

**REPORT OF THE EXECUTIVE
SUBCOMMITTEE OF THE
ARKANSAS LEGISLATIVE
COUNCIL
April 22, 2022**

Senator Terry Rice, Co-Chair
Senator Missy Irvin, Vice Co-Chair
Senator Cecile Bledsoe
Senator Jimmy Hickey, Jr

Representative Jeff Wardlaw, Co-Chair
Representative Jim Dotson, Vice Co Chair
Representative Matthew J. Shepherd
Representative Kenneth B. Ferguson

March 7, 2022 Meeting *(Attachment 1)*

We, the Executive Subcommittee of the Arkansas Legislative Council, met Monday, March 7, 2022, in Room B of the Big MAC Building, Little Rock, Arkansas. Co-Chair Jeff Wardlaw called the meeting to order and saw a quorum of members present.

Co-Chair Wardlaw stated that *Item B. Discussion of Request for Proposal (RFP) for Employee Health Benefits Actuarial Consulting Services* on the agenda will not be discussed until further notice.

Co-Chair Wardlaw recognized Ms. Jill Thayer to present the proposed Arkansas Legislative Council (ALC) Rules Amendments.

After discussion, Co-Chair Wardlaw stated, without objection, the proposed ALC rule(s) are adopted, and the rule regarding Section 5 will be sent to the Performance Evaluation and Expenditure Review Subcommittee (PEER). There were no objections.

Co-Chair Wardlaw recognized Ms. Marty Garrity, Director, Bureau of Legislative Research (BLR), to discuss March 2022 and April 2022 ALC meeting dates. Ms. Garrity stated that the ALC meeting usually scheduled in March will be cancelled and the next meeting for ALC is scheduled for April 22, 2022, with the ALC subcommittees meeting April 18 - 21, 2022.

Co-Chair Wardlaw stated, without objection, the ALC meeting dates are approved. There was no objections.

Ms. Garrity continued, giving updates on the Arkansas Code, the codification of the first set of approved rules, as well as updates with special language.

There being no further business before the subcommittee, the meeting was adjourned.

March 8, 2022 Emergency Action (Attachment 2)

On March 8, 2022, Senator Terry Rice and Representative Jeff Wardlaw, Co- Chairs of the Legislative Council, were notified of a request for emergency action for the approval of an agreement to retain outside legal counsel services between the Bureau of Legislative Research and Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. related to compliance with federal subpoenas issued in the matter of *Dylan Brandt, et al. v. Leslie Rutledge, et al.. Case No. 4:21-CV-00450-JM*, in the United States District Court of the Eastern District of Arkansas. Expedited approval of the agreement was required due to pending legal deadlines in this matter which will pass prior to the next meeting of the Legislative Council.

Under Rule 16 of the Rules of the Arkansas Legislative Council, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, have determined that emergency review and approval of the legal services agreement between the Bureau of Legislative Research and Mitchell Williams is necessary in order to meet the upcoming legal deadlines.

This action is taken by the Co-Chairs on behalf of the Legislative Council and shall be reported to the Legislative Council at its next regularly scheduled meeting, in accordance with Rule 16. A copy of the agreement is attached hereto.

March 18, 2022 Emergency Action (Attachment 3)

On March 18, 2022, Senator Terry Rice and Representative Jeff Wardlaw Co- Chairs of the Legislative Council along with Senator David Wallace and Representative David Hillman Co-Chairs of the Personnel Subcommittee of Legislative Council, were notified of a request for emergency action to approve the authorization of two Requests for Proposals (RFPs) from the Employee Benefits Division of the Department of Transformation and Shared Services. The two RFPs will be developed for the procurement of a Medicare Advantage Plan option as well as establishing a Pharmacy Benefits Manager. Both RFPs will be developed with the assistance of the Segal Group, Inc.

Under Rule 16 of the Rules of the Arkansas Legislative Council, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, as well as Senator David Wallace and Representative David Hillman, Co-Chairs of the Personnel Subcommittee of Legislative Council, have determined that emergency review and approval of both RFP requests is necessary in order to meet timelines and have services procured and in effect by January 1, 2023.

This action is taken by each of the four Co-Chairs on behalf of the Legislative Council and Personnel Subcommittee of Legislative Council and shall be reported to the Personnel Subcommittee at its next regularly scheduled meeting, in accordance with Rule 16. A copy of the request is attached hereto.

March 18, 2022 Emergency Rule (Attachment 4)

On March 18, 2022, the Executive Subcommittee exercised the power granted to it under Arkansas Code § 10-3-309(d)(2)(B) and ALC Rule 22(f)(2)(B) to review and approve the following emergency rule in writing on March 18, 2022.

- ***Arkansas Dept. of Agriculture, Arkansas Livestock and Poultry Commission - Avian Influenza Emergency Rule***

A copy of the emergency rule is attached. The emergency rule was reviewed and approved, and the review and approval will be effective at 12:01 a.m., Wednesday, March 23, 2022.

March 24, 2022 Emergency Action (Attachment 5)

At the August 27, 2021 meeting of the Legislative Council, the motion by Senator Irvin to authorize us as co-chairs of Legislative Council to approve American Rescue Plan Act appropriation requests for broadband projects identified as “under review” was approved.

On Tuesday, March 22, 2022, ALC received the attached letter from Secretary Preston advising us that three (3) additional broadband projects totaling \$6,772,724.13 were “shovel ready”.

After reviewing the request for accuracy, under the authority granted by the Legislative Council, on March 24, 2022, the Co-Chairs approved the appropriation request.

April 18, 2022 Emergency Action (Attachment 6)

On April 18, 2022, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, and Senator Jonathan Dismang and Representative Michelle Gray, Co-Chairs of the PEER Subcommittee, received written notification from Larry Walther, the Chief Fiscal Officer of the State, requesting emergency review of a request for Pay Plan appropriation.

Under Rule 16 of the Rules of the Arkansas Legislative Council, on April 18, 2022, the Co-Chairs of the Legislative Council and PEER Subcommittee unanimously determined that emergency review was necessary to enable the agency to perform essential services. As such, the Co-Chairs of the Legislative Council and the Co-Chairs of the PEER subcommittee may act on behalf of the Legislative Council in regard to the request, and state herein that the request shall be filed as reviewed and reported to the Legislative Council at its next regularly scheduled meeting in accordance with Rule 16.

Below is a summary of the request given emergency review:

Pay Plan Appropriation Request

Arkansas Public Defender Commission - \$1,000

April 21, 2022 Meeting *(Attachment 7)*

We, the Executive Subcommittee of the Arkansas Legislative Council, met Thursday, April 21, 2022, in Room B of the Big MAC Building, Little Rock, Arkansas. Executive Subcommittee member, Representative Kenneth Ferguson called the meeting to order and saw a quorum of members present.

Representative Ferguson recognized Ms. Marty Garrity to present the Request for Proposal (RFP) for Employee Benefits Actuarial Consulting Services.

Representative Ferguson then recognized members for questions. After questions, a motion was made and approved to authorize the Bureau to move forward with the RFP with the approved changes.

There being no further business before the subcommittee, the meeting was adjourned.

Respectfully submitted,

Senator Terry Rice and Representative Jeff Wardlaw, Executive Subcommittee Co-Chairs

TR/JW/MG:sla

RULES OF THE ARKANSAS LEGISLATIVE COUNCIL

1. Purpose. The purpose of these Rules is to form a basis for the Legislative Council's operations and to inform the members of the General Assembly and the Public of the Legislative Council's procedure in order that they may properly utilize the Legislative Council's services and assist in studying problems before the General Assembly.

2. Parliamentary Procedure. Except as otherwise specified by these Rules, the proceedings of the Legislative Council shall be governed by the same rules as govern the House of Representatives and Senate of the General Assembly of Arkansas, so far as they are applicable, together with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

3. Order of Business.

(a) The regular order of business for meetings of the Legislative Council shall be as follows:

- (1) Call to order by chair;
- (2) Roll call;
- (3) Approval of minutes;
- (4) Presentation of revenue-related reports;
- (5) Report of the Executive Subcommittee;
- (6) Reports of standing subcommittees;
- (7) Reports of interim or special committees or subcommittees;
- (8) Review of communications;
- (9) Memorials;
- (10) Business carried over from previous council meetings;
- (11) New business;
- (12) New proposals and resolutions;
- (13) Supplemental agenda items; and
- (14) Adjournment.

(b) Items to be considered on an agenda, other than reports of Legislative Council subcommittees, shall be submitted no later than seven (7) days prior to a scheduled meeting date in order to be placed on the Legislative Council agenda. Items received less than seven (7) days before a scheduled meeting of the Legislative Council shall be accompanied by a request for placement on a supplemental agenda and a statement as to why the item cannot wait to be heard at the next regularly scheduled meeting of the Legislative Council. Placement on a supplemental agenda is subject to the approval of the Legislative Council Co-Chairs, and the items may only be considered by the Legislative Council upon a vote to suspend the rules. Otherwise, the items will be added to the agenda of the next meeting of the Legislative Council.

