

MINUTES OF THE MEETING

(May 15, 2020)

OF THE

ARKANSAS LEGISLATIVE COUNCIL

Friday, June 19, 2020

The Arkansas Legislative Council met at 9:00 a.m., Friday, May 15, 2020, 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.

Minutes of the Previous Meeting

Co-Chair Bledsoe referred the members to the minutes of the last Legislative Council meeting on February 21, 2020 and May 8, 2020 (Exhibit C) and asked if there were any questions. There were no questions.

Representative Jeff Wardlaw moved that the minutes of the February 21, 2020 and May 8, 2020 meeting of the Legislative Council be adopted. The motion was seconded and passed by voice vote.

Revenue Reports

Co-Chair Bledsoe recognized Mr. Richard Wilson to present the April 2020 Arkansas Revenue Report (Exhibit D). Mr. Wilson began by reporting the graph reflects deviation from the official forecast, the bold line in the middle is zero (0), and if there is no deviation in the collection it would show on that line. Mr. Wilson continued reporting that the previous official forecast, dated February 1, 2020, reflects an expected net available of \$184 million less than FY19. During FY19 collections on June 30, 2019, resulted in a \$295 million surplus. The official forecast from February 2020 reflects a lower amount in FY20 than what was collected in FY19. However, at the end of February, the net available was \$171 million positive over last year (FY19).

Mr. Wilson stated the official forecast dropped to zero (0) on March 23, 2020. Therefore, all the numbers before March become actuals and there are no deviations as of March 23, 2020 – as of March 30, 2020 it is \$29 million above the revised forecast. The forecast as of April 2020, is about \$207 million above the revised forecast.

Mr. Wilson stated that on March 4, 2020, at the ALC/JBC budget hearings, the executive branch expressed confidence in the existing forecast while having no knowledge of the positive cash flow versus the negative cash flow. Therefore, if those numbers are added together, \$171 million to the positive and \$184 million to the negative, there would be a cash flow decrease of \$355 million over the last four (4) months for the forecast to be accurate. During the revision on March 23, 2020, there was an additional \$353 million adjustment and a breakout of that adjustment based on the effects of the coronavirus outbreak and the tax extension. Mr. Wilson further reported, if the \$353 million adjustment is accurate, there is still \$184 million in “*slack*” within this estimate. The additional monies would flow to the allotment reserve until the Joint Budget Committee (JBC) decided what to do with it. If the RSA isn’t fully funded, technically there is no surplus. It wouldn’t be considered surplus money, just unallocated money that would go to an allotment reserve. Mr. Wilson stated that Arkansas law provides that the state CFO must consider a revision

of the forecast by the third Wednesday in May – that would be May 20, 2020 for this year - and present it to the Economic Tax and Policy Committee for questioning. Options would be to revise the forecast upward if the agencies need more money or to leave it as is and let it flow to allotment reserve.

After ten (10) months into FY20, gross collections are \$194 million below the previous year (FY19), the growth rate is -3.2%, and on a net basis, it is \$93 million below FY19, and the growth rate is -1.9%. At the end of April 2020, collections are \$207 million above the forecast with two (2) months to go. Mr. Wilson reported that on the spreadsheet everything is negative except the sales of alcohol. This concluded the April 2020 general revenue report.

Co-Chair Bledsoe recognized Senator Jonathan Dismang, Senator Bruce Maloch, Senator Alan Clark, and Senator Will Bond for questions.

Report of the Executive Subcommittee

Co-Chair Bledsoe recognized Co-Chair Jeff Wardlaw to present the report of the Executive Subcommittee (Exhibit E). Co-Chair Wardlaw reported that the Executive Subcommittee met on March 18, 2020 and March 25, 2020, and exercised its authority under A.C.A. § 10-3-309(d)(2) and ALC Rule 22(f)(2)(B) to review and approve emergency rules in writing. The subcommittee approved five (5) emergency rules in that manner, and those were reported to ALC members and alternates in accordance with ALC rules. The subcommittee met on April 15, 2020 and reviewed and approved an emergency rule for Department of Commerce – Division of Workforce Services and the action was reported to ALC members and alternates. The subcommittee also met on May 15, 2020, at 8:30 a.m. and reviewed and approved two rules. Both rules would be effective upon adjournment of the ALC meeting (May 15, 2020). One rule was from the Arkansas State Board of Nursing and the other was from the Department of Commerce – Arkansas Economic Development Commission (AEDC), Military Affairs Grant program. This concluded the report of the Executive Subcommittee.

