

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

**December 17, 2021**

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The Arkansas Legislative Council met at 9:00 a.m., Friday, November 19, 2021, 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. Representative Jack Fortner gave the morning prayer.

**Minutes of the Previous Meeting**

Co-Chair Wardlaw referred members to the minutes of the last Legislative Council meeting held on October 28, 2021 (Exhibit C), and asked if there were any questions. There were no questions.

**Co-Chair Jeff Wardlaw moved that the minutes of the October 28, 2021 meeting of the Legislative Council be adopted. The motion was seconded and passed by voice vote.**

**Revenue Report**

Co-Chair Wardlaw recognized Ms. Ellie Stinnett, Legislative Economist, Bureau of Legislative Research, to present the October 2021 General Revenue Report (Exhibit D.1). Ms. Stinnett reported, being four (4) months into Fiscal Year 2021-2022 (FY21-22), comparing data from the same period of last fiscal year, gross general revenues are up 1%. The net general revenues are up 1.2%. Ms. Stinnett further reported, the net available for distribution is up 2%. The state is currently \$15.8 million above the forecast. The gross receipt taxes are up 9.4% and the total income taxes are down 4.2%.

This concluded the October 2021 General Revenue report, and there were no questions.

**Report of the Executive Subcommittee**

Co-Chair Wardlaw recognized Co-Chair Terry Rice to present the report of the Executive Subcommittee (Exhibit E). Co-Chair Rice reported that the Executive Subcommittee met on Tuesday, November 9, 2021 and met with *The Segal Group, Inc.* to hear their final recommendations for the employee health benefits study. The subcommittee voted to move forward with the recommendations and considerations in the final report at its November 18th meeting. The subcommittee met on Wednesday, November 10, 2021, and reviewed proposals submitted in response to the request for proposals (RFP) regarding state budgeting and revenue forecasting consulting services. The subcommittee also met on Thursday, November 18, 2021, to hear the presentation for the final report on the employee health benefits study. In addition, the subcommittee approved an amendment to the Bureau of Legislative Research (BLR) contract for outside legal services with *Dover, Dixon, Horne, PLLC*, and made a decision to hold until December 2021, any action on its revenue consultant RFP. The subcommittee met again on Friday, November 19, 2021 at 8:30 a.m., and reviewed and approved an emergency rule from the Arkansas Economic Development Commission (AEDC), regarding funding on Arkansas Rural Connect Broadband Grant awards.

After Co-Chair Rice's written report, Co-Chair Wardlaw gave a verbal report regarding the final recommendations for the employee health benefits study.

Co-Chair Rice recognized Senators Kim Hammer, Larry Teague, Joyce Elliott, and Linda Chesterfield, and Representatives Stephen Meeks, Megan Godfrey, Rick Beck, and Jim Wooten, for questions. Co-Chair Rice also recognized *The Segal Group, Inc.*, present via *ZOOM*, to respond to questions.

After questions from members, this concluded the report of the Executive Subcommittee.

Co-Chair Rice recognized Senator Linda Chesterfield for a motion.

**Senator Chesterfield moved to adopt the full report of the Executive Subcommittee, including the employee health benefits study recommendations. The motion was seconded and passed by voice vote.**

### **Point of Personal Privilege**

Co-Chair Wardlaw recognized Senator Jimmy Hickey, Jr. for a point of personal privilege, to discuss allowing all items on the Supplemental Agenda to be heard as requested. Members agreed to proceed with the supplemental agenda.

### **Supplemental Agenda**

Co-Chair Wardlaw requested a motion to suspend the ALC Rules to take up the supplemental agenda.

**Senator Joyce Elliott made a motion to suspend the rules to take up the supplemental agenda. The motion was seconded and passed by voice vote.**

### University of Arkansas Medical Sciences (UAMS):

Co-Chair Wardlaw recognized Dr. Cam Patterson, M.D., M.B.A, Chancellor, UAMS, to present a request for approval to establish a COVID-19 Vaccination Policy, a request submitted pursuant to Act 977 of the 2021 Regular Session (Exhibit A.01 - Supplemental Agenda Item).

