

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

Friday, January 19, 2018

The Arkansas Legislative Council met at 9:00 a.m., Friday, January 19, 2018, in Committee Room A of the Big Mac Building, Little Rock, Arkansas. Co-Chair Bill Sample 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 Sample referred the members to the minutes of the last Legislative Council meeting on December 15, 2017 (Exhibit C) and asked if there were any questions.

Co-Chair Sample stated that the minutes of the December 15, 2017 meeting of the Legislative Council are adopted without objection. There were no objections.

Presentation of the Revenue Report

December 2017 Monthly Revenue Report

Co-Chair Sample recognized Richard Wilson, Assistant Director for the Research Services Division of the Bureau of Legislative Research, to present the December 2017 Monthly Revenue Report (Exhibit D) prepared by the Bureau of Legislative Research.

Mr. Wilson reported that the December 2017 Monthly Revenue Report reflects that after six (6) months of fiscal year 2018, gross general revenue collections are \$92 million ahead of the same period last year for a growth rate of three percent (3%). Mr. Wilson reported that the net general revenue available for distribution is \$74.4 million ahead of the same period last year for a growth rate of two point eight percent (2.8%). Mr. Wilson reported that the graph reflects a revised official forecast on December 1, 2017, and after the month of December, revenue collections are \$23.7 million ahead of the official forecast. Mr. Wilson reported that the spreadsheet reflects that the six-month growth rate on gross receipts is two percent (2%) and the growth rate on income tax collections is three point nine percent (3.9%). This concluded the December 2017 monthly revenue report, and there were no questions.

Report of the Executive Subcommittee

Co-Chair Sample recognized Co-Chair Jim Dotson to present the report of the Executive Subcommittee (Exhibit E). Co-Chair Dotson reported that the Executive Subcommittee met on January 9, 2018, and reviewed and approved two emergency rules presented by the Arkansas Racing Commission regarding: (1) "Total Dissolved Carbon Dioxide Testing", and (2) "Prohibited Practices - Extracorporeal Shock Wave Therapy or Radio Pulse Wave Therapy". The review and approval of the two emergency rules was effective at 12:01 a.m., Thursday, January 11, 2018.

Co-Chair Dotson reported that the Executive Subcommittee also approved an amendment to the Big Mac Security Policy (see attachment) that would make the Big Mac Security Policy consistent with the policy adopted by the Arkansas State Police in regard to the definition of the word "possession" and with the policy adopted by the Arkansas State Capitol Police. This concluded the report and there were no questions.

Co-Chair Dotson moved that the report of the Executive Subcommittee be adopted, and the motion passed without objection.

Reports of the Standing Subcommittees

Administrative Rules and Regulations Subcommittee

Co-Chair Sample recognized Representative Kim Hammer to present the report of the Administrative Rules and Regulations Subcommittee (Exhibit F.1). Representative Hammer reported that the Administrative Rules and Regulations Subcommittee met on January 16, 2018, and adopted the report of the Executive Subcommittee concerning the approval of emergency rules. Representative Hammer reported that due to the absence of agency personnel at the meeting, the proposed rule by the Arkansas State Treasurer was rescheduled for consideration at the next subcommittee meeting. This concluded the report, and there were no questions.

Representative Kim Hammer moved that the report of the Administrative Rules and Regulations Subcommittee be adopted, and the motion passed without objection.

Higher Education Subcommittee

Co-Chair Sample recognized Representative Greg Leding to present the report of the Higher Education Subcommittee (Exhibit F.5). Representative Leding reported that the Higher Education Subcommittee met January 18, 2018, and heard from Dr. Kristen Jozkowski, Associate Professor of Public Health and Program Coordinator at the University of Arkansas. Dr. Jozkowski presented the findings of a survey she conducted last spring, entitled "Sexual Assault on College Campuses: A Look at the University of Arkansas". Representative Leding reported that the survey findings included that one in three women who responded to the survey had experienced sexual assault while on campus, and nearly a quarter had reported two or more sexual assaults. This concluded the report and there were no questions.

Representative Greg Leding moved that the report of the Higher Education Subcommittee be adopted, and the motion passed without objection.

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Sample recognized Representative David Meeks to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee (Exhibit F.8). Representative Meeks reported that the PEER Subcommittee met on January 17, 2018, and approved two (2) items, which included a fund transfer for the Department of Transportation, and a reallocation of resources request from the Department of Human Services (see Attachment 1 to the report). Representative Meeks reported that all other items were reviewed. This concluded the report, and there were no questions.