(c) An item may be taken up out of the order set forth herein by an affirmative vote of a majority of the members present.

4. Officers.

(a) The Legislative Council shall have from among its membership a Senate Co-Chair and a House of Representatives Co-Chair, and a Senate Co-Vice Chair and a House of Representatives Co-Vice Chair who shall serve during the legislative biennium in which they are selected.

(b) The Director of the Bureau of Legislative Research shall serve as Executive Secretary of the Legislative Council.

5. Legislative Council Subcommittees.

(a) **Standing Subcommittees.** The Legislative Council shall have the following standing subcommittees with jurisdiction of the following subject areas:

(1) **Review Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) Agency requests for contracts requiring the services of one (1) or more persons, as provided in Arkansas Code § 19-11-265;

(B) Review of proposed methods of financing for capital expenditures in excess of \$250,000, which have not been approved by the General Assembly, as provided in Arkansas Code § 22-9-104;

(C) Review of requests of state agencies for leasing of motor vehicles (for more than thirty (30) days) prior to final approval of the leases by the state purchasing administrator, as provided in Arkansas Code § 22-8-102;

(D)(i) Reports from the Office of State Procurement (OSP) regarding executed contracts and contracts procured by a state agency procurement official that has a delegation order, as provided in Arkansas Code § 19-11-273.

(ii)(a) A primary member of the Legislative Council may request that a contract included in a report under subdivision (a)(1)(D)(i) of this subsection be considered for discussion by the Legislative Council.

(b) The primary member shall notify the Legislative Council co-chairs of his or her request for discussion at the Legislative Council meeting no later than one (1) business day prior to the day of the meeting of the Legislative Council at which the contract will be considered for discussion;

(E) Review of mandatory state contracts that are not for commodities or services within the exclusive jurisdiction of the OSP Director, pursuant to Arkansas Code § 19-11-223(a)(2);

(F) Review of rules submitted by the State Procurement Director, pursuant to Arkansas Code § 19-11-225(a); ~~and~~

(G) Review of other matters referred to the subcommittee by the Legislative Council that require Legislative Council review and that are not otherwise within the jurisdiction of another Legislative Council subcommittee; ~~and~~

(H)(i) In addition to the duties set forth above, the Subcommittee shall conduct a study with the cooperation of the Office of State Procurement regarding development of a statewide contract for savings to include:

(a) An examination of the benefits to state agencies in procuring a statewide contract with a consultant for the delivery of services to state agencies that result in delivered cost savings based on cost savings realized between benchmarked costs before the consultant's services and the costs after the consultant's services; and

(b) Evaluation of operations efficiencies and cost savings that may be achieved by utilizing consultant services for certain procurements and contract negotiations upon which the consultant will be paid based on realized savings.

(ii) The Subcommittee shall hear monthly reports from OSP on the issues described herein related to the study; and

(iii) The Subcommittee shall conclude the study and provide a final report and recommendations, including any draft legislation, to the Legislative Council at its meeting in December 2022;

(2) Charitable, Penal, and Correctional Institutions Subcommittee.

To this subcommittee shall be referred matters pertaining to:

- (A) The Department of Correction and its various units;
- (B) The state correctional facilities for juveniles;
- (C) The state institutions that provide institutional services for citizens of this state; and
- (D) Private facilities providing institutional services and care purchased by the state for the benefit of indigent persons;

(3) Performance Evaluation and Expenditure Review Subcommittee.

To this subcommittee shall be referred matters pertaining to:

- (A) The financial operation and fiscal performance of state agencies, departments, and institutions, including but not limited to:
 - (i) Program performance and evaluation;
 - (ii) Efficiency in the operation of agency programs and services;
 - (iii) Coordination of programs and services that require the expenditure of state funds;
- (iv) The stability and adequacy of the various funds and fund accounts of the state, including without limitation:

- (a) Approval of transfers from the Long Term Reserve Fund require prior approval of the Performance Evaluation and Expenditure Review Subcommittee, and, pursuant to Arkansas Code § 19-6-486, final approval of two-thirds (2/3) of the members of the Legislative Council;
- (b) Approval of transfers from the Restricted Reserve Fund require approval of the Performance Evaluation and Expenditure Review Subcommittee, and, pursuant to Arkansas Code § 19-5-1263, final approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership of the Legislative Council;
- (c) Approval of a release of Unallocated Restricted Reserve Fund Set-Aside require prior approval of the Performance Evaluation and Expenditure Review Subcommittee and the Legislative Council, pursuant to Act 1058 of 2021;
- (d) Approval of a release of Executive/Legislative Restricted Reserve Fund Set-Aside require prior approval of the Performance Evaluation and Expenditure Review Subcommittee, and, pursuant to Act 1058 of 2021, final approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership of the Legislative

Council; and

- (e) Approval of a release of State Police Vehicle Restricted Reserve Set-Aside require prior approval of the Performance Evaluation and Expenditure Review Subcommittee, and, pursuant to Act 1058 of 2021, final approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership of the Legislative Council; and

(v) Other matters pertaining to agency performance and accountability in the use of public funds, which are not otherwise within the jurisdiction of another subcommittee of the Legislative Council;

(B) The organization, consolidation, merger, or abolishment of a state agency, board, commission, or program;

(C) Distribution and use of unanticipated discretionary federal funds for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health;

(D)(i) Consideration of requests by a state agency, constitutional office, or institution for a transfer of appropriation, as provided in the American Rescue Plan Act of 2021 Appropriation Sections of Act 997 of 2021, as approved or modified by the Chief Fiscal Officer of the State.

(ii) The American Rescue Plan Act of 2021 requests submitted pursuant to subdivision 5.(a)(3)(D)(i) of this section require prior approval of the Legislative Council; ~~and~~

(E) Other matters as may be assigned to the subcommittee by the Legislative Council; ~~and~~

(G)(i) **Act 224** In addition to the duties listed above, and in accordance with the Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022, the Subcommittee shall hear appeals from any eligible local law enforcement agency regarding an adverse decision by the Secretary of the Department of Finance and Administration concerning the failure to abide by the provisions of subsection (i) of the Act, which sets forth the circumstances under which funds received under the Act shall be returned to the Secretary.

(ii) The Subcommittee shall hear the appeal and provide an advisory opinion to the Legislative Council for its consideration. If the advisory opinion is adopted by the Legislative Council, it shall be forwarded to the Secretary of the Department of Finance and Administration;

(4) Administrative Rules Subcommittee. To this subcommittee shall be referred matters pertaining to:

(A) Administrative rules submitted to the Legislative Council by state agencies, boards, and commissions for Legislative Council review and approval, as required by Arkansas Code § 10-3-309;

(B) State agency appeals of administrative rule codification decisions and technical correction decisions made by the Bureau of Legislative Research under Arkansas Code § 25-15-218, regarding rules codified in the Code of Arkansas Rules;

(C) Other matters pertaining to administrative organization, rules, regulations, and procedures as may be assigned to the subcommittee by the Legislative Council;

(D)(i) In addition to the duties listed above, and in accordance with Act

1076 of 2021, the Subcommittee shall review the recommendation reports of the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development related to review and sunset of state agency rules pertaining to milk and cattle production.

(ii) The reports of the committees shall be submitted to the Subcommittee no later than November 30, 2022.

(iii) The Subcommittee shall vote to determine whether each state agency rule pertaining to milk and cattle production shall remain in effect or be repealed.

(iv) The Subcommittee shall submit its report to the Legislative Council for final approval at the December 2022 meeting of the Legislative Council.

(v) If the Legislative Council votes to repeal a rule, the rule shall sunset after December 31, 2022; and

(5) **Uniform Personnel Classification and Compensation Plan Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A) The State Uniform Personnel Classification and Compensation Plan;

(B) The adequacy of position classification and pay schedule of state agencies and institutions;

(C) Consideration of matters that require Legislative Council advice in regard to the administration of the State Personnel Classification and Compensation Plan;

(D) The duties of the General Assembly to establish the maximum number of employees, and the maximum annual salaries of all officials and employees of state government; and

(E) **[Act 113 of 2022]** ~~Consideration of plans, plan design, plan benefits, premiums, premium increases, deductibles, or cost containment measures related to state and public school employee benefits to take effect January 1, 2022, or thereafter, as submitted by the State Board of Finance to the Legislative Council for prior approval in accordance with Act 1004 of 2021; and~~

~~(F)~~ In addition to the duties listed above, and in accordance with Act 796 of 2021, the Subcommittee shall conduct a study regarding state employee position management, control and efficiency to include:

(i) Studying the possible plans for increasing efficiency and transparency in state budgeting by eliminating unnecessary or unused positions at state agencies within the executive branch;

(ii) Developing recommendations for ways in which the state can increase efficiency and transparency in state budgeting; and

(iii) Summarizing the results of the study in a report to be submitted to the Legislative Council no later than December 1, 2022; and

(6) **Policy-Making Subcommittee.** To this subcommittee shall be referred matters pertaining to:

(A)(i) Review of study proposals referred to interim committees by members thereof, which have not previously been reviewed by the Legislative Council as to germaneness.