Co-Chair Wardlaw recognized Senators Trent Garner, Kim Hammer, Gary Stubblefield, Ricky Hill, Alan Clark, Bob Ballinger, Stephanie Flowers, Mark Johnson, Missy Irvin, Jonathan Dismang, Linda Chesterfield, Ben Gilmore, Larry Teague, and Representatives Jim Dotson, Stephen Meeks, John Payton, Harlan Breau, Jack Ladyman, Lane Jean, Speaker Matthew Shepherd, Mark Lowery, Delia Haak, Megan Godfrey and Robin Lundstrum, for questions.

*(After some discussion, ALC members took a five (5) minute recess to review and discuss Act 1030 of the 2021 Regular Session, as it relates to Act 977 of the 2021 Regular Session. Upon return, Co-Chair Wardlaw stated that Act 1030 did not amend Act 977 and the acts are not in conflict. UAMS proceeded with the presentation).*

Co-Chair Wardlaw also recognized Ms. Marty Garrity, BLR Director, Mr. Bradford Nye, Assistant Attorney General, and Mr. Brian Bowen, Chief of Staff, Attorney General's Office, to respond to questions.

Co-Chair Wardlaw recognized Representative Lane Jean to make a motion.

**Representative Jean moved to postpone the vote on all requests for approval to establish a COVID-19 Vaccination Policy under Act 977 of the 2021 Regular Session, until after the current state litigation with regard to a request for preliminary injunction is resolved, and upon a twenty-four (24) hour notice to ALC. The motion was seconded by Senator Bart Hester and passed by voice vote.**

Representative John Payton requested to receive any correspondence/documentation that UAMS have/will have with Centers for Medicare & Medicaid Services (CMS) to request a postponement in the vaccination deadline.

Senator Kim Hammer requested UAMS to provide a written request to CMS, for consideration of allowance of testing and antigens as an alternative to vaccination, as state law will be in effect January 14, 2022.

Representative Robin Lundstrum requested that UAMS send those letters to the states' Congressmen, as well.

After questions from members, this concluded the request from UAMS.

Department of Human Services (DHS):

Co-Chair Wardlaw recognized Ms. Cindy Gillespie, Secretary, Mr. Mark White, Deputy Director and Chief of Staff, Legal, & Legislative Affairs, and Ms. Melissa Stone, Director, Division of Developmental Disabilities Services, all of DHS, to present a request for approval to establish a COVID-19 Vaccination Policy, a request submitted pursuant to Act 977 of the 2021 Regular Session (Exhibit A.02 - Supplemental Agenda Item).

Co-Chair Wardlaw recognized Senators Alan Clark, Jimmy Hickey, Jr., Kim Hammer, Linda Chesterfield, Mark Johnson, and Representatives Stephen Meeks, Michelle Gray, Rick Beck, Jack Ladyman, and Delia Haak for questions.

After questions from members, this concluded the request from DHS.

Arkansas Department of Veteran's Affairs (ADVA):

Co-Chair Wardlaw recognized Colonel (ret.) Erica Ingram, Chief of Staff, and Ms. P. Lee, Finance Manager, both of ADVA, to present a request for approval to establish a COVID-19 Vaccination Policy, a request submitted pursuant to Act 977 of the 2021 Regular Session (Exhibit A.03 - Supplemental Agenda Item).

With no questions after the presentation, this concluded the request from ADVA.

### Report of the Standing Subcommittees

Co-Chair Wardlaw stated that the last item on the supplemental agenda (Exhibit B.01-Supplemental Agenda Item) will be reviewed under the ALC - Review Subcommittee report.