Co-Chair Bledsoe recognized Senator Larry Teague, Representative Robin Lundstrum, Senator Joyce Elliott, House Speaker - Representative Matthew Shepherd, and Representative Andy Davis for questions and discussion. After response by Ms. Marty Garrity, Director, Bureau of Legislative Research, Co-Chair Wardlaw, and an explanation of the process from Representative Jim Dotson, there were no further questions.

Co-Chair Wardlaw 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 Bledsoe recognized Representative Dan Sullivan to present the report of the Administrative Rules Subcommittee (Exhibit F.1). Representative Sullivan reported that the Administrative Rules Subcommittee met on May 14, 2020, and adopted reports of the Executive Subcommittee concerning its approval of emergency rules. All rules on the agenda were reviewed and approved. Additionally, all rules submitted for initial review under Act 820 of 2019 were reviewed. The subcommittee also reviewed and filed letters concerning agency updates on

delinquent rulemaking, under Act 517 of 2019. This concluded the report of the Administrative Rules Subcommittee, and there were no questions.

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

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Bledsoe recognized Representative DeAnn Vaught to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee (Exhibit F.8). Representative Vaught reported that the subcommittee met on May 13, 2020, and approved various temporary appropriation requests from the Department of Veteran's Affairs. The subcommittee reviewed several other items and received quarterly and monthly reports. The subcommittee moved to have the Office of Attorney General Cash Settlement Report be seen by the full ALC. The report is attached to the PEER report (*see Exhibit F.8, pg. 10*). The subcommittee also approved a C.A.R.E.S. Appropriation request from the Department of Finance & Administration (DF&A). DF&A made a request to pull Item B.2 from the report, as they had a revised request that was listed on the ALC supplemental agenda (*see Exhibit A.03 - Supplemental Item - C.A.R.E.S. Appropriation*). This concluded the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee.

Co-Chair Bledsoe recognized Mr. Cory Cox, Chief of Staff, Attorney General Office, and Ms. Debra Hope, CFO, Attorney General Office, to come forward to respond to questions. Co-Chair Bledsoe then recognized Senator Kim Hammer for questions. Senator Hammer asked for an explanation of the amount of advertising expenses found in the report and if any of those expenses are court directed. Mr. Cox responded the Attorney General's Office is ordered by the courts to advertise when there is a settlement or something that requires a notice to be sent out or run in the newspaper; however, not every aspect of advertising is court-ordered. Senator Hammer asked how it's determined whether the amount of money the Attorney General's office spend is effective. Mr. Cox stated that the Attorney General's office does keep track of the number of calls their office receives, and, after the COVID-19 outbreak, the office saw an increase in March 2020 of 106% in phone calls. In March 2019 there was a total of 4,392 calls made to the AG's Office and in March 2020 there was a total of 9,039 calls. In April 2019, there were 4,772 calls and in April 2020, 9,726 phone calls. Mr. Cox further stated there is also a responsibility placed on the Attorney General's Office to stop those who are price gauging consumers, pursuant to A.C.A. § 4-88-304.

Senator Hammer made a request to receive a breakdown of any calls received by the Attorney General's Office related to the areas of advertisement.

Co-Chair Bledsoe recognized Senator Jason Rapert for questions. Senator Rapert asked, speaking about separation of powers, what authority does the legislative body have over the Attorney General's Office. Ms. Garrity responded that no action is taken by the legislative body, the Attorney General's office provides a report to the PEER subcommittee and the subcommittee will make a report to ALC.

Senator Rapert requested to receive a comparison in the expenses of the current Attorney General to the prior Attorney General.

Co-Chair Bledsoe recognized Senator Chesterfield for questions. Senator Chesterfield asked what is the cost of the *Rutledge Report* to date. Ms. Hope stated that from the last report (January - March), \$1.16 million has been spent on the report.