(ii) The subcommittee shall submit its recommendations to the Legislative Council concerning the germaneness of the study proposals to the subject areas assigned to the interim committee as provided by law; and

(B) Review and make recommendations to the Legislative Council regarding requests from interim committees, task forces, and subcommittees of the Legislative Council for the allocation of funds and personnel to be funded from monies appropriated to the Legislative Council for interim committee study purposes;

(7) **Hospital and Medicaid Study Subcommittee.** To this subcommittee shall be referred all matters pertaining to:

- (A) Hospitals;
- (B) Medicaid;
- (C) Incentives for the establishment of rural hospitals, clinics and other rural medical facilities;
- (D) Incentives for physicians practicing in rural areas; and
- (E) Any and all related matters;

(8) **Claims Review/Litigation Reports Oversight Subcommittee.** To this subcommittee shall be referred all matters pertaining to:

- (A) Claims referred from the Arkansas State Claims Commission, in accordance with Arkansas Code § 19-10-215;
- (B) Appeals from decisions of the Arkansas State Claims Commission, in accordance with Arkansas Code § 19-10-211;
- (C) Appeals from decisions of the Arkansas State Claims Commission in connection with the solicitation or award of a contract by a state agency, in accordance with Arkansas Code § 19-11-244;
- (D) Receipt of notification of lawsuits affecting the state; and
- (E) Review of the lawsuits including the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and other information that will enable the Legislative Council to determine the action that may be necessary to protect the interests of the General Assembly and the State of Arkansas;

(9) **Game & Fish/State Police Subcommittee.** To this subcommittee shall be referred all matters pertaining to the Arkansas Game & Fish Commission and State Police, including all rules of the Arkansas Game & Fish Commission, which shall be reported to the subcommittee for discussion;

(10) **Higher Education Subcommittee.** To this subcommittee shall be referred matters pertaining to:

- (A) Four-year institutions of higher education;
- (B) Two-year institutions of higher education;
- (C) Technical education;
- (D) Vocational education;
- (E) Adult education;
- (F) College and career readiness;
- (G) Private institutions of higher education; and
- (H) Any related matters as may be assigned to the subcommittee by the Legislative Council;

(11) **Lottery Oversight Subcommittee.** To this subcommittee shall be referred all matters pertaining to:

- (A) Expenditures of lottery proceeds;
- (B) Proposed rules of the Office of the Arkansas Lottery;
- (C) Proposed contracts of twenty-five thousand dollars (\$25,000) or more;

(D) Reports pertaining to the lottery and lottery scholarships;
(E) Review and approval of loans from the Scholarship Shortfall Reserve Trust Account to fund scholarships under the:

- (i) Arkansas Academic Challenge Scholarship Program;
- (ii) Arkansas Workforce Challenge Scholarship Program; or
- (iii) Arkansas Concurrent Challenge Scholarship Program; and

(F) Any and all related lottery matters;

(12) Highway Commission Review and Advisory Subcommittee.

(A) Membership. The subcommittee shall consist of twenty (20) members with at least four (4) or more members of the Legislative Council from each congressional district of the state. The Legislative Council may, by an affirmative vote of two-thirds (2/3) of a quorum to suspend the rules, alter the membership of the subcommittee.

(B) Duties. To this subcommittee shall be referred the following matters:

(i)(a) Proposed rules of the State Highway Commission:

(1) Required under Arkansas Code § 27-65-107(a)(18)(A); and

(2) Related to implementation of the recommendations included in the final study report of the Subcommittee adopted by the Legislative Council on November 20, 2020.

(b) Proposed rules of the State Highway Commission submitted under this subdivision are not subject to approval by the Legislative Council or any of its subcommittees and shall be presented for review only.

(c) The Subcommittee shall allow members of the public a reasonable length of time to comment on the proposed rules submitted pursuant to subdivision 5.(a)(12)(B)(i)(a)(2) of this rule;

(ii) Reports from the State Highway Commission regarding the progress of each public road construction project of ten million dollars (\$10,000,000) or more;

(iii) Report of the Director of State Highways and Transportation regarding draft legislation that has been approved by the State Highway Commission to be presented for filing during the next regular legislative session. This report shall be presented to the Subcommittee at its December meeting of each year immediately preceding a regular session;

(v) Proposed contracts of the State Highway Commission, in the amount of fifty thousand dollars (\$50,000) or more, that are entered for the purpose of implementing any of the recommendations included in the final report submitted as required under subdivision 5.(a)(13)(C)(iii) of this rule. A contract shall be submitted to the Subcommittee for review prior to execution of the contract. The Subcommittee shall allow members of the public a reasonable length of time to comment on the proposed contracts submitted under this subdivision;

(vi) Monthly reports regarding the status of the implementation of the recommendations included in the final report submitted as required under subdivision 5.(a)(13)(C)(iii) by the State Highway Commission and the Arkansas Department of Transportation;

(vii) Other State Highway Commission matters the subcommittee considers necessary to perform its duties as prescribed by law; and

(viii) Other duties as assigned to the subcommittee by the Legislative

Council;

(13) **The Arkansas Health Insurance Marketplace Oversight Subcommittee is repealed and for the duration of the Ninety-Third General Assembly, its members shall serve as the members of the newly established Employee Benefits Division Oversight Subcommittee.**

Arkansas Health Insurance Marketplace Oversight Subcommittee

~~(A) To this subcommittee shall be referred all matters pertaining to:~~

~~(i) Reports pertaining to the Arkansas Health Insurance Marketplace, as requested by the subcommittee or required by law; and~~

~~(ii) Any and all related insurance marketplace matters.~~

~~(B)(i) At its November meeting of each year, the subcommittee shall review the recommendations of the Arkansas Insurance Department regarding increases or decreases in the amount of future assessments or user fees and penalties and interest charges for nonpayment of an assessment or user fee charged to participating health insurers. The subcommittee shall report its recommendations to the Legislative Council at the November meeting of the Legislative Council.~~

~~(ii) Annually by December 1, the Legislative Council shall report the recommendations to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.~~

~~(C) Annually by December 15, the subcommittee and the Legislative Council shall report to the General Assembly any analysis or findings resulting from its activities regarding the Arkansas Health Insurance Marketplace that the subcommittee and the Legislative Council deem relevant;~~

[Act 113 of 2022] Employee Benefits Division Oversight Subcommittee. To this subcommittee shall be referred all matters pertaining to the State and Public School Life and Health Insurance Program, including:

(A)(i) New or significantly modified cost-containment measures

(ii) As used in subdivision 5.(a)(13)(A)(1), “cost-containment measure” means a process or practice of controlling and managing expenses of the program by reducing or limiting the amount of spending required to administer the program and remain within specific, preplanned budgetary constraints;

(B) Any change in plan options offered under the program for state employees or public school employees;

(C) Potential funding changes to the program;

(D) Any premium increases or decreases over the previous plan year;

(E) Any concern involving the reserve balance for state employees or public school employees;

(F) Changes to the four-year projections for the program;

(G) Changes that would limit, eliminate, or increase benefits of plan options offered under the program and the effect these changes would have on the fiscal viability of the program, including the reserve balance for state employees or public school employees;

(H) Changes that would limit, eliminate, or increase eligibility requirements for the program;

(I) Vendor issues or changes in vendors from the previous plan year;

(J) Proposed contracts or changes in contracts from the previous plan year;

(K) Any change in consultants from the previous plan year;

(L)(i) Rules promulgated by the State Board of Finance or by the Employee Benefits Division regarding the implementation, administration, or enforcement of the program.

(ii) Proposed rules submitted to the subcommittee under this section are not subject to approval by the subcommittee, but are submitted for review purposes only;

(M) Quarterly reports from the State Board of Finance and the Director of the Employee Benefits Division, as required by Act 113 of 2022;

(N) Other matters related to the State and Public School Life and Health Insurance Program that may be referred to the subcommittee or that the subcommittee considers necessary to perform its oversight of all matters related to the program; and

(O) In addition to the duties listed above, and in accordance with Act 113 of 2022, the Subcommittee, with the cooperation of the Director of the Employee Benefits Division, shall conduct a study regarding the viability and sustainability of a general diabetes management program for the State and Public School Life and Health Insurance Program to include:

(i) Evaluating possible general diabetes management programs for managing diabetes of members of the State and Public School Life and Health Insurance Program;

(ii) Developing recommendations for potential legislation for the 2025 Regular Session of the General Assembly that are necessary to implement a general diabetes management program for the State and Public School Life and Health Insurance Program; and

(iii) Submitting a report summarizing the results of the study to the Legislative Council no later than July 1, 2024.