#### Administrative Rules Subcommittee

Co-Chair Wardlaw recognized Senator Bill Sample to present the report of the Administrative Rules Subcommittee (Exhibit F.1). Senator Sample reported that the Administrative Rules Subcommittee met on Wednesday, November 17, 2021. The subcommittee adopted reports of the Executive Subcommittee concerning its approval of emergency rules. The subcommittee reviewed and filed quarterly reports submitted by the Department of Corrections and Arkansas Parole Board. The subcommittee also received an agency update on delinquent rule-making under Act 517 of 2019, and filed written updates pursuant to Act 595 of 2021. All other rules were reviewed and approved. The AEDC Broadband rule that was reviewed and approved by the Administrative Rules subcommittee does not conflict with the emergency rule that was recently reviewed and approved by the Executive Subcommittee on this day.

This concluded the report of the Administrative Rules Subcommittee, and there were no questions.

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

### New Interim Study Proposals and/or Interim Resolutions

Co-Chair Wardlaw recognized Senator Missy Irvin for a motion.

**Senator Missy Irvin moved to suspend the rules to consider an Interim Resolution under Arkansas Legislative Council (ALC). The motion was seconded and passed by voice vote.**

Co-Chair Wardlaw then recognized Senator Irvin to present the Interim Resolution. *(At the time of this meeting, the Interim Resolution had not yet been formally numbered, but was eventually numbered as Interim Resolution 2021-004 - To express opposition to the Coronavirus 2019 (Covid-19) Vaccine Mandates established by The Center For Medicare and Medicaid Services and support for the Attorney General's Litigation concerning the mandate.)*

Co-Chair Wardlaw recognized members for questions on the interim resolution.

**Senator Irvin moved that the Interim Resolution be adopted, and once it has been formerly filed and numbered, submitted to CMS as a public comment on the Interim Final Rule. The motion was seconded by Senator Jane English, and passed by voice vote.**

Co-Chair Wardlaw recognized members for questions or comments on the motion. Co-Chair Wardlaw recognized Senators Linda Chesterfield and Joyce Elliott, and Representative David Whitaker, who all expressed opposition to the interim resolution. Representative Jack Ladyman expressed his support of the interim resolution.

**After a show of three hands by ALC members, a roll call was requested. The results of the roll call were twenty-eight (28) members voting "Yes" and six (6) members voting "No" on the motion. The motion for the interim resolution passed.**

*Report of the Standing Subcommittees continued.*

#### Game and Fish/State Police Subcommittee

Co-Chair Wardlaw recognized Senator Ricky Hill to present the report of the Game and Fish/State Police Subcommittee (Exhibit F.4). Senator Hill reported that the Game and Fish/State Police Subcommittee met on Wednesday, November 10, 2021, and received a report from the Arkansas State Police regarding pit maneuvers, low-profile vehicles, and state police salaries. The Arkansas Game and Fish Commission provided a report on the ongoing preservation projects.

This concluded the report of the Game and Fish/State Police Subcommittee, and there were no questions.

**Senator Ricky Hill moved that the report of the Game and Fish/State Police 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 F.5). Representative Whitaker reported that the Higher Education Subcommittee met on Monday, November 15, 2021, and heard testimony from Dr. Chuck Welch, Arkansas State University System, regarding the activities and initiatives of the system in higher education, during the pandemic and afterwards.

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.**

#### Medical Marijuana Oversight Subcommittee

Co-Chair Wardlaw recognized Senator Bill Sample to present the report of the Medical Marijuana Oversight Subcommittee (Exhibit F.7). Senator Sample reported that the Medical Marijuana Oversight Subcommittee met Tuesday, November 16, 2021, and received a report from the Alcoholic Beverage Control regarding medical marijuana sales and dispensary licenses and heard testimony from professionals in the medical industry.

This concluded the report of the Medical Marijuana Oversight Subcommittee, and there were no questions.

