

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

Friday, September 20, 2019

The Arkansas Legislative Council met at 9:00 a.m., Friday, September 20, 2019, in Committee Room A of the Big Mac Building, Little Rock, Arkansas. Co-Chair Cecile Bledsoe called the meeting to order and recognized a quorum of members present. The members present are listed on the sign-in sheets.

Point of Personal Privilege

Co-Chair Cecile Bledsoe recognized Representative Mark Lowery who informed members of a formal invitation to the Annual Arkansas Governor's Cup Competition. He stated, the event benefits First Tee of Central Arkansas and it has raised approximately forty thousand dollars (\$40,000) annually, for the last seven (7) to eight (8) years.

Minutes of the Previous Meeting

Co-Chair Bledsoe referred the members to the minutes of the last Legislative Council meeting on August 23, 2019 (Exhibit C) and asked if there were any questions. There were no questions.

Senator Joyce Elliott moved that the minutes of the August 23, 2019 meeting of the Legislative Council be adopted. The motion was seconded and passed by voice vote.

Reports of the Standing Subcommittees

Charitable, Penal, & Correctional Institutions Subcommittee

Co-Chair Bledsoe recognized Senator Joyce Elliott to present the report of the Charitable, Penal, & Correctional Institutions Subcommittee (Exhibit E.2). Senator Elliott reported that the Subcommittee met jointly with the House and Senate Committees on State Agencies and Governmental Affairs at the Department of Corrections-Cummins Unit, on Wednesday, August 28, 2019. Senator Elliott stated the committees heard testimony and discussed the following items:

- An overview of Arkansas Prisons Seminaries Program;
- Presentation of the Restore Hope Arkansas Program;
- Update on Facility Security and Contraband Interdiction Efforts; and
- Discussion of Parole/Probation Officer Caseloads.

This concluded the report of the Charitable, Penal, & Correctional Institutions Subcommittee, and there were no questions.

Senator Joyce Elliott moved that the report of the Charitable, Penal, & Correctional Institutions Subcommittee be adopted. The motion was seconded and passed by voice vote.

Administrative Rules Subcommittee

Co-Chair Bledsoe recognized Representative Dan Sullivan to present the report of the Administrative Rules Subcommittee (Exhibit E.1). Representative Sullivan reported that the Administrative Rules Subcommittee met on September 18, 2019, and adopted the Executive Subcommittee report concerning approval of an emergency rule, and reviewed and approved all other rules on the agenda with the exception of:

- (1) the Commission for Arkansas Public School Academic Facilities and Transportation rule-*Specifications Governing School Bus Design* (see item 2a on page 1 of the report) was referred to the Senate Interim Committee on Transportation, Technology, and Legislative Affairs and the House Interim Committee on Public Transportation for final review and approval; and
- (2) the Department of Education rule-*Special Education High-Cost Occurrences* (see item 3a on page 1 of the report) was referred to the Senate and House Interim Committees on Education.

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

Representative Dan Sullivan 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 Bledsoe 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 September 19, 2019, and heard presentations regarding the Higher Education Supply/Demand Gap Analysis presentation by the Division of Information Systems, and briefing on the University of Arkansas at Little Rock (UALR) presented by Ms. Melissa Rust, Vice President for University Relations, U of A System, and Dr. Christina Drale, Chancellor, UALR. They also answered questions regarding various challenges facing UALR and plans to address these challenges. 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.

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Wardlaw recognized Representative DeAnn Vaught to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee (Exhibit E.8). Representative Vaught reported that the subcommittee met on September 17, 2019, and reviewed several items, including the following: cash fund appropriation increase requests; budget classification transfer request(s) for fiscal year 2020; a miscellaneous federal grant appropriation request for fiscal year 2020; and various reports assigned to the subcommittee.

This concluded the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee, and there were no questions.

Representative DeAnn Vaught 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 September 17, 2019, and reviewed and approved all of the agenda items, including methods of finance, grants, and contracts. Senator Flippo reported that no items were held. This concluded the report.