(14) **Occupational Licensing Review Subcommittee.** To this subcommittee shall be referred:

(A) To conduct a periodic comprehensive review of all occupational authorizations and occupational entities;

(B) The responsibilities and duties set forth in Act 600 of 2019, the Red Tape Reduction Sunrise and Sunset Act of 2019; and

(C) Other matters related to occupational authorizations and occupational entities that may be assigned to the subcommittee; and

(15) **Medical Marijuana Advisory Subcommittee.** To this subcommittee shall be referred all matters related to Arkansas Constitution, Amendment 98, including:

(A) Licensing and operation of dispensaries and cultivation facilities;

(B) Registration and certification of cultivation facility agents and dispensary agents;

(C) Licensure of transporters, distributors, and processors;

(D) Registration and certification of transporter agents, distributor agents, and processor agents;

(E) Qualifying medical conditions for the medical use of marijuana;

(F) The taxation and distribution of medical marijuana proceeds;

(G)(i) Rules promulgated by one (1) or more of the following state agencies regarding the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98:

- (a) The Alcoholic Beverage Control Division;
- (b) The Department of Health;
- (c) The Medical Marijuana Commission; and
- (d) Any other state agency involved with the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98.

(ii) Proposed rules submitted to the subcommittee under this section are not subject to approval by the subcommittee, but are submitted for review purposes only;

(H) Review of proposed contracts of one (1) or more of the following state agencies in the amount of twenty-five thousand dollars (\$25,000) or more that relate to the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98:

- (i) The Alcoholic Beverage Control Division;
- (ii) The Department of Health;
- (iii) The Medical Marijuana Commission; and
- (iv) Any other state agency involved with the implementation, administration, or enforcement of Arkansas Constitution, Amendment 98;

(I) Other matters related to medical marijuana that may be referred to the subcommittee or that the subcommittee considers necessary to provide its advice.

(b) **Select Subcommittees.** The Co-Chairs of the Legislative Council may designate subcommittees to assist in the administration of the affairs of the Legislative Council and of the Bureau of Legislative Research, including but not limited to the following:

(1) **Executive Subcommittee.**

(A) This subcommittee shall consist of:

- (i) The House of Representatives Co-Chair;
- (ii) The Senate Co-Chair;
- (iii) The immediate past Co-Chairs of the Legislative Council; and
- (iv) Other members as prescribed by Arkansas Code § 10-3-303(f).

(B) The Co-Chairs of the Legislative Council shall serve as the Co-Chairs of the subcommittee.

(C) The subcommittee shall assist the House of Representatives Co-Chair and the Senate Co-Chair and the Director of the Bureau of Legislative Research in regard to:

- (i) The development of proposed policies governing the Legislative Council;

- (ii) Personnel policies and matters pertaining to the operation of the Bureau of Legislative Research;

- (iii) Review and offer instruction to the Bureau of Legislative Research with respect to requests received from members of the General Assembly for distribution of letters, documents, or other information to all members of the General Assembly and to other states;

- (iv) Review and approval of proposed emergency rules submitted by state agencies; and

- (v) Providing immediate action on reforms proposed by the Department of Human Services to meet its savings goals under the Medicaid provider-

led organized care plan, as required by Act 802 of 2017.

(D) The Director of the Bureau of Legislative Research shall report to and regularly seek the review and advice of the Executive Subcommittee as may be required by the subcommittee under Arkansas Code § 10-3-303.

(2) **Other Select Subcommittees.** The House of Representatives Co-Chair and Senate Co-Chair may from time to time with the approval of the Legislative Council name such other select subcommittees and define their duties as they deem necessary to assist in the internal operation and affairs of the Legislative Council and the Bureau of Legislative Research.

(c) **Other Subcommittees.** In addition to the standing and select subcommittees, other subcommittees may be created by the Legislative Council from time to time. Special subcommittees of the Legislative Council may be established only upon suspension of the Rules.

(d) **Subcommittee Membership.**

(1)(A) Unless otherwise stated in these rules, each of the subcommittees of the Legislative Council shall have sixteen (16) members, eight (8) Senate members and eight (8) House of Representatives members, in addition to the House of Representatives Co-Chair and the Senate Co-Chair and the House of Representative Co-Vice Chair and Senate Co-Vice Chair of the Legislative Council who shall serve as ex officio members of each subcommittee of the Legislative Council.

(B) The Legislative Council Co-Chairs may add additional members to any subcommittee of the Legislative Council during the initial selection of subcommittees for each biennium at their joint discretion.

(2) The Co-Chairs and Vice-Co Chairs of the Legislative Council as ex officio members of the Legislative Council subcommittees shall enjoy the same rights and privileges as other members of the subcommittees.

(3) The Senate members shall be appointed by the Senate Co-Chair of the Legislative Council and the House of Representatives members shall be appointed by the House of Representatives Co-Chair of the Legislative Council.

(e) **Alternate Members.**

(1) First alternate members shall have a vote in matters before the Legislative Council if the regular member which the first alternate represents is not in attendance.

(2) Second alternate members shall have a vote in matters before the Legislative Council if the regular member and the first alternate member which the second alternate represents are not in attendance.

(3) For purposes of these rules, a member or an alternate shall be considered to be “not in attendance” when he or she is determined by the chair to not be in the committee room at the time that the motion on which action is required is made.

(4) Alternate members of the Legislative Council shall have the same subcommittee assignments as regular members, but shall serve on the subcommittees only upon absence of regular members. However, an alternate member shall not serve as a chair or vice chair of the subcommittee except upon becoming a regular member. When it becomes apparent that a regular member of the Legislative Council will no longer be serving as a member of the Legislative Council, his or her alternate, upon becoming a regular member, may request new subcommittee assignments.

(f) **Temporary Ex Officio Non-Voting Members of Subcommittees.** Any regular member of the Legislative Council who introduces a proposal for study by the

Legislative Council shall be a non-voting ex officio member of the subcommittee to which the proposal is referred for study for purposes of that study only.

(g) Chairs of Subcommittees.

(1) No member shall serve as chair of more than one (1) standing subcommittee.

(2) The chairs of subcommittees of the Legislative Council, other than the Executive Subcommittee, shall serve at the pleasure of the Legislative Council Co-Chair of the house to which the subcommittee chair is a member.

(h) Meetings of Subcommittees.

(1) A Legislative Council subcommittee shall not meet during a regularly scheduled meeting of the Legislative Council.

(2)(A) All meetings of Legislative Council subcommittees should be scheduled during the week of a scheduled Legislative Council meeting.

(B) The Senate Co-Chair and the House of Representatives Co-Chair must give prior approval for a subcommittee of the Legislative Council to meet at a date outside the week of a scheduled Legislative Council meeting.

(C) Either chair of a subcommittee or a majority of the members of a subcommittee shall have the authority to call a subcommittee meeting if there is sufficient work to warrant the meeting, and the chair shall notify the Director of the Bureau of Legislative Research of the time of the subcommittee meeting in order to avoid conflicting dates in subcommittee meetings.

(3) Participation in discussion at Legislative Council subcommittee meetings shall be in the following priority:

(A) Members of the subcommittee;

(B) Alternate members of the subcommittee; and

(C)(i) Legislators who are not members of the subcommittee.

(ii) Legislators who are not members of the subcommittee may be allowed to participate in the discussion after all members and alternates have participated, if time allows, and if at that point it is the will of the co-chairs of the subcommittee.

(4) Motions shall only be recognized when made by members of the subcommittee or their alternates.

(i) Powers of Subcommittees.

(1) A subcommittee of the Legislative Council shall consider only those matters that have been duly referred to it by the Legislative Council.

(2)(A) A subcommittee shall not:

(i) Embark upon any study unless the study shall have been directed by the Legislative Council;

(ii) Make or undertake any investigation unless:

(a) The nature and purposes of the investigation have been filed in writing as a proposal in the manner provided in these rules; and

(b) The study has been approved at a regular meeting of the Legislative Council by a two-thirds (2/3) vote of the entire membership of the Legislative Council; or

(iii)(a) Incur any “special expenses” during the course of its business without the prior consent of the Senate Co-Chair and the House of Representatives Co-Chair of the Legislative Council.

(b) For purposes of this rule, “special expenses” means any expenses incurred beyond payment of mileage and per diem to members of the General Assembly for attendance at the subcommittee meeting, and includes without limitation witness fees, interpreter fees, and court reporter expenses.

(B)(i) If a subcommittee determines, during the course of any study referred to it that an investigation is necessary for the proper determination of the matter under study, the subcommittee shall, in writing, report the facts to the Legislative Council.

(ii) The report shall be filed with the Director of the Bureau of Legislative Research at least six (6) days in advance of the next regular meeting of the Legislative Council and placed on the agenda of the meeting.

(iii) If the Legislative Council approves the investigation by a two-thirds (2/3) vote of the entire membership, the investigation may be undertaken by the subcommittee within such limits as the Legislative Council may direct.

(j) Bypassing Subcommittee Review.

(1) All matters that fall under the jurisdiction of the Legislative Council subcommittees, as set forth in this Rule 5, shall be presented to the subcommittees rather than being brought directly to the Legislative Council.