**Senator Bill Sample moved that the report of the Medical Marijuana Oversight Subcommittee be adopted. The motion was seconded and passed by voice vote.**

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Wardlaw recognized Senator Jonathan Dismang to present the report from the Performance Evaluation and Expenditure Review (PEER) Subcommittee (Exhibit F.8). Senator Dismang reported that the Performance Evaluation and Expenditure Review (PEER) Subcommittee met on Tuesday, November 16, 2021, and received reports and requests and approved the following items: various temporary appropriation increases; CARES Appropriation Increase requests; American Rescue Plan Act appropriations; reallocation of resources; Appropriation and/or Fund Transfer requests; Cash Appropriation Increase requests; Budget Classification Transfer requests; Miscellaneous Federal Grant appropriations; Performance Fund/Pay Plan Holding Account Transfer request; and an Overtime Appropriation Increase request.

**Senator Jonathan Dismang moved to adopt the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee, not including the ARP request from the Department of Commerce – Arkansas Economic Development Commission - for \$124,766,142 in appropriation, for rural broadband (Item C.26 of the report), which would be considered separately. The motion was seconded and passed by voice vote.**

Co-Chair Wardlaw recognized Senator Dismang to continue with the report regarding AEDC rural broadband grants, and then recognized Representative Jack Ladyman, Jim Wooten, and Senator Missy Irvin for questions. Co-Chair Wardlaw also recognized Mr. Jim Hudson, Deputy Director of Operations & General Counsel, Arkansas Department of Commerce, to respond to questions.

After questions, Co-Chair Wardlaw recognized Senator Dismang for a motion.

**Senator Dismang moved for approval of \$113,741,749.60 in ARP appropriation to the Department of Commerce for rural broadband as highlighted in green on the department's handout (Attachment 1). The motion was seconded and passed by voice vote.**

**Senator Dismang also moved to allow the chairs of Legislative Council approve the three (3) contested projects highlighted in yellow on the handout totaling \$11,024,391.88 (Attachment 1), after further review has taken place. The motion was seconded and passed by voice vote.**

This concluded the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee.

Review Subcommittee

Co-Chair Wardlaw recognized Representative Ken Bragg to present the report from the Review Subcommittee (Exhibit F.10). Representative Ken Bragg reported that the Review Subcommittee met on Tuesday, November 16, 2021, and reviewed methods of finance, discretionary grants, and services contracts. A method of finance for UAMS was held for additional information. The hold has not been released and will remain on hold in the Review Subcommittee. There is a contract for review on the Supplemental Agenda for University of Arkansas Pine Bluff (UAPB) to hire security guard services for upcoming events on campus and approval is needed prior to the December 2021 ALC meeting date.

This concluded the report of the Review Subcommittee, and there were no questions.

**Representative Ken Bragg moved that the report of the Review Subcommittee be adopted, including the review of the UAPB contract request. The motion was seconded and passed by voice vote.**

#### Uniform Personnel Classification and Compensation Plan Subcommittee

Co-Chair Wardlaw recognized Representative David Hillman to present the report of the Uniform Personnel Classification and Compensation Plan Subcommittee (Exhibit F.11). Representative Hillman reported the Uniform Personnel Classification and Compensation Plan Subcommittee met on Wednesday, November 17, 2021, and reviewed and approved the requests and reports listed as Items 1 - 18 on this report. Item 19 was discussion only, with no action required.

This concluded the report of the Uniform Personnel Classification and Compensation Plan Subcommittee, and there were no questions.

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

#### Highway Commission Review and Advisory Subcommittee

Co-Chair Wardlaw recognized Senator Blake Johnson to present the report of the Highway Commission Review and Advisory Subcommittee (Exhibit F.13). Senator B. Johnson reported that the Highway Commission Review and Advisory Subcommittee met on Wednesday, November 17, 2021, and reviewed the following: efficiency study rule, report of annual expenditures of revenue, report and progress of each highway construction project above \$10 million, and a report on Interstate 40 Hernando Desoto Bridge.

This concluded the report of the Highway Commission Review and Advisory Subcommittee, and there were no questions.

**Senator Blake Johnson 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

Co-Chair Wardlaw recognized Senator Alan Clark to present the report of the Occupational Licensing Review Subcommittee (Exhibit F.15). Senator Clark reported that the Occupational Licensing Review Subcommittee met on Thursday, November 18, 2021, and received reports on occupational authorizations from the Natural Resources Division of the Arkansas Department of Agriculture; Arkansas State Board of Athletic Training; and Elevator Safety Division of the Arkansas Department of Labor and Licensing.