Co-Chair Bledsoe recognized Senator Missy Irvin for questions of clarification. Co-Chair Bledsoe then recognized Senator Gary Stubblefield, Senator Alan Clark, Senator Will Bond, Senator Jimmy Hickey, Representative Leanne Burch, and Representative Austin McCollum for questions.

After questions, Co-Chair Bledsoe recognized Representative DeAnn Vaught to make a motion.

Representative DeAnn Vaught moved that the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee, with the removal of Item B.2, be adopted. The motion was seconded and passed by voice vote.

Co-Chair Bledsoe stated that Item B.2 would be reviewed under the supplemental agenda.

Review Subcommittee

Co-Chair Bledsoe recognized Senator Scott Flippo to present the report of the Review Subcommittee (Exhibit F.10). Senator Flippo reported that the Review Subcommittee met on May 13, 2020, and reviewed methods of finance, grants, and service contracts. No items were held. This concluded the report of the Review Subcommittee.

Co-Chair Bledsoe recognized Senator Terry Rice for statements. Senator Rice stated that he would like to place on record that he will abstain from reviewing/voting on the 23 litigation monitoring contracts, due to the discussion of a company that both ATRS and APERS have history with.

Co-Chair Bledsoe recognized Co-Chair Jeff Wardlaw for statements. Co-Chair Wardlaw stated he has recused himself, by way of letter, from discussion and voting on Item E. Department of Human Services, request for approval of C.A.R.E.S. Appropriation, submitted pursuant to Act 2 of 2020, Section 38.

Co-Chair Bledsoe recognized Senator Kim Hammer for statements. Senator Hammer stated he would also like to place on record that he, too, will abstain from reviewing/voting on the 23 litigation monitoring contracts.

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

Highway Commission Review and Advisory Subcommittee

Co-Chair Bledsoe recognized Senator Jonathan Dismang to present the report of the Highway Commission Review and Advisory Subcommittee (Exhibit F.13). Senator Dismang reported that the Highway Commission Review and Advisory Subcommittee met on May 14, 2020. The subcommittee received a report provided by the Arkansas Department of Transportation of the progress of each public road construction project of \$10 million or more, as required by A.C.A. § 27-65-107(a)(19) and received the Current State Assessment report from Guidehouse, LLP on the status of their study of the Arkansas Department of Transportation, as required by Act 298 of 2019. Senator Dismang further stated that the Current Assessment Report contains some really

useful information for members to review. This concluded the report of the Highway Commission Review and Advisory Subcommittee.

Co-Chair Bledsoe recognized Senator Bart Hester for questions. Senator Hester asked of Senator Dismang, if members can receive a copy of the personnel survey, included in the Current State Assessment report, provided by Guidehouse, LLC. Senator Dismang requested of the Co-Chair to have BLR staff email that information to ALC members.

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.

Review of Communications

Co-Chair Bledsoe referred members to the communications listed as Exhibit H.1 through Exhibit H.12 on the agenda, and noted that action by the Legislative Council is needed for the following items:

H.1(a) - Arkansas Teacher Retirement System:

- a. Request, submitted pursuant to A.C.A § 19-11-1303, for the Legislative Council's retrospective review of the partial equity ownership investments;
 - i. GCG Investors V, L.P.;
 - ii. Thoma Bravo Discover Fund III, L.P.;
 - iii. Thoma Bravo Fund XIV, L.P.

H.3(a) - Department of Commerce: Arkansas Economic Development Commission, Division of Rural Services, request for Legislative Council review of Rural Community Grant and County Fair Grant allocations for Cycle 2 of Fiscal Year 2020, submitted pursuant to Section 41 of 876 of 2019.

Co-Chair Bledsoe asked if there were any questions on the two (2) items. There were questions for the Arkansas Teacher Retirement System, however, the Co-Chair postponed the review until someone could come forward to answer questions.

With no other questions from members, Co-Chair Wardlaw made a motion to approve (Exhibit H.3(a)) the Department of Commerce: Arkansas Economic Development Commission, Division of Rural Services, request for Legislative Council review of Rural Community Grant and County Fair Grant allocations for Cycle 2 of Fiscal Year 2020, submitted pursuant to Section 41 of 876 of 2019. The motion was seconded and passed by voice vote.