(2)(A) In order for a matter usually referred to a Legislative Council subcommittee to receive direct review or approval by the Legislative Council, there must first be a vote to suspend the rules of the Legislative Council under Rule 17.(c). Upon passage of the motion to suspend the rules, the Legislative Council may hear the matter directly.

(B) This option shall only be exercised upon a showing that there is an imminent need for review or approval such that the matter cannot be delayed until the next regularly scheduled meeting of the appropriate subcommittee.

(k) **Planned Activities.** The Legislative Council and its subcommittees shall not participate in planned activities, as defined in Article 19, § 30 of the Arkansas Constitution.

6. Offices. The Legislative Council shall maintain offices in the State Capitol, but the House of Representatives Co-Chair and Senate Co-Chair may call any meeting at any other place.

7. Legislative Council Meetings.

(a) Regular meetings of the Legislative Council shall be held on the third Friday of each month, with the House of Representatives Co-Chair and Senate Co-Chair alternating the chair, unless otherwise agreed by the Co-Chairs.

(b) The Co-Chairs may cancel any regular meeting date upon six (6) days' notice to the members.

(c)(1) Special meetings may be called, at such additional times as may be deemed desirable, by the Co-Chairs upon six (6) days' notice thereof, upon vote by the Legislative Council at a meeting of the Legislative Council, or by written request of a majority of the members of the Legislative Council.

(2) Special meetings of the Legislative Council related to legislative oversight as set forth under Rule 5.(3)(D), regarding American Rescue Plan Act funds, and Rule 25, related to emergency declarations, may be called by the Co-Chairs with one (1) business

day's notice thereof.

(d) All meetings of the Legislative Council shall be open to the public except that executive sessions may be held as authorized by law.

8. Quorum and Action.

(a)(1) **Legislative Council Meeting.** A majority of the members of the Legislative Council, or their alternates, shall constitute a quorum for the transaction of all business. A quorum is the minimum number of members or alternates necessary to conduct business. As the number of members or alternates present exceeds the minimum for a quorum, the number present becomes the quorum, (e.g. If a majority of the members is 30, but 47 members are present, then 47 is the quorum.)

(2) Except as otherwise provided by these rules, an affirmative vote of a majority of the members present shall be required for any issue or matter. A majority of the members present, when the members present represent less than a quorum may not effectively take action.

(3)(A) Upon the request of any three (3) members of the Legislative Council, a separate vote of House of Representatives members and Senate members shall be taken on any issue or matter before the Legislative Council and, except as otherwise provided by these rules, approval of a majority of the members present when a quorum is present from the House of Representatives and a majority of the members present when a quorum is present from the Senate shall be required for the issue or matter.

(B) If the vote required to take action on a matter requires anything other than a majority of the members present, that amount required to take action will be the amount required for each house in a separate vote (e.g., Suspension of the rules requires an affirmative vote of two-thirds (2/3) of a quorum. In a separate vote of the houses, suspension of the rules would require an affirmative vote of two-thirds (2/3) of a quorum of the members of the House of Representatives and two-thirds (2/3) of a quorum of the members of the Senate.)

(C) A request for a separation of the vote may be combined with a request for a roll call.

(b) **Legislative Council Subcommittee Meeting.** A majority of the membership of a subcommittee of the Legislative Council shall constitute a quorum, and except as otherwise provided by these rules, an affirmative vote of a majority of the members present of a subcommittee of the Legislative Council shall be necessary for action on any matter. The Senate Co-Chair and Vice-Chair and the House of Representatives Co-Chair and Vice-Chair of the Legislative Council shall only be counted towards the membership number necessary for a quorum of the Subcommittee when present at the time that action is being taken by the Subcommittee.

9. Motions/Objections.

(a) **Motion to Reconsider.** A motion to reconsider a proposition that has been made and carried or lost shall only be made by a member who voted in the majority of the vote on the proposition. The vote on a proposition may once be reconsidered by a majority vote of the total membership of the Legislative Council, but once a vote has been taken to reconsider, a further motion to reconsider is not in order. A motion to reconsider shall only be taken up within the same meeting as the vote which is the subject of reconsideration.

(b) **Motion to Expunge.** The record on any action taken by the Legislative Council may be expunged by a two-thirds (2/3) vote of the total membership of the Legislative Council.

(c) **Second to Motions Required.** Action may only be taken by the Legislative Council after a motion and a second have been recognized by the Legislative Council Co-Chairs, the Co-Vice Chairs, or the Co-Chair designee.

(d) **Substitute Motions.** A substitute motion to a main motion may be made and shall be considered prior to consideration of the main motion. A substitute to the substitute motion shall be allowed and considered prior to consideration of the original substitute motion and the main motion. However, a substitute motion to the third degree shall never be permitted.

(e) **Objections.** An objection to consideration or to the Chair's ruling must be made immediately following the motion or ruling. It may be made when another has the floor but must be made before debate or voting has begun, and before any action has been taken.

10. Roll Call. A roll call shall be taken upon any question upon demand of three (3) members. A request for a roll call may be combined with a request for a separation of the vote between the members of the House of Representatives and the members of the Senate.

11. Agenda. On or before six (6) days prior to the date of any meeting of the Legislative Council, the Executive Secretary shall prepare and make available to each member of the Legislative Council the agenda or program to be considered at the meeting.

12. Proposals, Resolutions and Memorials.

(a) Matters of legislative and governmental interest may be brought to the attention of the Legislative Council in three (3) ways:

(1)(A) **Proposals.** Those matters that call for study and research by the Legislative Council or an interim committee should be submitted in the form of a proposal. Any member of the General Assembly may submit a proposal. Each proposal shall bear a descriptive title, and bear the name of the sponsor.

(B) Proposals must be filed with the Executive Secretary at least six (6) days before the meeting at which they are to be considered. New proposals shall not be accepted by the Legislative Council after the August meeting of the second year of the biennium.

(C)(i) Proposals shall be filed in or referred to the interim committee to which the subject matter of the proposal is germane. Identical proposals or substantially identical proposals shall be filed in or referred to only one (1) interim committee.

(ii) If identical or substantially identical proposals are filed in more than one (1) interim committee, the Policy-Making Subcommittee shall make the determination as to which interim committee the subject matter of the proposals is most germane. If the subject matter of the identical or substantially identical proposals can be considered germane to more than one interim committee, the interim committee that adopted the proposal first will retain the proposal.

(iii) The sponsor of each of the identical or substantially identical proposals shall be a non-voting ex officio member of the committee that retains the proposal for study under subdivision (a)(1)(C)(ii) of this section for the purposes of that study.

(2)(A) **Resolutions.** Those matters that call for the consensus of the Legislative Council on a particular subject or that urge an official or body such as the United States Congress to take or not take certain actions or adopt a certain policy, should be submitted in the form of resolutions and may be submitted by any member of the General Assembly.

(B) Resolutions must be filed at least six (6) days in advance of the meeting at which they are to be considered.

(3) **Memorials.** Memorials that pay tribute to the memory of a deceased person may be submitted to the Legislative Council by any member of the General Assembly at any time without prior approval.

(b)(1) Under the heading "New Business" in the Order of Business, Rule 3, announcements may be made, and any member of the Legislative Council shall be privileged to bring up for discussion routine matters or proposals for future consideration or action.

(2) The matters, however, shall be regarded as suggestions only, and must be brought within the requirements of this Rule 12 requiring proposals, resolutions, and memorials to be reduced to writing and presented formally before final consideration.

13. Study and Report.

(a) Each study proposal referred to the Legislative Council by the General Assembly, or on request of a member or members of the General Assembly, and each study undertaken by the Legislative Council on its own motion, shall be the subject of such research and recommendation as the Legislative Council may determine.

(b) The House of Representatives Co-Chair and the Senate Co-Chair, or the Legislative Council, shall refer study proposals to the appropriate joint interim committee or the appropriate standing Legislative Council subcommittee in accordance with Arkansas Code § 10-3-313(b)(1)(B) whenever a committee or subcommittee study is deemed appropriate.

(c) The Bureau of Legislative Research shall compile the information and prepare drafts of proposed legislation in connection with each study as may be directed by the Legislative Council or appropriate interim committee or the Legislative Council subcommittee to which the study was referred.

(d)(1) Each Legislative Council subcommittee shall consider each matter referred to it and shall report to the Legislative Council with respect thereto at the earliest possible date.

(2) The Legislative Council shall report the findings and recommendations to the General Assembly in connection with each matter submitted to it for study as the Legislative Council may determine to be informative and advisory to the General Assembly.

(e) Whenever any member of the General Assembly, who is not a regular member of the Legislative Council, presents a study proposal to the Legislative Council, the member of the General Assembly shall be privileged to appear before the Legislative Council on one (1) occasion and explain the purpose of the study, and shall be entitled to draw per

diem and mileage therefor at the same rate as authorized by law for regular Legislative Council members.

14. Reports by the Bureau of Legislative Research.

(a) Reports by the Bureau of Legislative Research shall be impartial and comprehensive, and shall set out clearly such relevant information as may be useful to the interim committees, the Legislative Council and the General Assembly on each proposal studied.