Representative David Meeks moved that the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee be adopted, and the motion passed without objection.

Policy-Making Subcommittee

Co-Chair Sample recognized Senator Linda Chesterfield to present the report of the Policy-Making Subcommittee (Exhibit F.9). Senator Chesterfield reported that the Policy-Making Subcommittee met January 18, 2018, and approved the request from the Water Provider Legislative Task Force for an additional allocation of committee funds in the amount of \$7,000.00. This concluded the report and there were no questions.

Senator Linda Chesterfield moved that the report of the Policy-Making Subcommittee be adopted, and the motion passed without objection.

Uniform Personnel Classification and Compensation Plan

Co-Chair Sample recognized Senator John Cooper to present the report of the Uniform Personnel Classification and Compensation Plan Subcommittee (Exhibit F.11). Senator Cooper reported that the Uniform Personnel Classification and Compensation Plan Subcommittee met on January 18, 2018, and reviewed the following reports and requests: the report from the Department of Finance and Administration, Office of Personnel Management, on the use of Director's discretion salary increases in state agencies; the report of special-entry rates and labor-market rates approved by the Chief Fiscal Officer; the report from Department of Higher Education detailing provisional positions for institutions of higher education; a request for a growth pool position within the Office of the State Treasurer that included a new classification; a request from the Department of Information Systems for a swap-pool position that also required a new classification; and requests for on-call duty differentials from the Arkansas State Military Department, the Arkansas Department of Correction, and the Arkansas Department of Community Correction. This concluded the report, and there were no questions.

Senator John Cooper moved that the report of the Uniform Personnel Classification and Compensation Plan Subcommittee be adopted, and the motion passed without objection.

Review Subcommittee

Co-Chair Sample recognized Representative Jeff Wardlaw to present the report of the Review Subcommittee (Exhibit F.10). Representative Wardlaw reported that the Review Subcommittee met January 17, 2018, and reviewed all contracts except a contract for the University of Arkansas for Medical Sciences (UAMS). Representative Wardlaw reported that the hold on the contract between UAMS and Huron Consulting Services, LLC (listed as item 8 on page 9 of the report) has been released after additional information was provided. This concluded the report, and there were no questions.

Representative Jeff Wardlaw moved that the report of the Review Subcommittee be adopted, including the contract between UAMS and Huron Consulting Services, LLC, and the motion passed without objection.

Review of Communications

Co-Chair Sample referred members to the communications listed as Exhibit H.1 through Exhibit H.16 on the agenda and noted that action by the Legislative Council was needed for two items: (1) the Annual Report on the Arkansas Infant and Child Death Review Program, for review year 2015, submitted pursuant to A.C.A. § 20-27-1707; and (2) the request from the Division of State Parks of the Department of Parks and Tourism, for review of the Annual general revenue comparison of anticipated expenditures for FY 2018 with estimated expenditures for FY 2018 and actual expenditures for FY 2017, submitted pursuant to Section 20 of Act 510 of the 2017 Regular Session. Co-Chair Sample asked if there were any questions regarding the other communications, and there were none.

Arkansas Infant and Child Death Review Program

Co-Chair Sample asked that representatives of the Arkansas Infant and Child Death Review Program come forward to present the Annual Report on the Arkansas Infant and Child Death Review Program, for review year 2015 (Exhibit H.2).

Co-Chair Sample recognized Ms. Sherry J. Williamson, Child Abuse Project Coordinator with the Arkansas Commission on Child Abuse, Rape, and Domestic Violence, and Ms. Hope Mullins, Program Manager for the Injury Prevention Center at Arkansas Children's Hospital. Ms. Mullins explained this fiscal year 2017 report presents data on child deaths for review year 2015, and includes the following statistics:

- There were 438 child deaths between the ages of zero (0) and seventeen (17);
- Local teams reviewed 183 deaths, or forty-two percent (42%);
- Of the deaths reviewed, fifty-one percent (51%) were accidents, mostly motor vehicle crashes;
- Of the deaths reviewed, forty-seven percent (47%) were deemed preventable among children under the age of one (1).

This concluded the presentation, and Ms. Williamson and Ms. Mullins responded to questions from the committee. Co-Chair Sample asked if there were any further questions, and seeing none, recognized Co-Chair Dotson for a motion.