Co-Chair Bledsoe recognized Mr. Rod Graves, Arkansas Teacher Retirement System to answer questions. Co-Chair Bledsoe then recognized Senator Kim Hammer for questions.

After questions and discussion, Co-Chair Wardlaw made a motion to file (Exhibit H.1(a)) Arkansas Teacher Retirement System, 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.

Interim Study Proposals

Co-Chair Bledsoe recognized Senator Terry Rice for a statement. Senator Rice suggested to members to read and review ISP 2019-033, before referring the item to the House Agriculture, Forestry, & Economic Development Committee.

Co-Chair Bledsoe ruled to hold ISP 2019-032 and ISP 2019-033 until the next Arkansas Legislative Council (ALC) meeting, so that the sponsor can be present for questions.

Other Business

K.01 - Co-Chair Bledsoe asked if there were any questions on the report of emergency actions and emergency rules. There were no questions.

K.02 - Co-Chair Bledsoe recognized Mr. Mike Preston, Secretary, Department of Commerce and Mr. Jim Hudson, Executive VP & General Counsel, Arkansas Economic Development Commission (AEDC) to respond to questions on the Arkansas Ready for Business Grant Program.

Secretary Preston began with opening remarks. He continued by stating, in terms of the funding, Arkansas Ready for Business Grant Program will be able to meet the 75% to 25% distribution of funds, as suggested by the Legislative Council, and fully fund businesses of 50 employees or fewer. Businesses with 50-100 employees will receive approximately 70% of their requested funds, and businesses with 100 or greater employees will be capped at receiving \$50,000. This will drop the overall total use of funds down to \$124.5 million of the \$147.7 million that was requested.

Secretary Preston reported, working with the Inspector General's office and how that entity would audit the program, it was decided to split the payments into two payments. The first payment will be done upfront, as soon as the applicant and their information has been verified. Half of the funds would be direct deposited and the applicant will then be required to submit receipts and a spending plan, and after review of those receipts and spending plan, the second disbursement of the funds would be direct deposited.

Secretary Preston further reported, in regard to the 15% of funds going to minority and women-owned businesses, about 46% of all applicants were from minority and women-owned businesses. Women-owned businesses accounted for 4,100 applicants or 34%, minority-owned businesses accounted for 3,258 applicants or 27%, and disabled veteran-owned business accounted for 231 applicants or 2%. In terms of the eligible grant amount, it would be \$28.4 million or 19% for women-owned businesses, \$22 million or 15% for minority-owned businesses, \$1.3 million or 1% for disabled veteran-owned businesses. With all totaled, would be about 35% of all eligible grant amounts being paid to minority and women-owned businesses.

Co-Chair Bledsoe recognized Representative Robin Lundstrum for questions. Representative Lundstrum expressed her concerns with an applicant completing multiple pages of information within a four (4) minute time period, referring back to when the Arkansas Ready For Business

Grant program website went live at 5:00 p.m. and the first application being submitted at 5:04 p.m. Representative Lundstrum made a request for further information regarding the applications received by AEDC, after receiving minimal information from her previous requests. Mr. Hudson responded, stating that AEDC disclosed as much information as they felt they could disclose.

Co-Chair Bledsoe recognized Representative Jim Wooten for questions of clarification. After the questions were answered, Co-Chair Bledsoe recognized Senator Jonathan Dismang for questions.

Senator Dismang asked of Secretary Preston, why the department decided to split the payments into two payments, making the procedures of auditing more tedious, and especially when the Legislative Council, as a whole, passed a motion at the previous meeting to disburse funds all in one payment instead of splitting the payments. Senator Dismang further asked what is the timeline for disbursing the money and what may be left to do in order to complete the process. Secretary Preston responded that the goal is to have funds go out before the end of the month (May). He further stated that AEDC is waiting for a sign-off from DFA to make sure about 12,000 applicants are in good standing with their taxes.

Secretary Preston further stated, the rationale behind splitting the payments was to help with the auditing process. By receiving some receipts after the first initial payment, it would help in determining that the funds were being spent in the proper way, and if so, the business submits their receipts and their second payment is then processed.