(b) A copy of each report made by the Bureau of Legislative Research shall, upon completion, be made available to members of the General Assembly, the governor, and other persons as may be designated by the Legislative Council, upon their request therefor.

15. Legislative Institute. During the fall preceding each regular session of the General Assembly, the Legislative Council, together with the Senate, the House of Representatives, and the Legislative Joint Auditing Committee, shall sponsor and conduct a Legislative Institute for the purpose of:

- (a) Training new members in parliamentary procedure and bill drafting techniques;
- (b) Acquainting them with the work of the Legislative Council and the Bureau of Legislative Research, the Legislative Joint Auditing Committee and its staff, and other agencies established to assist legislators; and
- (c) Other related matters.

16. Emergency Action.

(a) **State Agency Request for Emergency Action.** Whenever a matter that requires Legislative Council review, approval, or advice is filed with the Legislative Council office for consideration at the next regular meeting of the Legislative Council, or the subcommittee to which the matter is normally referred, and either the Chief Fiscal Officer of the State, the Secretary of the Department of Transformation and Shared Services, or the Director of the Department of Higher Education states, in writing, that the matter requires immediate action, the Co-Chairs of the Legislative Council may institute "Emergency Action Procedures" for the consideration of the matter, if they determine that it is in the best interest of the agency or institution of higher education, or that immediate action is essential to enable the agency or institution of higher education to perform essential services.

(b) **Executive Subcommittee Request for Emergency Action.** Whenever a matter is decided by the Executive Subcommittee of the Legislative Council that requires final review or approval of the Legislative Council, and it is determined by the members of the Executive Subcommittee that the matter requires immediate action, the Co-Chairs of the Legislative Council may institute "Emergency Action Procedures" for the consideration of the matter, if they determine that delaying the matter until the next regularly scheduled meeting of the Legislative Council would be detrimental to the entity(ies) involved in the matter being decided.

(c) "Emergency Action Procedures" shall consist of:

(1) The Co-Chairs of the Legislative Council determining that there is sufficient justification to consider the matter by Emergency Action Procedures;

(2)(A) Consideration of the matter by the Co-Chairs of the Legislative Council, and the co-chairs of the subcommittee to which the matter is normally presented for review.

(B) If one (1) or more of the Co-chairs of the Legislative Council or the co-chairs of the subcommittee recuse from the emergency action or are otherwise unavailable to be consulted regarding the emergency action, the recused or unavailable co-chair's corresponding vice-chair shall act in the co-chair's place regarding the request for emergency action; and

(3) The co-chairs of the affected subcommittee and the Co-Chairs of the Legislative Council are unanimous in their evaluation that emergency review, approval, or advice is advisable, then the House of Representatives Co-Chair and Senate Co-Chair may act on behalf of the Legislative Council in regard thereto.

(d) All matters considered under the emergency procedures shall be reported in writing to the Legislative Council at its next regular meeting.

17. Legislative Council Rules.

(a) The rules of the Legislative Council may be adopted by an affirmative separate vote of a majority of the members of the House of Representatives and a majority of the members of the Senate.

(b) The rules of the Legislative Council may be amended by an affirmative separate vote of two-thirds (2/3) of the members of the House of Representatives and two-thirds (2/3) of the members of the Senate. Amendments to the rules may be made after six (6) days' written notice of intent thereof.

(c) The rules of the Legislative Council may be suspended by an affirmative vote of two-thirds (2/3) of a quorum, or, if a separate vote is requested, affirmative vote of two-thirds (2/3) of a quorum of the members of the House of Representatives and two-thirds (2/3) of a quorum of the members of the Senate.

(d) Unless suspended or amended, or changed by law, these rules shall continue in full force and effect as the temporary rules for the Legislative Council during the future successive biennial periods until permanent rules have been adopted by the Legislative Council.

18. Subpoena Powers.

(a)(1) The subpoena powers of the Legislative Council shall be exercised only upon the two-thirds (2/3) vote of the entire membership of the Legislative Council at a regular meeting, after notice shall have been given in writing to all Legislative Council members setting forth the purpose or purposes for which the subpoena powers are to be used.

(2) The notice shall include the names of all persons to be subpoenaed and the description of all books, documents, or records to be subpoenaed.

(b) All hearings at which witnesses or documents, books and records are subpoenaed shall be held before the entire membership of the Legislative Council.

(c) No subcommittee of the Legislative Council shall have the authority to issue subpoenas.

19. Expenses of Legislative Council Co-Chairs and Legislative Council Members and Alternates.

(a) The Co-Chairs of the Legislative Council, or any designated appointee, shall be

authorized to draw per diem and mileage for any meetings attended concerning Legislative Council business.

(b)(1) The Co-Chairs of the Legislative Council are authorized to designate regular members of the Legislative Council to attend regional or national meetings.

(2) The travel authorization is also subject to approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, in accordance with Arkansas Code § 10-2-224(b)(2)(B).

(3) The members shall be reimbursed only for their reasonable and necessary transportation, meals, lodging and other expenses incurred in attending the meetings.

(c) Alternate members of the Legislative Council shall not be designated to attend the meetings and receive reimbursement for expenses in connection therewith, except upon approval of the Legislative Council.

(d) In no event may members of the General Assembly who are not members or alternates of the Legislative Council be designated to attend the conferences and receive reimbursement for expenses therefor from Legislative Council funds.

20. Staff Services and Special Procedures for Joint Interim Committees.

(a)(1) The Bureau of Legislative Research shall make available staff assistance from its various divisions to assist the interim committees and members thereof in the performance of their respective legislative duties.

(2) In order to provide for the equitable distribution of staff time and services among the interim committees, the Director of the Bureau of Legislative Research may, from time to time, submit reports to the Legislative Council of the workload of the staff, the requests received from each of the interim committees, and the ability to adequately furnish the services requested.

(b)(1) In the event an interim committee desires to seek a grant of federal or private funds for a special study project, or to obtain the services of staff assistance not available through the Bureau of Legislative Research, the interim committee shall submit a request, in writing, to the Legislative Council outlining:

- (A) The need and sources of the funds;
- (B) The projects for which the funds will be used;
- (C) The staff positions that will need to be created;
- (D) The maximum annual salary rate for each position; and
- (E) Other pertinent information.

(2) If the Legislative Council determines that the funds and services are not available through the Bureau of Legislative Research, or other funds available to the Legislative Council, the Legislative Council may authorize:

(A) The House of Representatives Co-Chair and Senate Co-Chair of the Legislative Council, or the Director of the Bureau of Legislative Research, to submit a request for the funds, to be administered by the Bureau of Legislative Research; or

(B) The Co-Chairs of the interim committee to make the application for the federal or private grant to be administered with procedures outlined in the request submitted by the interim committee and approved by the Legislative Council, and in accordance with the appropriate fiscal laws and procedures of the state.

(c) No interim committee shall make an application for, or receive a grant of funds, from a private person, company, firm, corporation, or other organization without first obtaining the approval of the Legislative Council.

21. Preession Budget Hearing Special Rules. The Legislative Council and the members of the Joint Budget Committee shall, at the beginning of the biennial preession budget hearings, which shall commence after the October 1 preceding the next regular session of the General Assembly, in accordance with Arkansas Code § 10-3-507(a), adopt appropriate special budget hearing rules.

22. Review and Approval of State Agency Rules. In accordance with Arkansas Code § 10-3-309, the following procedures shall apply with regard to review and approval of state agency rules:

(a) As used in these rules:

(1)(A) “Rule” means a state agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice of a state agency and includes without limitation the amendment or repeal of a prior rule.

(B) “Rule” does not mean:

(i) A statement that concerns the internal management of a state agency and that does not affect the private rights or procedures available to the public;

(ii) A declaratory order or ruling issued under § 25-15-206 or other provision of law applicable to the state agency issuing the declaratory order or ruling; or

(iii) Intraagency memoranda; and

(2)(A) “State agency” means an office, board, commission, department, council, bureau, or other agency of state government having authority to promulgate or enforce rules.

(B) “State agency” does not include the following:

(i) The Arkansas State Game and Fish Commission, if the rule is not promulgated under the authority of a statute enacted by the General Assembly;

(ii) The State Highway Commission and the Arkansas State Highway and Transportation Department, if the rule is not promulgated under authority of a statute enacted by the General Assembly; and

(iii) An institution of higher education.

(b) A state agency shall file a proposed rule with the Legislative Council at least thirty (30) days before the expiration of the period for public comment on the rule under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or other laws or policies pertaining to the rulemaking authority of that state agency.

(c) The Legislative Council shall refer all proposed rules filed by a state agency to the Administrative Rules Subcommittee.

(d) **Review and Approval of Rules by the Administrative Rules Subcommittee.** The Administrative Rules Subcommittee (the “Subcommittee”) shall conduct its review of state agency rules and report its actions to the full Legislative Council for final approval.

