

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

May 21, 2021

The Arkansas Legislative Council met at 8:00 a.m., Monday, March 29, 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.

Co-Chair Terry Rice opened the meeting with a prayer.

Review of Governor Requests

Co-Chair Wardlaw referred members to the requests listed on the agenda as Item B and Items C.1 - C.5, and noted that action by the Legislative Council is needed for those items.

Co-Chair Wardlaw recognized Governor Asa Hutchinson to present his request to extend the public health emergency. Governor Hutchinson began, stating this is a historic time because the state has never had the new Emergency Powers Act - Act 403, passed by the 93rd General Assembly during the 2021 Legislative Session. This is the first application of the Emergency Powers Act. Had the act been in place over the last year, the Governor's administration would have appeared before the legislature six (6) times asking for a continuation of the emergency.

Governor Hutchinson stated, in accordance with Act 403, he is requesting an extension of the current emergency declaration for an additional 60 days, as well as a continuation of five (5) executive orders that had been issued during the current emergency. Those executive orders are needed until such time the General Assembly passes legislation to replace the executive orders. The Governor provided his reasons for requesting the extensions.

The five (5) Executive Orders are (*EO-20-05: regarding telehealth; EO-20-14: regarding suspension of in-person witnessing and notarization of legal documents; EO-20-52: regarding access to healthcare resources; EO-20-33: regarding the protection of businesses from liability related to COVID-19; and EO-21-06: extending the state income tax filing date*) and are in effect until the General Assembly can act.

Governor Hutchinson stated, all business restrictions in the state of Arkansas were lifted February 26, 2021. There are no orders, directives, or mandates that apply to businesses in Arkansas, and the mask mandate will no longer be in place as of March 31, 2021. To lift the emergency proclamation at this time, would send the wrong message to the people of Arkansas, which would not put our state in the best position and would not reflect well on the utilization of the Emergency Powers Act. The Governor stated, to his understanding, under the Emergency Powers Act, a motion would have to be made to terminate his emergency proclamation and he asks that a motion is made to not do so.

Co-Chair Wardlaw recognized members for questions, comments, and discussion on the presentation.

Co-Chair Wardlaw recognized former Senator and restaurant owner, Mr. Jim Keet, for public comments. Mr. Keet expressed his concerns for lifting the mask mandate and what it meant for his restaurants, employees, and customers.

Co-Chair Wardlaw recognized members for questions of Mr. Keet.

Co-Chair Wardlaw then recognized members for questions to the following agencies:

the Department of Finance and Administration (DF&A), the Department of Human Services (DHS), and the Department of Health. Mr. Paul Gehring, Assistant Commissioner of Revenue Policy & Legal, DF&A, Mr. Mark White, Chief of Staff and Chief Legislative and Intergovernmental Affairs Officer, DHS, and Mr. Matt Gilmore, Public Health Programs Policy Coordinator, Department of Health, came forward.

Co-Chair Wardlaw recognized Senator Missy Irvin for a question. Senator Irvin asked could Legislative Council end the mask mandate as of today. Ms. Marty Garrity, Director, Bureau of Legislative Research, responded. She stated the directive for the mask mandate is not before Legislative Council. Under the new law, the Department of Health was required to submit that question to the Public Health Committees and to the Arkansas Legislative Council within three (3) days after the act passed, and they did not. Therefore, the mask mandate will end on March 31, 2021. Co-Chair Wardlaw requested for the Department of Education to come forward to respond to questions. Former Representative, Mr. David Branscum, Director of Intergovernmental Affairs, Department of Education, came forward. After hearing questions from members, Co-Chair Wardlaw recognized Senator Breanne Davis for a motion.

Senator Davis made a motion to deny the Governor's request to extend the public health emergency. The motion was seconded.

Co-Chair Wardlaw recognized Ms. Garrity for explanation of the motion. Ms. Garrity stated, under the law, unless a majority of the quorum present votes to deny the request, the emergency will be renewed under the Governor's request through May 30, 2021. This is the first vote. If the emergency is *renewed*, this body will then take up the executive orders, which can be done in one batch or individually. Co-Chair Wardlaw recognized Senator Davis to restate the motion.

Senator Davis made a motion to deny the Governor's request to extend the public health emergency.

Co-Chair Wardlaw recognized Senator Bob Ballinger, Senator Kim Hammer, Senator Breanne Davis, Senator Alan Clark, Representative John Payton, Representative Denise Garner, and Senator Linda Chesterfield for discussion on the motion.

Senator Chesterfield made a motion for immediate consideration of the motion currently on the floor. The motion was seconded and passed by voice vote.

Co-Chair Wardlaw referred members back to the motion on the floor which was to deny the Governor's request to extend the public health emergency and asked what is the will of the committee.

The motion was seconded, but failed.

Co-Chair Wardlaw referred members to the executive orders (Exhibits C.1 - C.5) and requested a motion to batch the executive orders or to hear each one individually.

Co-Chair Rice made a motion to batch the executive orders. The motion was seconded and passed by voice vote.

Co-Chair Rice made a motion to approve the executive orders.

Co-Chair Wardlaw recognized Senator Jonathan Dismang and Senator Missy Irvin for questions.

Senator Chesterfield made a motion for immediate consideration. The motion failed by voice vote.

With no other questions from members, Co-Chair Wardlaw referred members back to the motion on the floor.

Co-Chair Rice made a motion to approve the request to extend the executive orders (Exhibits C.1 - C.5). The motion was seconded and passed by voice vote.

Adjournment

At 10:02 a.m., the meeting was adjourned as there was no further business to come before the Legislative Council.

Respectfully submitted,

ATTEST:

Representative Jeff Wardlaw
Co-Chair, Representatives

Marty Garrity
Executive Secretary