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

Co-Chair Bledsoe recognized Representative Dotson for discussion of executed contracts pulled from the Review Subcommittee meeting held on September 17, 2019. Representative Dotson stated his questions had been answered prior to the September 20, 2019 Arkansas Legislative Council meeting, and he had no further discussion.

Uniform Personnel Classification and Compensation Plan Subcommittee

Co-Chair Bledsoe 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 September 17, 2019, and reviewed communications, reports, and requests from several state agencies and higher education institutes. The Uniform Personnel Classification and Compensation Plan Subcommittee made a motion to have the Provisional Positions Report from the Department of Higher Education to include the source of funding for each position. This concluded the report, 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.

Highway Commission Review and Advisory Subcommittee

Co-Chair Bledsoe recognized Representative Ron McNair to present the report of the Highway Commission Review and Advisory Subcommittee (Exhibit E.13). Representative McNair reported that the Highway Commission Review and Advisory Subcommittee met on September 18, 2019, and reviewed a quarterly progress report by the Department of Transportation, of all public road construction projects of ten million dollars or more. The subcommittee also received an update from Guidehouse, LLC on their study on the Department of Transportation, as required by Act 298 of 2019. This concluded the report, and there were no questions.

Representative McNair 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 Bledsoe recognized Senator Keith Ingram to present the report of the Occupational Licensing Review Subcommittee (Exhibit E.15). Senator Ingram reported the Occupational Licensing Review Subcommittee met September 19, 2019 and adopted the submission form for occupational entities to submit reports to the Occupational Licensing Subcommittee for review. In addition, the Subcommittee approved a timeline and updated version of Group 1 of the occupational entities.

Co-Chair Bledsoe recognized Senator Kim Hammer for questions. Senator Hammer asked Senator Ingram to provide a description of who Group 1 involves. Senator Ingram explained that the list of names for Group 1 was not available to him at the time, but the list can be distributed to all members by the subcommittee staff.

Senator Keith Ingram moved that the report of the Occupational Licensing Subcommittee be adopted. The motion was seconded, and passed by voice vote.

Review of Communications

Co-Chair Bledsoe referred members to the communications listed as Exhibit G.1 through Exhibit G.10 on the agenda, and noted that action by the Legislative Council is needed for the following items:

- 1) Arkansas Teacher Retirement System, Request for the Legislative Council's review of the partial equity ownership investments with the following, submitted pursuant to A.C.A § 19-11-1302:
 - a. KPS Special Situations Fund V, L.P.;
 - b. KPS Special Situations Mid-Cap Fund, L.P.

Co-Chair Bledsoe asked if there were any questions or discussion in regards to Exhibit G.1. There were no questions.

Senator Terry Rice moved that the investments of the Arkansas Teacher Retirement System be approved. The motion was seconded, and passed by voice vote.

- 2) Department of Commerce, Arkansas Economic Development Commission- Division of Rural Services, Request for Legislative Council review of Rural Community Grant allocations, Rural Services Block Grant allocations, and County Fair Building Grant allocations for Cycle 1 of Fiscal Year 2020, submitted pursuant to Section 41 of Act 876 of 2019;

Co-chair Bledsoe asked if there were any questions or discussion in regards to Exhibit G.3(c). There were no questions.

Senator Bart Hester moved that the allocations of the Arkansas Economic Development Commission-Division of Rural Services be approved. The motion was seconded, and passed by voice vote.

- 3) Department of Energy and Environment, Division of Environmental Quality, Request for a waiver of the Legislative Council's review and approval of the state plan to regulate carbon dioxide emissions, as required under A.C.A. § 8-3-207(a);

Co-Chair Bledsoe asked if there were any questions or discussion in regards to Exhibit G.5. there were no questions.

Senator Terry Rice moved to grant the waiver for the Department of Energy and Environment and file as reviewed. The motion was seconded, and passed by voice vote.