Co-Chair Jim Dotson moved that the Annual Report on the Arkansas Infant and Child Death Review Program, for review year 2015, be referred to the Senate Interim Committee on Children and Youth and the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs. The motion passed without objection.

Arkansas Department of Parks and Tourism

Co-Chair Sample asked that representatives of the Department of Parks and Tourism, Division of State Parks, come forward to present the annual general revenue comparison of anticipated expenditures for FY 2018 with estimated expenditures for FY 2018 and actual expenditures for FY 2017, submitted pursuant to Section 20 of Act 510 of the 2017 Regular Session, (Exhibit H.14).

Co-Chair Sample recognized Kevin Carr, Manager of the State Parks Division, who explained special language in Act 510 of the 2017 Regular Session requires the Division of State Parks to report to the Legislative Council on how general revenue is spent, and this report is a breakdown of allocations of general revenue funds at each park. This concluded the explanation and Mr. Carr answered questions from the committee members.

Co-Chair Sample asked if there were any further questions, and seeing none, stated that without objection the annual report of general revenue allocations to state parks for FY 2018 will be filed as reviewed by the Legislative Council.

New Business

Informational Presentation from Department of Finance and Administration

Co-Chair Sample asked that officials with the Arkansas Department of Finance and Administration come forward and explain the impact on Arkansas state agencies in the event of a federal government shut down. Duncan Baird, Director of the Office of Budget, and Paul Louthian, Deputy Director of the Arkansas Department of Finance and Administration, came forward and introduced themselves.

Mr. Baird stated that the Arkansas Department of Finance and Administration has been monitoring the potential shut down of the federal government and stated the department contacted the state agencies in December 2017 to determine the potential impact on an agency-by-agency basis. Mr. Baird stated that the 2013 federal government shut down impacted state agencies as follows: (1) some agencies were able to continue federally-funded operations unaffected; (2) some agencies had sufficient federal funds drawn down that allowed them to continue to operate for a short period of time; and (3) some agencies immediately began to furlough employees when the federal government shut down began. Mr. Baird stated the department believes there would be a similar impact if a federal government shut down occurs now.

In response to questions, Mr. Louthian stated the process to draw down funds is an agency-specific situation, and the Department has instructed the agencies to go ahead draw down funds if they have documentation that the funds are available to the agency. Mr. Louthian stated that state agencies do not have federal funds on reserve, and depending on where the agency falls within the federal Cash Management Act (CMA), some agencies can draw down funds without penalty while some agencies must use the funds within three (3) days of the draw down or incur an interest penalty. Mr. Louthian stated this would be a case-by-case basis determination.

Stop the Bleed Campaign

Co-Chair Sample recognized Senator Cecile Bledsoe, who informed the committee that the "Stop the Bleed Campaign" will have a former Navy Seal, who is now working with MEMS, at Committee Room A in the Big Mac Building from 11:30 a.m. to 1:45 p.m. on February 28, 2018 for the purpose of providing training to legislators on how to be an immediate responder. Senator Bledsoe stated this training could allow persons to save a life, and legislators who sign-up will be provided with a free box lunch and given a tourniquet kit to keep upon completion of the training. Senator Bledsoe stated that this training is being provided for legislators only, and she has additional information to hand out after the meeting. Co-Chair Sample commented this

is very beneficial training.

Christmas in the Capitol

Co-Chair Sample recognized Senator Missy Irvin who thanked the legislators who participated in the annual Christmas in the Capitol event. Senator Irvin stated that over \$13,000.00 was raised, which provided a gift and a stocking for every one of the kids that are currently in foster care or in a DYS juvenile detention facility, as well as a gift for each location facility.

New Interim Study Proposals and Interim Resolutions

Co-Chair Sample asked if there were any questions or discussion on Interim Study Proposal 2017-103 (Exhibit J.1), and there were none. Interim Study Proposal 2017-103, sponsored by Representative DeAnn Vaught, is an Act to create an exemption from the sales and use tax for absorbent undergarments, guards, and pads used for protection against urinary or colonic leakage.

Co-Chair Sample stated that without objection Interim Study Proposal 2017-103 is referred to the Economic and Tax Policy Committee.

Adjournment

At 9:25 a.m., the meeting was adjourned as there was no further business to come before the Legislative Council.

Respectfully submitted,

ATTEST:

Senator Bill Sample
Co-Chair, Senate

Marty Garrity
Executive Secretary