

EXHIBIT E

APPROVED AUGUST 18, 2021

HOUSE COMMITTEE ON CITY, COUNTY, AND LOCAL AFFAIRS MEETING JOINTLY

Tuesday, September 22, 2020

The Senate and House Interim Committees on City, County, and Local Affairs met on Tuesday, September 22, 2020, at 10:00 a.m., Room MAC, Little Rock, Arkansas.

Committee members present: Representatives Lanny Fite, Chair; Frederick Love, Vice-Chair, Frances Cavanaugh, Cameron Cooper, Carol Dalby, Gary Deffenbaugh, Monte Hodges, Steve Hollowell, Lee Johnson, Marcus Richmond, Johnny Rye. Senators Alan Clark and Keith Ingram

Other members present: Representatives Fred Allen, Stan Berry, Marsh Davis, Jim Dotson, Denise Ennett, Kenneth Ferguson, Tippi McCullough, Reginald Murdock, Jamie Scott, Keith Slape, Jay Richardson, and Dwight Tosh. Senators Linda Chesterfield, Jonathan Dismang, and Kim Hammer

The meeting was called to order by Representative Lanny Fite.

Motion to Consider Approval of the August 11, 2020, Meeting Meetings [Exhibit C]

Representative Cavanaugh made a motion to approve the meeting minutes of August 11, 2020. The motion was seconded by Representative Richmond, and without objection, the motion carried.

Continued Discussion of Interim Study Proposal (ISP) 2019-131 “An Act to create a study of public notice and participation in the environmental permitting process; and for other purposes. [Exhibit D1]

Mr. Rusty Turner, President, Arkansas Press Association (APA), was recognized. He stated newspapers remain the definitive source to inform and notify the government about the actions of the government. Newspapers share stories of life, death, love, and loss in each community they represent and have done so for more than a century. The APA represents approximately 100 newspapers in Arkansas. The Arkansas Democrat-Gazette is the state’s largest newspaper and still reaches 100,000 people every week on Sundays throughout Arkansas.

The APA believes a comprehensive and fair study of public notices will demonstrate newspapers have been and will continue to be the best way to keep the public informed. Mr. Turner explained how the public notice process works for member newspapers.

- By law, government legal notices are assessed at a reasonable set rate. Outside of real property and personal property delinquent tax rates, which are charged by the track, a newspaper publishing a notice shall charge and receive not more than its regular classified advertising rate for publications.
- Public notices are placed in the newspapers on the digital platforms. As an added value, almost every public notice printed in Arkansas is already published on a searchable website

managed by the APA at publicnoticeads.com/ar. Visitors can find an independent database of statewide notices available and accessible free of charge at any time.

- When a public notice is printed in a newspaper, government entities receive an affidavit of publication to prove the notice was published. There is no accountability or transparency without this.
- Public notices are printed in the Sunday paper, and subscribers have the option to receive the Sunday paper only.

Mr. Turner stated any new website would be a duplicative effort and an unnecessary cost; newspapers are the best place for public notices. Arkansas lags behind in broadband internet, approximately 25% of the population does not have good internet access. Therefore, even if the state created a website for public notices and listed it on every search engine, many in the state would never be able to access the site.

Senator Hammer asked what percentage of the state receives printed newspapers.

Mr. Lynn Hamilton, President/General Manager, Arkansas Democrat-Gazette, was recognized and replied to Senator Hammer's question. He stated the Arkansas Democrat-Gazette newspaper is delivered in all 75 counties. Mr. Hamilton noted the iPad program was launched in Arkansas to give all citizens the opportunity to read a digital replica version of the printed newspaper. The iPad program provides subscribers with a free iPad as long as they are subscribers.

Mr. Hamilton echoed Mr. Turner's statement regarding "there is no price that should be put on accountability or transparency." He added if a small local newspaper can publish a public notice for approximately \$80, a small public notice could be published in the Arkansas Democrat-Gazette for \$100-\$150. Larger notices are priced slightly higher. Mr. Hamilton reported all fifty (50) states require public notices in some format to be published in newspapers. He concluded by stating improvements can be made, but "do not fix what is not broken."

Ms. Ashley Wimberley, Executive Director, APA, was recognized. Ms. Wimberley added that after visiting with Mr. Richard Carpel with the Public Notice Resource Center, she learned that no other state has moved all of its public notices onto a state website. Ms. Wimberley stated the APA uploads all public notices free of charge, reiterating this is an added value to the State. She noted the APA is happy to run the public notices and add them to the APA's website. Fourteen (14) states have enacted laws for publishers to upload notices to press association's websites. The press association is the state's website.

Representative Slape asked of the 25% of Arkansans that do not have broadband access, how many have newspaper subscriptions? Ms. Wimberley replied, this is a similar question asked by Senator Hammer earlier. She stated she will investigate this closely in areas where there is no broadband access, what the specific newspaper circulation percentages are, and provide this information to the committee.

Representative Fite asked the presenters if they would be interested in doing an independent study on what would be the best way in which to notify the public of public notices. Ms. Wimberley stated the APA welcomes a study. The APA feels confident in our product and the process, and a study

will show that the APA is the answer as it relates to printing public notices. Mr. Hamilton added the Arkansas Democrat-Gazette would certainly want to participate.