This concluded the report of the Occupational Licensing Review Subcommittee, and there were no questions.

**Senator Alan Clark 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 communication listed on the agenda as Item H.1(b) and noted that action by the Legislative Council is needed for that item.

**1. Department of Commerce:**

- b. Arkansas Economic Development Commission, Division of Rural Services,** proposed approval of funding for Rural Community and Rural Services Block Grants for Cycle 1 of Fiscal Year 2022, submitted pursuant to Section 48 of Act 1010 of the 2021 Regular Session.

**Co-Chair Wardlaw made a motion to file Item H.1(b) for the Arkansas Economic Development Commission, Division of Rural Services, as approved. The motion was seconded and passed by voice vote.**

### New Business

Co-Chair Wardlaw referred members to Exhibit I.01 - Letter to ALC Chairs, submitted pursuant to Act 608 of 2021, by Senator Trent Garner.

**With no questions, Co-Chair Wardlaw made a motion to refer the letter regarding Act 608 of 2021 to the House and Senate Public Health, Welfare and Labor Committees. The motion was seconded and passed by voice vote.**

Co-Chair Wardlaw acknowledged department secretaries to present their department reports, pursuant to Act 413 of 2021.

#### Department of Military

Co-Chair Wardlaw recognized Major General Kendall Penn, Secretary, and Mr. Scott Stanger, Chief of Staff, Department of Military, to present the report. Major General Kendall Penn gave updates on the department divisions, as well as significant department projects.

After the report, Co-Chair Wardlaw gave honorary remarks to the department for the work they do and have done, especially during certain crises within our state. Co-Chair Wardlaw recognized Co-Chair Rice, Senators Missy Irvin, Blake Johnson, Linda Chesterfield, and Representative Jack Ladyman, for questions or comments.

#### Department of Transformation and Shared Services

Co-Chair Wardlaw recognized Ms. Amy Fecher, Secretary, Arkansas Department of Transformation and Shared Services, to present the report. Secretary Fecher gave updates on the department divisions, as well as significant department projects.

After the report, Co-Chair Wardlaw recognized Representative Jack Ladyman and Senators Linda Chesterfield and Missy Irvin for questions or comments.

Seeing no further questions, all departmental reports were concluded.



**Adjournment**

At 1:50 p.m., the meeting was adjourned as there was no further business to come before the Legislative Council.

Respectfully submitted,

ATTEST:

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Representative Jeff Wardlaw  
Co-Chair, House

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Marty Garrity  
Executive Secretary



Michael Preston  
Secretary of Commerce,  
Executive Director  
Arkansas Economic  
Development Commission

November 18, 2021

Senator Terry Rice & Representative Jeff Wardlaw, Co-Chairs  
Arkansas Legislative Council  
#1 Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

Re: Proposed Broadband Grants – Round 2c

Dear Chairman Rice & Chairman Wardlaw:

As you know, on Tuesday the PEER subcommittee approved an appropriation for the ARC broadband grant program in the amount of \$124,766,141.48. This appropriation was intended to fund 32 broadband projects specified in an attachment to the appropriation request.

Since then, our broadband office has been contacted by various members and certain ISP's raising questions as to whether three of the proposed awards should be made. In order to more fully review the concerns raised with these proposed grants, we are withdrawing these three projects from the appropriation request to be considered by ALC tomorrow. The attached revised project list shows the proposed projects still cleared for approval (highlighted in green) with a revised appropriation amount of \$113,741,749.60.

If after reviewing the contested projects, and considering any information provided by those objecting, the broadband office determines that the projects highlighted in yellow on the attached list should proceed, we would request that ALC authorize the ALC chairs to approve the appropriation for the three projects in the amount of \$11,024,391.88.

Thank you for your leadership and assistance in extending broadband to Arkansans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Preston", written over a horizontal line.