(e) **Review and Approval of Rules by the Legislative Council.**

(1) The Legislative Council shall conduct its approval of rules reviewed and approved by the Administrative Rules Subcommittee in the following manner:

(A) A proposed rule approved by the Administrative Rules Subcommittee shall be considered approved by the Legislative Council upon adoption by the Legislative Council of the Subcommittee’s report in which the rule is contained.

(B)(i) If a proposed rule is considered separately from the Subcommittee's report, upon conclusion of its review by the Legislative Council, the chair shall state, "Without objection, this rule is considered reviewed and approved."

(ii) A majority of a quorum present of the Legislative Council may request a vote regarding approval of a specific proposed rule contained in the report of the Subcommittee. If the Legislative Council votes on the issue of approving the proposed rule, the proposed rule shall be approved unless a majority of a quorum present vote for the proposed rule to not be approved.

(iii)(a) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(b) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or with legislative intent.

(c) If a rule contains a fee or penalty promulgated in accordance with Arkansas Code § 25-15-105, the Legislative Council may choose not to approve the rule for any reason, and is not required to state the grounds for not approving.

(C)(i) If enacted legislation requires or results in more than one (1) state agency adopting, amending, or repealing rules on a similar subject matter:

(a) A state agency or a member of the General Assembly may request that all proposed rules filed with the Legislative Council regarding the enacted legislation be grouped together and considered as a single group;

(b) A request to group the proposed rules shall be submitted in writing to the chairs of the Legislative Council at least one (1) business day prior to the meeting of the Legislative Council at which the rules will be considered; and

(c) Approval of a request to group proposed rules shall be by affirmative vote of a majority of the members present when a quorum is present.

(ii) If the proposed rules are grouped together under subdivision (e)(1)(C)(i) of this section for review, the Legislative Council may:

(a) Separate the proposed rules at the request of a member of the General Assembly or one (1) of the state agencies that promulgated the proposed rules;

(b) Elect to consider one (1) or more of the proposed rules separated from the group.

(2)(A) A proposed rule submitted by the State Board of Health under Arkansas Code § 20-7-604(d)(2)(D), concerning exemptions from the requirements of the Prescription Drug Monitoring Program, shall be considered reviewed and approved by the Legislative Council upon an affirmative vote of three-fourths (3/4) of the members present when a quorum is present, and shall be considered separately from other rules reported to the Legislative Council by the Administrative Rules Subcommittee.

(B) When considering review and approval of a proposed rule under subdivision (e)(2) of this section, grounds for not approving the rule are not required to be stated.

(f) **Review and Approval of Emergency Rules.** The following procedures apply with regard to the review and approval of proposed emergency rules:

(1) A state agency shall file a proposed emergency rule with the Executive Subcommittee of the Legislative Council.

(2) A proposed emergency rule may be considered reviewed and approved by the Executive Subcommittee in one of two ways:

(A)(i) The proposed emergency rule is reviewed and approved at a meeting of the Executive Subcommittee.

(ii) Upon conclusion of the Executive Subcommittee's review of the proposed emergency rule, the rule shall be considered approved unless a majority of a quorum present request a vote regarding approval of the proposed emergency rule. If the Executive Subcommittee votes on the issue of approval, the proposed emergency rule shall be approved unless a majority of a quorum present vote for the proposed emergency rule not to be approved.

(iii)(a) At the time that the motion is made to vote regarding approval, the member making the motion shall state the grounds upon which approval should be denied.

(b) The only viable grounds for not approving a rule shall be if the rule is found to be inconsistent with state or federal law or legislative intent.

(c) If an emergency rule contains a fee or penalty promulgated in accordance with Arkansas Code § 25-15-105, the Legislative Council may choose not to approve the rule for any reason, and is not required to state the grounds for not approving.

(B) A majority or more of the members of the Executive Subcommittee approve the proposed emergency rule in writing.

(3) Except for emergency rules adopted under Arkansas Code § 5-64-201, regarding the addition, deletion, or rescheduling of controlled substances and gamma-hydroxybutyrates and its known precursors and analogs by the Director of the Department of Health:

(A) If possible, a proposed emergency rule shall be sent electronically to the members of the Legislative Council at least one (1) business day before the Executive Subcommittee considers the emergency rule for review and approval.

(B) Either chair of the Legislative Council or a majority of the members of Legislative Council may call a meeting to be held within one (1) business day after review and approval by the Executive Subcommittee of the emergency rule to request reconsideration of the emergency rule by the Executive Subcommittee.

(4) A proposed emergency rule approved by the Executive Subcommittee shall be reported to the Administrative Rules Subcommittee and to the Legislative Council.

23. Expenditure of Legislative Council Funds.

(a)(1) **Special Expenses.** Any expenditure of Legislative Council funds for special expenses by a committee or task force of the General Assembly shall require an affirmative vote of a majority of the committee or task force wishing to expend the funds prior to expenditure of the funds.

(2)(A) For purposes of this rule, "special expenses" means any expenses incurred other than payment of mileage and per diem to members of the General Assembly for attendance at the meeting of the committee or task force, and includes without limitation witness fees, interpreter fees, and court reporter expenses.

(B) "Special expenses" does not include expenditure of funds in relation to the hiring of a consultant.

(3) Any committee or task force voting to incur special expenses shall provide monthly reports to the Policy-Making Subcommittee of the Legislative Council regarding authorization and payment of the special expenses.

(b)(1) **Consultant Contracts.** Upon completing its process for selecting a consultant, a subcommittee of the Legislative Council or committee or task force of the General Assembly, desiring to hire a consultant to assist with a study of the subcommittee, committee, or task force, shall authorize the Bureau of Legislative Research to enter the contract with the chosen consultant and recommend approval of the contract to the Policy-Making Subcommittee of the Legislative Council during the interim, or the Executive Subcommittee of Legislative Council during a legislative session, by an affirmative vote of a majority of the members of the subcommittee, committee, or task force.

(2) The Policy-Making Subcommittee, or the Executive Subcommittee if during a legislative session, shall conduct a review of the proposed contract and make a recommendation to the Legislative Council regarding authorization of the Bureau of Legislative Research to enter the contract.

(3) Upon approval of the contract by the Legislative Council, the Bureau of Legislative Research may execute the approved contract and the selected consultant may begin work for the subcommittee, committee, or task force.

24. Records, Reports, and Other Documents of the Legislative Council. Pursuant to Arkansas Code § 10-3-305(b), the Legislative Council may determine that certain records, reports, and other matters that come before it or that are held in the office of the Director of the Bureau of Legislative Research are privileged. As such, the Legislative Council determines that exemptions from disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., and under Arkansas Code § 10-2-129 apply to documents held in the office of the Director of the Bureau of Legislative Research.

25. Emergency Declarations – Legislative Council Oversight.

(a) Unanticipated Federal Funds.

(1)(A) If the State of Arkansas receives unanticipated discretionary federal funds from the United States Government for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health, the Legislative Council may request that the Chief Fiscal Officer of the State submit a detailed plan for the distribution and use of the unanticipated discretionary federal funds before actual expenditures or obligations related to the funds are incurred.

(B) A request by the Legislative Council to the Chief Fiscal Officer under subdivision 25.(a)(1)(A) of this rule may only be made upon an affirmative vote of a majority of the members present when a quorum is present.

(2)(A) The Legislative Council shall meet to review the plan submitted by the Chief Fiscal Officer within thirty (30) calendar days of submission of the plan.

(B) If the Legislative Council does not take up the review of the plan submitted by the Chief Fiscal Officer within thirty (30) calendar days of its submission, the Legislative Council shall be considered to have approved the plan.

(3) Except as provided in subdivision 25.(a)(2)(B) of this rule, the funds shall not be distributed, expended, or otherwise obligated unless the plan is approved by the Legislative Council.

(b) Request for Renewal of a Statewide State of Disaster Emergency Related to Public Health.

(1) If the Governor desires to renew a statewide state of disaster emergency related to public health, pursuant to Arkansas Code § 12-75-107(g)(3), he or she shall submit a written statement to the Legislative Council at least ten (10) days prior to the date on which the emergency will expire. The statement shall include without limitation:

(A) The number of days that the emergency will continue, not to exceed sixty (60) days; and

(B) The rationale for continuing the emergency.

(2) Upon receipt of the Governor's written statement, the Legislative Council shall meet prior to the expiration of the emergency to consider the request to renew the emergency.

(3) The emergency shall be renewed unless, by a majority vote of a quorum present, the Legislative Council votes to deny the Governor's request for renewal.

(4) If the Governor's request to renew is not denied by the Legislative Council, the emergency shall be renewed for the number of days specified in the Governor's written statement.

(5) The duties of the Legislative Council under subsection 25.(b) of this rule shall not be delegated to a subcommittee of the Legislative Council.

(6) The Legislative Council may meet at any time to perform its duties under this subsection 25.(b), including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.

(c) Executive Orders and Proclamations.

(1) Issuance of Executive Orders and Proclamations.

(A) An executive order or proclamation issued by the Governor to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health shall be submitted to the Legislative Council for review.

