. Mr. Carlock stated the updates to the website will be live starting Friday, February 28, 2020.

Report of the Executive Subcommittee

Co-Chair Wardlaw recognized Co-Chair Cecile Bledsoe to present the report of the Executive Subcommittee (Exhibit D). Co-Chair Bledsoe reported that at the request of the Arkansas Legislative Council (ALC), the Executive Subcommittee met upon adjournment of the January 17, 2020 ALC meeting, and reconsidered the emergency rule concerning district fees for the Benton County Regional Solid Waste Management District. Following discussion by the subcommittee, the emergency rule was reviewed and approved. This concluded the report of the Executive Subcommittee.

Co-Chair Wardlaw recognized Senator Jimmy Hickey, Jr. for questions. Senator Hickey asked if the emergency rule was good for 90 or 120 days. Co-Chair Wardlaw responded that the emergency rule is good for 120 days.

Co-Chair Cecile Bledsoe moved that the report of the Executive Subcommittee be adopted. The motion was seconded and passed by voice vote.

Reports of the Standing Subcommittees

Administrative Rules Subcommittee

Co-Chair Wardlaw recognized Senator Lance Eads to present the report of the Administrative Rules Subcommittee (Exhibit E.1). Senator Eads reported that the Administrative Rules Subcommittee met on February 19, 2020, and adopted reports of the Executive Subcommittee concerning approval of emergency rules, and reviewed and filed quarterly reports that were submitted by the Department of Corrections and Arkansas Parole Board, pursuant to Act 1258 of 2015. All rules were reviewed and approved. Senator Eads further reported that the subcommittee also heard agency updates on delinquent rule making under Act 517 of 2019. This concluded the report of the Administrative Rules Subcommittee, and there were no questions.

Senator Lance Eads moved that the report of the Administrative Rules Subcommittee be adopted. The motion was seconded and passed by voice vote.

Higher Education Subcommittee

Co-Chair Wardlaw recognized Representative David Whitaker to present the report of the Higher Education Subcommittee (Exhibit E.5). Representative Whitaker reported that the Higher Education Subcommittee met on February 20, 2020. Representative Whitaker stated the subcommittee heard presentations and discussion from Senator Will Bond, representatives of the Arkansas Division of Higher Education, Arkansas' Independent Colleges and Universities, and University of the Ozarks. A representative from the University of the Ozarks spoke about creating an online portal where students can enter data and apply to colleges and for scholarships. He further stated, the portal is to empower students and families and to provide an easy way to know of opportunities and reduce red tape. This concluded the report of the Higher Education Subcommittee, and there were no questions.

Representative David Whitaker moved that the report of the Higher Education Subcommittee be adopted. The motion was seconded and passed by voice vote.

Point of Personal Privilege

Co-Chair Wardlaw recognized Representative Carlton Wing for a point of personal privilege. Representative Wing took the opportunity to recognize the birthday of the Speaker of the House of Representatives, Representative Matthew Shepherd.

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Wardlaw recognized Senator Bruce Maloch to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee (Exhibit E.8). Senator Maloch reported that the subcommittee met on February 18, 2020, and approved three items: an appropriation transfer request for the Arkansas Department of Education; and two releases from the rainy day fund, to the Department of Education for the Succeeds Scholarship Program, and to the Department of Human Services for Senior Citizen Centers. Senator Maloch further reported the PEER Subcommittee reviewed several other items and received quarterly and monthly reports. This concluded the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee, there were no questions.

Senator Bruce Maloch moved that the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee be adopted. The motion was seconded and passed by voice vote.

Review Subcommittee

Co-Chair Wardlaw recognized Senator Scott Flippo to present the report of the Review Subcommittee (Exhibit E.10). Senator Flippo reported that the Review Subcommittee met on February 18, 2020, and reviewed methods of finance, contracts, a vehicle lease, timber sales, and grants. No items were held. This concluded the report of the Review Subcommittee.

Co-Chair Wardlaw recognized Senator Bart Hester for comments. Senator Hester expressed his concerns with the Arkansas Supreme Court spending an ample amount of money retrying a man who already admitted his guilt, when the monies could be used instead to help fund public defenders and other programs.

Senator Scott Flippo moved that the report of the Review Subcommittee be adopted. The motion was seconded and passed by voice vote.

Uniform Personnel Classification and Compensation Plan Subcommittee

Co-Chair Wardlaw recognized Senator David Wallace to present the report of the Uniform Personnel Classification and Compensation Plan Subcommittee (Exhibit E.11). Senator Wallace reported that the Uniform Personnel Classification and Compensation Plan Subcommittee met on February 18, 2020, and received and discussed various reports that required no action. In addition, Senator Wallace stated, the subcommittee reviewed requests from institutions of higher education and the Executive Branch agencies and departments, as listed in the report (*Items 6-14*). The subcommittee also reviewed a request (*Item 15*) from the Department of Higher Education, which required a suspension of subcommittee rules due to late arrival of documentation to the subcommittee. This concluded the report of the Uniform Personnel Classification and Compensation Plan Subcommittee, and there were no questions.

Senator David Wallace moved that the report of the Uniform Personnel Classification and Compensation Plan Subcommittee be adopted. The motion was seconded and passed by voice vote.

Lottery Oversight Subcommittee

Co-Chair Wardlaw recognized Representative Chris Richey to present the report of the Lottery Oversight Subcommittee (Exhibit E. 12). Representative Richey reported that the Lottery Oversight Subcommittee met on February 20, 2020 and reviewed the following reports: (1) activities and operations of the Office of the Arkansas Lottery; (2) monthly disclosure reports filed pursuant to A.C.A. § 23-115-206 and A.C.A. § 23-115-302; (3) annual Academic Challenge Scholarship Award Data and Student Status Report submitted pursuant to A.C.A. § 6-85-219(c); and (4) heard testimony from Camelot Global regarding its business plan and consulting services. This concluded the report of the Lottery Oversight Subcommittee, and there were no questions.