Mike Preston  
Secretary of Commerce



# ARC BROADBAND GRANT AWARDS - ROUND 2C

No.	Application Received	Project	Grant Requested	Technology	Status
1	9/10/2021	AVECC-Wave Rural Connect - Charleston	\$1,200,000.00	Fiber	Approved
2	9/23/2021	AVECC-Wave Rural Connect - Rural Crawford County	\$3,316,500.00	Fiber	Approved
3	7/15/2021	CableSouth Media 3 - Lincoln County (Palmyra)	\$4,119,296.08	Fiber	Approved
4	8/19/2021	Hillbilly Wireless - Sharp County South	\$8,958,197.00	Fiber	Approved
5	9/24/2021	IndCo Cable TV - Newark	\$6,803,125.00	Fiber	Approved
6	9/28/2021	MVTC - Stone Co-Mingues Turner/Hwy 87/Pleasant Grove	\$6,066,845.00	Fiber	Approved
7	9/24/2021	Premier Holdings LLC - Mineral Springs	\$4,477,692.52	Fiber	Approved
8	9/9/2021	Ritter - Cross County Crowley's Ridge	\$3,180,100.00	Fiber	Approved
9	9/9/2021	Ritter - Cross County West	\$4,257,650.00	Fiber	Approved
10	9/10/2021	Ritter - Jefferson County NE	\$4,636,917.00	Fiber	Approved
11	9/10/2021	Ritter - Jefferson County NW	\$11,305,061.00	Fiber	Approved
12	9/24/2021	Ritter - Poinsett County North Central Priority 1	\$2,893,700.00	Fiber	Approved
13	9/24/2021	Ritter - Poinsett County South Central Priority 2	\$1,631,845.00	Fiber	Approved
14	9/15/2021	Ritter - Pope County Appleton/Hector/Scottsville	\$5,665,012.00	Fiber	Approved
15	9/11/2021	Ritter - Pope County SouthWest Priority 4	\$7,053,243.00	Fiber	Approved
16	9/6/2021	Ritter - St. Francis County North Central	\$4,311,450.00	Fiber	Approved
17	9/6/2021	Ritter - St. Francis County NorthWest	\$3,296,875.00	Fiber	Approved
18	8/18/2021	SATCO - Bradley County	\$2,991,357.00	Fiber	Approved
19	9/2/2021	SATCO - Warren South	\$3,377,110.00	Fiber	Approved
20	8/31/2021	SWAT - Blevins & McCasill	\$3,696,764.00	Fiber	Approved
21	8/25/2021	SWAT - Columbia County	\$5,494,263.00	Fiber	Approved
22	8/27/2021	Walnut Hill Telephone - Ebenezer	\$1,953,060.00	Fiber	Approved
23	8/24/2021	Walnut Hill Telephone - Falcon	\$1,419,735.00	Fiber	Approved
24	8/27/2021	Walnut Hill Telephone - Medlock	\$793,461.00	Fiber	Approved
25	8/24/2021	Walnut Hill Telephone - Oak Grove Rd, Buckner	\$1,810,694.00	Fiber	Approved
26	8/24/2021	Walnut Hill Telephone - Shiloh	\$1,845,485.00	Fiber	Approved
27	8/27/2021	Walnut Hill Telephone - South Lake Columbia	\$1,943,357.00	Fiber	Approved
28	8/18/2021	Windstream - Cleburne County	\$2,802,321.00	Fiber	Approved
29	9/20/2021	Windstream - Dallas County 2	\$2,440,634.00	Fiber	Approved

Total Projects Ready for Legislative Approval \$113,741,749.60

1	9/15/2021	Premier Holdings LLC - Stamps	\$3,985,912.88	Fiber	Under Review
2	9/2/2021	Ritter - Craighead County Central	\$3,787,289.00	Fiber	Under Review
3	9/2/2021	Ritter - Craighead County East	\$3,251,190.00	Fiber	Under Review

Total Projects Under Further Review \$11,024,391.88