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

Presentation of New Business

Co-Chair Bledsoe recognized Ms. Amy Fecher, Secretary, Department of Transformation and Shared Services to present the updates on Act 910 of 2019, Transformation and Efficiencies Act of 2019. Amy Fecher reported that after Act 910 was signed into law on July 1, 2019, there was a committee created of fifteen (15) state employees from across various agencies, called the *Transformation Transition Team*. Each Secretary was given necessary information on every entity within their department to review. Amy Fecher referred members to (Exhibit H) the Transformation Report, required by Act 910 of the 92nd General Assembly, which includes a ninety (90) day action plan timeline for Secretaries, that was requested by Senator Will Bond. Amy Fecher reported that each Secretary is to provide an evaluation and make a recommendation on efficiencies. The report should include a report on fleet, property analysis, department wide policy-in attempts to make it uniformed across all state agencies, coordination of boards and commissions, evaluations on grant and loan programs, and at the end of the Fiscal Year 20, an overall "state of the department" report. Amy Fecher further states, a report on identified efficiencies is also required of each department.

The first report submitted by each department Secretary can be found on the Arkansas Governor's website (www.governor.arkansas.gov), under the tab Government Transformation - Shared Services Report. Amy Fecher reported that since July 1, 2019,:

- Department of Public Safety has begun servicing all vehicles from Department of Public Safety and Arkansas State Police, resulting in a savings of an estimated \$6,000.00; Arkansas State Police terminated three (3) leases that will result in an estimated savings of \$36,000.00 this year;
- Department of Energy and Environment will combine regional offices for Oil and Gas Commission and Arkansas Department of Environmental Quality, in areas where each agency has a facility present; Geological Survey will use department labs instead of paying third party labs;

- Department of Labor and Licensing will implement an online payment processor and digital inspection for all their entities;
- Department of Commerce and Arkansas Economic Development Commission will combine some of their fleet which will save an estimated \$8,000.00 a year;
- The Arkansas Health Insurance Marketplace was converted into a private entity, under the State Insurance Department, which will result in a savings of \$13 million in reduction of premium costs by consumer taxpayers in year 2020;
- The Securities Department saved \$300.00 on printing by using the print shop at Department of Workforce Services;
- The Waterways Commission saved \$583.00 by returning their postage machine.

Amy Fecher reports that through the Arkansas Building Authority's leadership, a Master Facilities Plan is being put in place, using a 4-C's program for co-locating. In the fall, several agencies will move into the old Verizon Building which will become known as the Department of Commerce Building. Licensing departments are also looking into fee reductions.

Co-Chair Bledsoe recognized Senator Kim Hammer for questions. Senator Hammer asked what were Department Secretaries doing about eliminating positions that are currently occupied by individuals to find reduction of costs through the reduction of personnel. Amy Fecher responded that no one is to lose a job by the transition, but through attrition, if those positions become vacant, the job will be evaluated before it is filled. The duties may be spread out among the divisions, and there may not be a need to fulfill the position.

Co-Chair Bledsoe recognized Representative Megan Godfrey who requested a flow/organizational chart of the new Secretaries and Directors and all their contact information. Amy Fecher informed Representative Godfrey that she will get that information to Marty Garrity, Executive Secretary of the Arkansas Legislative Council; however, an organizational chart is currently available on the Arkansas Governor's website (www.governor.arkansas.gov).

Co-Chair Bledsoe asked if there were any further questions or discussion. There were no further questions.

Interim Study Proposals

Co-Chair Bledsoe referred members to the new interim study proposals listed as Exhibit I.1 – Exhibit I.3 on the agenda and asked if there were any questions.

1. **Interim Study Proposal 2019-137, by Representative Vivian Flowers**, which is an act to establish the Arkansas Litter Reduction and Deposit Beverage Container Recycling Act, to require the labeling of deposit beverage containers sold in Arkansas, and to establish The Deposit Beverage Container Recycling Program.
2. **Interim Study Proposal 2019-140, by Representative Denise Garner**, requesting the Legislative Council refer to the House Committee on Public Health, Welfare, and Labor a study of a possible requirement that a person lawfully carrying a concealed handgun use a restraint holster that decreases the likelihood of a concealed handgun being dropped or otherwise misplaced and increases the safety of both the person carrying the concealed handgun and the public in general.

3. **Interim Study Proposal 2019-141, by Representative Denise Garner**, requesting the Legislative Council refer to the House Committee on Public Health, Welfare, and Labor a study on the implementation of a background check system for a person who attempts to purchase a firearm or to acquire a firearm by transfer from a third party.