Co-Chair Bledsoe recognized Senator Trent Garner and Speaker of the House of Representatives, Representative Matthew Shepherd, for questions. Both members expressed their concerns with the Arkansas Economic Development Commission (AEDC) taking it upon themselves to change guidelines that were put in place for the Arkansas Ready for Business Grant Program by the motion that was made and passed by the majority of members at the ALC meeting held on May 8, 2020.

Co-Chair Bledsoe recognized Senator Terry Rice, Representative DeAnn Vaught, Senator Missy Irvin, and Senator Jim Hendren for questions and comments that further expressed concerns.

Senator Hendren asked Secretary Preston if it would be possible for businesses with less than 50 employees to get the full amount awarded to them now, without splitting the payment. Secretary Preston responded that it would require a little more work, but it could definitely be done, if it's the will of the legislative body.

Senator Jim Hendren made a motion to fully fund all grant requests for businesses with 50 or fewer employees and remove the caps on businesses that have 50 or more employees to fund the entire grant request.

Co-Chair Bledsoe recognized Senator Alan Clark for questions on the motion. Senator Clark asked what was the reason for placing a cap on the businesses with 50 or more employees. Secretary Preston stated the threshold was set in order to meet the legislative requests for 75% of funds to go to businesses under 50 employees and 25% to businesses with more than 50 employees. Senator Clark stated to Senator Hendren in response to his motion, that "we are convinced that we need to be in a hurry to send out more than \$50,000 to the bigger businesses and that the need is there". Senator Hendren responded that the motion allows flexibility to split payments for bigger businesses or not; however, in a past ALC meeting, conflicting directions

were given, and now that there is enough money to fully fund all applicants, the motion allows for the removal of the caps.

Co-Chair Bledsoe recognized House Speaker, Representative Shepherd, Senator Kim Hammer, and Representative Payton for discussion on the motion. Representative Payton asked Secretary Preston with the 75:25 ratio being eliminated with the new motion made by Senator Hendren, what would the percentage then be after fully funding businesses. Secretary Preston stated businesses with 50 or fewer employees would then only receive 62% of the total funds.

With no further questions on the motion, the motion made by Senator Jim Hendren was seconded and passed by voice vote.

Co-Chair Bledsoe recognized Senator Dismang for questions. Senator Dismang asked Secretary Preston if there was information for the public to make contact with questions related to the Arkansas Ready for Business Grant Program. Secretary Preston stated people can visit the AEDC website where there will be a page dedicated to providing information and that a team is available to take calls as they come in.

Co-Chair Bledsoe recognized Representative Jim Dotson for questions. Representative Dotson asked if AEDC would open grant requests again since there may be extra funds. Secretary Preston stated, with the Legislature's approval, they would be willing to consider it.

Co-Chair Bledsoe recognized Senator Blake Johnson for clarification of his past suggestion to split the funds for approved businesses. Co-Chair Bledsoe recognized Representative Jim Wooten and Representative Payton for questions. Representative Payton asked if there were any investigations going on at AEDC, to investigate if anyone within the department leaked information about the time the grant's website went live. Secretary Preston stated, no.

Co-Chair Bledsoe recognized Senator Clark for questions and comments. After comments, Senator Clark asked who would audit the program. Mr. Hudson responded that the program will be audited by AEDC staff, along with the Inspector General's office, and also is subject to Legislative audit – any monies received from C.A.R.E.S. Act is subject to audit.

Co-Chair Bledsoe recognized Senator Kim Hammer for questions. After other questions, Senator Hammer asked, if a business only requested a small amount from the grant program, is there any obligation to give them more than the minimum amount that was requested. Secretary Preston responded, there is no obligation to give more than what is being requested.

Co-Chair Bledsoe recognized Senator Jimmy Hickey for a motion.

Senator Jimmy Hickey made a motion to refer the Arkansas Ready for Business Grant Program to the Legislative Joint Auditing Committee for a review of the program. The motion was seconded and passed by voice vote.

Co-Chair Bledsoe recognized Senator Gary Stubblefield for questions. Senator Stubblefield asked if there had been any study on the economic impact to the state if we stay in Phase I for a longer period. Secretary Preston responded that AEDC has not done a study but has looked at studies outside the agency.