Ms. Amy Fecher, Cabinet Secretary, Department of Transformation and Shared-Services (TSS), was recognized. Ms. Fecher stated in addition to the focus of the ISP, which is on environmental permitting, the TSS looks more globally at this issue as one of simplifying processes and finding efficiencies throughout state government. An electronic posting mechanism will save the state hundreds of thousands of dollars each year, much of which comes from general revenue. We completely agree with the APA on the consistency and transparency process, we just also want to add efficiency to that equation. Across state, city and county government, there are approximately 600 statutes that require references to the newspaper or printed notices. Some examples of those include legal notices, rules, permitting, city and county notices, public options, delinquent property tax notices, alcohol permits, notices of abandoned cemetery lots and notices of the impounding and description of animals running at-large. Ms. Fecher stated in FY 2020 the Department of Human Services spent over \$382,000 on public notices, the Department of Energy and Environment spent over \$19,000, TSS, which is much smaller spent approximately \$4,000, and the Pulaski County Treasurer, Debra Buckner, spends \$125,000 a year on delinquent taxes notices for one county.

Mr. Bob Sanders, President/General Manager, Information Network of Arkansas (INA), was recognized. Mr. Sanders stated the INA's function is to provide e-government services in Arkansas. For the past twenty-three (23 years), INA has published and supported hundreds of government websites at the state and local level. Each year INA sends out emails and push notifications to approximately 500,000 Arkansans notifying them of various taxes and other government deadlines. Mr. Sanders stated digital communication methods are highly effective, more so than traditional marketing techniques. When contemplating what a multi-agency public notice system would include if it were enhanced, there are several options to consider such as multiple publishing methods, public comments, and integration of government websites. There is also social media, there are many agencies that have their own social media site. Mr. Sanders concluded by stating some of these techniques would extend the reach of some of the systems.

Regarding the amount agencies spend on public notices mentioned earlier by Ms. Fecher, Senator Ingram asked if these amounts are aggregate figures. Also, what is the state paying versus the petitioner? Ms. Fecher stated she does not have this information, but will try to obtain the information and provide it to the committee.

Representative Cavanaugh suggested reviewing the list of public notices that are published to possibly eliminate those that are no longer needed. Ms. Fecher stated this is a good idea, but it would take legislation to modify the requirements.

Senator Hammer recommended that a cost analysis comparison be done to maintain the website as a state versus what it would cost to do it for the private sector. He noted this might have some bearing on the legislation that allows the independents to move their rates up or down.

Presentation Concerning Adult Education as a Result of the Workforce Innovation and Opportunity Act (WIOA)

Dr. Debbie Faubus-Kendrick, Ed., Director, Crawford County Adult Education Center (AEC), Ms. Kathleen Dorn, Director, Fort Smith Adult Education Center (AEC), and Ms. Marsha

Taylor, Director, Arkansas Adult Learning Resource Center (AALRC), were recognized. Ms. Faubus-Kendrick gave a brief overview of the AALRC and discussed free services offered by the Arkansas Association of Continuing and Adult Education (AACAE) [**Handout 1**].

Dr. Faubus-Kendrick stated adult education has taken on a different role. There have been some challenges with distance learning for clients, as computers are not provided. Ms. Faubus-Kendrick reported the AEC has not received an increase in funds in thirty (30) years, noting more funding will be requested during the upcoming legislative session. In several counties, Ms. Faubus-Kendrick explained the Alternative Sentencing Program is an alternative for individuals in lieu of going to jail, paying a fine or community service. Notably, individuals who are unemployed receive assistance with getting a job, and housing assistance is offered to those that have no place to live.

Ms. Dorn stated AEC still offers GED opportunities for students in Arkansas and English language classes. In Sebastian County, Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) caseworkers were hired to assist students, and a court liaison provides updates in court concerning the AEC program.

Ms. Dorn reported the majority of the students are from the Community Diversion Program, and services are provided to students at the Mansfield Detention Center. The AEC received a grant to provide services to Class 3 felons in the Sebastian County Detention Center that will be incarcerated 90-100 days. Some of the services will include GED classes, pre-apprenticeship programs, and English language classes to prepare them to work after they are released.

Ms. Dorn noted that adult education funding was not included in the CARES Act. The estimated cost to go virtual in Sebastian County is estimated at \$10,000-\$15,000. Ms. Faubus-Kendrick stated adult education has to wait for K-12 to decide what amount will be given to the AEC. Senator Hammer stated maybe the Cares Act Steering Committee would find it in their hearts to allocate \$1 million to adult education. This might take care of the immediate need of how adult education has been impacted during the pandemic.

Senator Chesterfield is concerned with the underfunding of adult education. She asked when the AEC went virtual, how much cost was added to taking the GED test? Ms. Dorn replied, a cell phone had to be purchased and 60 chrome books were purchased for \$400 each. Ms. Faubus-Kendrick stated she was not doing the GED testing as the students do not have the capability to do it. In response to a question by Representative Richmond regarding a snapshot of how additional funds will be used for adult education, Ms. Faubus-Kendrick replied, they are looking at a huge issue with paying staff, quality instruction and more distance learning, noting the funds would be used in those areas.

In the handout provided by Dr. Faubus-Kendrick, it states 470,000 Arkansas adults did not finish high school. Senator Hammer asked during what period of time this 470,000-figure cover. Also, of the 47,000, how many are incarcerated or have involvement with the court system? Dr. Faubus-Kendrick will provide this information to the committee.

Representative Dalby stated she sits on the Specialty Court Advisory Committee, and asked do you have a partnership with the Administrative Office of the Courts on the Specialty Court programs such as drug courts, veterans' courts, and juvenile courts? She added a statewide partnership with the aforementioned specialty court programs would be beneficial. Ms. Taylor replied, it would depend

on the local program, but many of them have. Representative Dalby asked would it be beneficial if we look into making it a statewide initiative. Ms. Faubus-Kendrick replied, she would love to have a statewide initiative, as it would save the state a lot of money. She added alternative sentencing programs give people choices and you have to give them choices.

There being no further business, the meeting adjourned at 11:27a.m.

DRAFT