Seeing no questions on Interim Study Proposal 2019-137, Senator Jason Rapert made a motion to refer ISP 2019-137 to the House Committee on Public Health, Welfare, and Labor. The motion was seconded, and passed by voice vote.

Co-Chair Bledsoe asked if there were any questions or discussion on ISP 2019-140, by Representative Denise Garner. Co-Chair Bledsoe recognized Senator Terry Rice for questions.

Senator Rice stated that Interim Study Proposals 2019-140 and 2019-141, by Representative Denise Garner, in his opinion are anti-Second Amendment.

Senator Rice made a motion to not refer ISP 2019-140 and ISP 2019-141 to the House Committee on Public Health, Welfare, and Labor.

Co-Chair Bledsoe asked if there was any further questions or discussion. Co-Chair Bledsoe recognized Senator Linda Chesterfield for discussion. She expressed that while it wasn't a common practice to not refer a study to a committee, it was uncommon for a legislative body to eliminate the opportunity to study an issue, and she requests a no vote.

Co-Chair Bledsoe recognized Representative Reginald Murdock, as he explained that he, too, concurs with the statements of Senator Chesterfield. He would prefer that the legislative body study the issue, even if it is not passed.

Co-Chair Bledsoe recognized Senator Kim Hammer who stated he thought gun bills went to the Judiciary Committee and not the Committee on Public Health, Welfare, and Labor. Co-Chair Bledsoe validated his statement. Senator Hammer requested to not hear the ISP's at this current meeting, but to have the sponsor bring it before the Arkansas Legislative Council committee next month in October, and refer it to the correct committee.

Co-Chair Bledsoe recognized Senator John Payton for discussion. Senator Payton stated that he does not think taxpayers would be supportive of using taxpayers' dollars to have meetings or pay for expert advice in regards to the aforementioned ISP's. Co-Chair Bledsoe recognized Senator Keith Ingram, who stated that Congressman J. Dickey-Republican, once stated that he made a mistake in Congress by voting and sponsoring to prohibit the CDC from studying this exact matter in 1992. Senator Ingram further stated, that over time, Congressman J. Dickey, realized the importance of a study, and found it necessary in order to make sound decisions. Co-Chair Bledsoe recognized Representative Denise Garner for discussion. Representative Garner responded that the ISP's are being referred to the Public Health, Welfare, and Labor Committee, because she does not believe that the issues have anything to do with the Second Amendment. Representative Garner says it has to do with the health and safety of those using guns or are around people who are using guns. Representative Garner further stated that her intent is to make guns safer, not take them away.

Co-Chair Bledsoe recognized Senator Trent Garner and Senator Bob Ballinger for further discussion.

Co-Chair Bledsoe recognized Senator Terry Rice to restate his motion. Senator Rice made a motion to not refer ISP 2019-140 and ISP 2019-141 to the Committee on Public Health, Welfare, and Labor. The motion was seconded, and passed by voice vote.

Supplemental Agenda

Co-Chair Bledsoe made a motion to suspend the rules of the Arkansas Legislative Council and take up the item on the Supplemental Agenda. The motion was seconded, and passed by voice vote.

Co-Chair Bledsoe asked if there were any questions or discussion of this item.

Seeing none, Co-Chair Bledsoe asked for a motion. Representative Vivian Flowers made a motion to give favorable advice and consent. The motion was adopted, and seconded by voice vote.

Presentation of Citations

Co-Chair Bledsoe presented on behalf of the Arkansas State Senate, a Senate Citation to Mrs. Vicki Freeburn, Administrative Coordinator, Bureau of Legislative Research-Director's Office for her retirement on September 30, 2019, after thirty-nine (39) years of dedication to Arkansas state government.

Co-Chair Wardlaw also presented a House Citation to Ms. Vicki Freeburn on behalf of the Arkansas House of Representatives.

Adjournment

At 9:45 a.m., the meeting was adjourned as there was no further business to come before the Legislative Council.

Respectfully submitted,

ATTEST:

Senator Cecile Bledsoe
Co-Chair, Senate

Marty Garrity
Executive Secretary