K.03 – Co-Chair Bledsoe recognized Dr. Charisse Childers, Director, Division of Workforce Services, to answer questions from the committee. Co-Chair Bledsoe then recognized Senator Linda Chesterfield for questions. Senator Chesterfield asked when will unemployment payments begin. Dr. Childers responded that information was sent out via email to individuals within the Pandemic Unemployment Assistance (PUA) system to notify them that payments will be sent out on the week of May 18th to those who qualified.

Co-Chair Bledsoe recognized Senator Kim Hammer for questions regarding employees and overtime and if the overtime payments will be made utilizing the COVID-19 funds. Dr. Childers responded the process for overtime payments has been approved and they will notify employees that have not received overtime because they were in a class that did not allow them to receive overtime. Mr. Jim Hudson responded that the payments will come from the state's Unemployment Insurance (UI) Federal Funds, one hundred percent and the estimated total is around \$175,000.

K.04 – Co-Chair Bledsoe recognized Ms. Elizabeth Smith, Inspector General, OMIG, and Chair of the C.A.R.E.S. Act Steering Committee, and Mr. Jake Bleed, Director, DFA- Office of Budget, to give the report. Ms. Smith stated that the C.A.R.E.S. Act Steering Committee was created by the Governor to assist in making recommendations for funding related to a \$1.25 billion dollar allocation that was made by the federal government to the state of Arkansas. The funds are called the Corona Virus Relief Fund, which is a specific portion of the total C.A.R.E.S. Act funding. Ms. Smith further reported that the Steering Committee reviews requests and recommendations related to the \$1.25 billion dollars and those funds have specific requirements for which they may be used. There are three requirements:

- *There must be necessary expenditures that are incurred due to the public health emergency in respect to COVID-19;*
- *The expenses must not be accounted for within the budget, most recently approved, as of the date of enactment (March 27, 2020); and*
- *The expenses have to be incurred between March 1, 2020 and December 30, 2020.*

The committee will need to expend those funds before the end of December 2020.

Co-Chair Bledsoe recognized Senator Bob Ballinger for questions surrounding specific allocations of the funds. Ms. Smith responded that areas of allocation that were adopted by the committee are:

- *Public Health, including but not limited to, testing, public health entities and public aid;*
- *Higher Education and schools, including early childhood education, K-12, and higher education;*
- *Economic recovery in small and minority-owned businesses;*
- *Agency needs due to the response to the COVID-19 public health emergency, including additional personnel and costs;*
- *Cities, towns, and counties of Arkansas;*
- *Broadband identification and/or deployment;*
- *Human services needs; and*
- *Reserve a portion.*

Co-Chair Bledsoe recognized Representative Jim Dotson, Speaker Matthew Shepherd, Senator Irvin, Senator Jane English, Representative DeAnn Vaught, Representative Robin Lundstrum, and

Senator Bill Sample for questions or comments. After questions, Co-Chair Bledsoe concluded the regular agenda and moved to the supplemental agenda.

Supplemental Agenda

Review of Communications

Co-Chair Bledsoe requested a motion to suspend the ALC rules to take up the supplemental agenda. Senator Bill Sample made a motion to suspend the ALC rules and take up the Supplemental Agenda. The motion passed and was seconded by voice vote.

A.01 - Co-Chair Bledsoe recognized Mr. Solomon Graves, Chief of Staff, Department of Correction (DOC), and Ms. Christine Cryer, Chief Legal Counsel, Department of Correction to report.

Co-Chair Bledsoe recognized Co-Chair Wardlaw for questions. Co-Chair Wardlaw asked about on-time feedings, the food that is being served, and whether inmates are receiving proper medical treatments at the Cummins Unit. Mr. Graves stated that feeding has been one of the biggest challenges faced during the COVID-19 outbreak at the prison, and yes, the feedings were late, due to having to feed 1,900 inmates at their barracks. Mr. Graves further reported that there were instances where “bologna sandwiches” were served at times, due to inmate kitchen workers refusing to go to work, due to certain COVID-19 situations.