Representative Chris Richey moved that the report of the Lottery Oversight Subcommittee be adopted. The motion was seconded and passed by voice vote.

Highway Commission Review and Advisory Subcommittee

Co-Chair Wardlaw recognized Senator Jonathan Dismang to present the report of the Highway Commission Review and Advisory Subcommittee (Exhibit E.13). Senator Dismang reported that the Highway Commission Review and Advisory Subcommittee met on February 19, 2020 and received an update from Guidehouse, LLC on the status of their study of the Arkansas Department of Transportation (ArDOT), as required by Act 298 of 2019. Senator Dismang further reported that the subcommittee moved that, for the purpose of conducting its assigned study of the Arkansas Department of Transportation, the ALC-Highway Commission Review and Advisory Subcommittee be authorized to meet during the Fiscal Session and thereafter through the remainder of 2020 as often as necessary, including on dates outside the regular ALC week. Senator Dismang stated the subcommittee received reports from ArDOT of the progress of each public road construction project of \$10 million or more and discussed the project to replace the White River Bridge on I-40 in Prairie County. This concluded the report of the Highway Commission Review and Advisory Subcommittee.

Co-Chair Wardlaw recognized Representative Jim Dotson for questions. Representative Dotson asked Senator Dismang if the Arkansas Department of Transportation answered any more questions or provided any further information to the subcommittee in regard to the estimated \$12-20 million dollars that may be spent by the State of Arkansas on the White River Bridge project. Senator Dismang responded that he is not aware that any further information had been received in regard to the White River Bridge project. Senator Dismang further stated that additional questions were asked of the Arkansas Department of Transportation and that the subcommittee was expecting to receive additional information.

Co-Chair Wardlaw recognized Senator Missy Irvin for questions. Senator Irvin asked Senator Dismang, when there are road issues or projects that warrant attention/repairs but are not being resolved, is it proper to present those issues to the Highway Commission Review and Advisory Subcommittee. Senator Dismang responded, yes, if there are issues that you would like to address to the subcommittee as it relates, and it is done by following proper policy and procedures, the subcommittee will take up individual issues.

Co-Chair Wardlaw recognized Representative Johnny Rye for comments. Representative Rye stated his concerns with the monetary break down of the federal-state funding of the White River Bridge project, and requested that the Arkansas Department of Transportation provide additional information on the funding of the project to the subcommittee.

Senator Jonathan Dismang moved that the report of the Highway Commission Review and Advisory Subcommittee be adopted. The motion was seconded and passed by voice vote.

Occupational Licensing Review Subcommittee

Co-Chair Wardlaw recognized Senator Missy Irvin to present the report of the Occupational Licensing Review Subcommittee (Exhibit E.15). Senator Irvin reported that the Occupational Licensing Review Subcommittee met on February 18, 2020 and received a report on occupational licenses and occupational authorizations from the Division of Environmental Quality as it relate to

asbestos. The subcommittee also discussed recommendations regarding the Arkansas Motor Vehicle Commission. Senator Irvin continued by stating, as a reminder, further recommendations from agencies will have to come back to the subcommittee before they are approved for final recommendations. This concluded the report for the Occupational Licensing Review Subcommittee, and there were no questions.

Senator Missy Irvin moved that the report of the Occupational Licensing Review Subcommittee be adopted. The motion was seconded and passed by voice vote.

Review of Communications

Co-Chair Wardlaw referred members to the communications listed as Exhibit G.1 through Exhibit G.16 on the agenda, and noted that action by the Legislative Council is needed for the following item(s):

G.1) Arkansas Secretary of State, Request for review and approval of a project for contracting under provisions of the Historic Sites Law for the Arkansas State Capitol, submitted pursuant to A.C.A. § 22-9-208 through A.C.A. § 22-9-211;

G.2) Arkansas Teacher Retirement System, Review of Investment Summary for BVIP Fund X, L.P., submitted pursuant to A.C.A. § 19-11-1302.

Co-Chair Wardlaw asked if there were any questions or discussion regarding Exhibit G.1 and Exhibit G.2. There were no questions.

Senator Jane English moved that Exhibit G.1- Arkansas Secretary of State, be filed as reviewed and approved. The motion was seconded and passed by voice vote.

Representative DeAnn Vaught moved that Exhibit G.2 – Arkansas Teacher Retirement System, be filed as reviewed. The motion was seconded and passed by voice vote.

Co-Chair Wardlaw asked if there were any questions or discussion regarding the other items listed under Communications. There were no other questions concerning the other communications listed on the agenda.

Interim Resolutions

Co-Chair Wardlaw asked if there were any questions or discussion regarding Interim Study Proposal 2019-145, by Representative Jay Richardson, requesting the Arkansas Legislative Council to refer to the House Committee on Judiciary, a study to examine the effect a prior criminal conviction has on a person's ability to gain employment and to examine possible solutions to counter any negative impact a prior criminal conviction may have on a person's ability to gain employment. There were no questions.

Co-Chair Wardlaw moved that without objection, the Interim Study Proposal 2019-145 will be referred to the House Committee on Judiciary. The motion was seconded and passed by voice vote.

Adjournment

At 9:35 a.m., the meeting was adjourned as there was no further business to come before the Legislative Council.

Respectfully submitted,

ATTEST:

Representative Jeff Wardlaw
Co-Chair, House of Representatives

Marty Garrity
Executive Secretary