Co-Chair Bledsoe recognized Senator Bob Ballinger for questions. Senator Ballinger asked about the process of COVID-19 testing when an inmate is released. Mr. Graves responded that when an inmate is released from any facility operated by Arkansas Department of Correction (ADC) or Division of Community Correction (DCC), they are screened for COVID-19 or any other viral infections and their temperature is taken.

Co-Chair Bledsoe recognized Senator Hammer for questions. Senator Hammer asked what accommodations are being provided to the DOC staff for lunches, breaks, and etc. Mr. Graves responded that the uniformed staff, based on how they are classified, may not get the normal lunch break that may be available to regular staff. At some point that worker would be relieved, but cannot leave a post without first being relieved. Mr. Graves stated the department is currently working on extending direct care payments provided to hospital workers to also be available to medical staff that work within ADC as well as an incentive program for the staff at facilities affected by COVID-19. He further stated that the overtime, division wide, is down, but at the Cummins Unit, specifically, overtime hours have increased, and are being paid for through existing appropriation and funding.

Co-Chair Bledsoe recognized Senator Chesterfield for comments about staff members at the prison facility returning to work after having tested positive for COVID-19. Mr. Graves explained that Centers for Disease Control (CDC) and Arkansas Department of Health (ADH) issued guidance specific to critical and infrastructure workers. Many of the staff that tested positive at ADC have been asymptomatic. According to the guidance, an asymptomatic person can work, but must only work if the position does not require you to come into contact with anyone else, or you are working in an area that is used to house COVID-19 positive inmates only.

Co-Chair Bledsoe recognized Representative Austin McCollum. Representative McCollum asked how many prisoners have received early release due to COVID-19. Mr. Graves responded that the Governor authorized the ADC to develop a special release program to reduce the population within the Division of Correction. Following authorization, the Board of Corrections approved 1,243 inmates for consideration of release by the Arkansas Parole Board (APB). The APB has approved approximately 800 of that pool to be released. Out of that 800, about 359 have been released. That concluded the report and there were no further questions.

A.02 - Co-Chair Bledsoe recognized Dr. Charisse Childers, Director, Division of Workforce Services, and Mr. Brian Hicks, Asst. Director of Finance, Division of Workforce Services, to present. Dr. Childers stated that DWS is requesting nine (9) pool positions from the Growth Pool. The positions are needed to work with unemployment insurance within the agency.

Co-Chair Bledsoe recognized Senator Will Bond for questions. Co-Chair Bledsoe then recognized Senator Linda Chesterfield for a motion.

Senator Chesterfield made a motion to approve the request from Department of Commerce – Division of Workforce Services for the nine (9) positions requested from the DWS Growth Pool. The motion was seconded and approved by voice vote.

A.03 - Co-Chair Bledsoe recognized Mr. Jake Bleed, Director, DFA-Office of Budget, to present his request. Mr. Bleed stated that the request is to allow reimbursement to UAMS and other institutions of higher education as they incur costs related to personal protection equipment and other approved items from the C.A.R.E.S. Steering Committee.

Co-Chair Bledsoe recognized Representative Mark Lowery for questions.

Co-Chair Bledsoe recognized Senator Linda Chesterfield for a motion. Senator Chesterfield made a motion to approve the C.A.R.E.S. Appropriation request from Department of Finance & Administration (DF&A). The motion was seconded and approved by voice vote.

A.04 - Co-Chair Bledsoe recognized Mr. Mark White, Chief of Legislative Affairs, Department of Human Services to present. Mr. White explained that direct care employees who work in human development centers and Arkansas health centers are being paid through a salary appropriation. The request comes because the department is running out of the appropriation funds.

Co-Chair Bledsoe recognized Representative Jim Dotson for questions. Representative Dotson asked if DHS has billions of dollars in appropriations, why are the funds being requested. Mr. White stated that for salaries, there is only about \$6 million for salaries and about \$2 million for matching, and the payments will have to come from the fund allocated for salaries.

Co-Chair Bledsoe recognized Senator Terry Rice for a motion. Senator Rice made a motion to file as reviewed the Pay Plan Appropriation request for Department of Human Services – Division of Medical Services.

Adjournment

At 1:05 p.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, Arkansas Senate

Marty Garrity
Executive Secretary