(B) Except as set forth in subdivision 25.(c)(2)-(3) of this rule, once issued, the executive order or proclamation shall be in effect for the remaining duration of the emergency to which it is related.

(2) Request for Renewal.

(A)(i) If the Governor seeks to renew a statewide state of disaster emergency related to public health, under subdivision 25.(b)(2) of this rule, he or she may also submit a request to the Legislative Council for the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health.

(ii) If the Governor requests renewal of more than one (1) executive order or proclamation, the Legislative Council may consider each executive order or proclamation individually.

(B) If the Legislative Council does not deny the Governor's request to renew the executive order or proclamation by a majority vote of a quorum present prior to the expiration of the emergency to which the executive order or proclamation is related, the executive order or proclamation shall be renewed for the same time period as the emergency.

(3) Executive Orders or Proclamations Issued after Renewal of a Statewide State of Disaster Emergency Related to Public Health.

(A) If the Governor issues an executive order or proclamation related to a statewide state of disaster emergency related to public health after the emergency has been renewed, the executive order or proclamation shall become effective immediately upon its issuance by the Governor and shall remain in effect unless the Legislative Council, by a majority vote of a quorum present, votes to terminate the executive order or proclamation.

(B) If the Legislative Council does not terminate the executive order or proclamation, it shall expire when the emergency expires or is terminated.

(4) The duties of the Legislative Council under this subsection 25.(c) shall not be delegated to a subcommittee of the Legislative Council.

(5) The Legislative Council may meet at any time to perform its duties under this subsection 25.(c), including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.

(d) Directives of the State Board of Health.

(1) Initial Issuance of Directives.

(A) If the State Board of Health or its designee issues one (1) or more directives imposing restrictions upon individuals, commerce, or travel to prevent the introduction of infectious, contagious, and communicable disease into the state or from one place to another within the state, the directive shall be subject to review and termination by the Executive Subcommittee.

(B) A directive issued pursuant to Arkansas Code § 20-7-110(c), shall:

(i) Not continue for longer than thirty (30) days unless renewed under subdivision 25.(d)(2) of this section;

(ii) Become effective immediately upon its issuance by the board or its designee;

(iii) Be drafted in a manner that allows for the Executive Subcommittee to vote upon each directive separately; and

(iv) Remain in effect unless a majority of a quorum of the Executive Subcommittee votes to terminate the directive.

(C) The Executive Subcommittee shall meet to consider termination of a directive within four (4) business days of its issuance.

(D)(i) If the Executive Subcommittee, by a majority vote of a quorum present, does not terminate the directive, it shall continue for the number of days specified by the board or its designee.

(ii) If the Executive Subcommittee votes to terminate the directive, it shall be terminated immediately.

(2) Request for Renewal.

(A) If the State Board of Health or its designee desires to renew a directive imposing restrictions upon individuals, commerce, or travel to prevent the introduction of infectious, contagious, and communicable disease into the state or from one place to another within the state, it shall submit a written statement to the Legislative Council at least ten (10) days prior to the date on which the directive will expire that includes without limitation the following information:

(i) The number of days that the directive will continue, not to exceed thirty (30) days; and

(ii) The rationale for continuing the directive.

(B) Upon receipt of the written statement, the Legislative Council may

consider renewal of the directive at any time prior to the expiration of the directive.

(C)(i) The directive shall be renewed unless the Legislative Council, by a majority vote of a quorum present, denies the request to renew the directive.

(ii) If the Legislative Council does not deny the request to renew the directive, it shall be renewed for the number of days specified by the board or its designee in the written statement.

(D) The duties of the Legislative Council under subdivision 25.(d)(2) of this rule shall not be delegated to a subcommittee.

(4) The Legislative Council may meet at any time to perform its duties under this subdivision 25.(d), including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.

(e) COVID-19 Vaccine Mandates.

(1)(A) **Vaccination Mandate for State-Owned or State-Controlled Medical Facility.** If a state-owned or state-controlled medical facility desires to mandate or require an individual to receive a vaccine or immunization for COVID-19, the state-owned or state-controlled medical facility shall request prior approval of the Legislative Council.

(B) Approval shall be by an affirmative vote of a majority of the members present when a quorum is present.

(C) This subsection shall expire two (2) years from the date that the United States Food and Drug Administration approves the immunization or vaccine for coronavirus 2019 (COVID-19).

(2) Conditional Mandate for Vaccination of Children.

(A) If a variant of COVID-19 occurs and mutates to be a more virulent strain that impacts children within two (2) years from the date that the United States Food and Drug Administration approved the immunization or vaccination for COVID-19, then the Secretary of the Department of Health and the Governor shall request a meeting within two (2) weeks of the discovery of the virulent strain of the Senate and House Committees on Public Health, Welfare, and Labor.

(B) The Senate and House Committees on Public Health, Welfare, and Labor shall provide a recommendation regarding vaccination of children to the Legislative Council for approval, which may include:

(i) A limited suspension of the laws under Act 977 of 2021 for students and school staff; or

(ii) A complete suspension of the laws under Act 977 of 2021.

(C) Approval of the recommendation shall be by an affirmative vote of a majority of the members present when a quorum is present.

26. Review of Presidential Executive Orders.

(a) During the interim between legislative sessions, a member of the General Assembly may submit a request in writing to the co-chairs of the Legislative Council requesting that the Legislative Council meet to review an executive order issued by the President of the United States that has not been affirmed by a vote of the United States Congress and signed into law as prescribed by the United States Constitution.

(b)(1) Upon receipt of such written request, the Legislative Council shall refer the executive order that is the subject of the request for review to the appropriate standing committees of the General Assembly that would address the subject matter of the

executive order under review.

(2) The standing committees to which the executive order is referred, meeting jointly, may request that the Attorney General review the presidential executive order and prepare an opinion for the standing committees.

(3) The standing committees to which the executive order is referred, meeting jointly, shall make a recommendation to the Legislative Council, including:

(A) Whether state resources and personnel are required to implement the presidential executive order; and

(B) Identifying other action deemed necessary to protect the General Assembly's and the state's interests in litigation regarding the presidential executive order.

(c)(1) Following receipt of the recommendation from the standing committees, the Legislative Council shall meet to:

(A) Discuss the report of the standing committees; and

(B) Determine:

(i) Whether state resources and personnel are required to implement the presidential order;

(ii) Whether the presidential executive order is unconstitutional; and

(iii) Whether to take other action deemed necessary to protect the General Assembly's and the state's interests in litigation regarding the presidential executive order, including without limitation, reporting the Legislative Council's determination to the Governor.

(2) All determinations of action shall be by affirmative action of a majority of the members present when a quorum is present.

(d) Notwithstanding any other provision of law, the state, a political subdivision of the state, or any entity that receives an appropriation of funds from the General Assembly shall not implement a presidential executive order using state resources if:

(1) The Legislative Council issues a determination that the presidential executive order restricts a person's rights and relates to:

(A) Pandemics or other health emergencies;

(B) The regulation of natural resources, including coal and oil;

(C) The regulation of the agriculture industry;

(D) The use of land;

(E) The regulation of the financial sector as it relates to environmental, social, or governance standards; or

(F) The regulation of the constitutional right to bear arms;

(2) The Legislative Council affirmatively votes to report the determination to the Governor; and

(3) The Governor directs the state, the political subdivision, or the entity that receives an appropriation of funds from the General Assembly to not implement the presidential executive order.

27. Application of Rules to Subcommittees. The Rules of the Legislative Council, as set forth herein, shall apply to the proceedings of the Subcommittees of the Legislative Council and shall control over any rules adopted by a Subcommittee that may conflict with these rules.

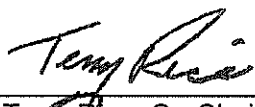
**Arkansas Legislative Council Report
For Emergency Review of
Employment of Outside Legal Counsel
March 8, 2022**

On March 8, 2022, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, were notified of a request for emergency action for the approval of an agreement to retain outside legal counsel services between the Bureau of Legislative Research and Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C., related to compliance with federal subpoenas issued in the matter of *Dylan Brandt, et al. v. Leslie Rutledge, et al.*, Case No. 4:21-CV-00450-JM, in the United States District Court of the Eastern District of Arkansas. Expedited approval of the agreement was required due to pending legal deadlines in this matter which will pass prior to the next meeting of the Legislative Council.

Under Rule 16 of the Rules of the Arkansas Legislative Council, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, have determined that emergency review and approval of the legal services agreement between the Bureau of Legislative Research and Mitchell Williams is necessary in order to meet the upcoming legal deadlines.

This action is taken by the Co-Chairs on behalf of the Legislative Council and shall be reported to the Legislative Council at its next regularly scheduled meeting, in accordance with Rule 16. A copy of the agreement is attached hereto.

Respectfully Submitted,



Senator Terry Rice, Co-Chair
Arkansas Legislative Council



Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council

MITCHELL WILLIAMS

H. MAURICE MITCHELL
(1925-2011)
WILLIAM H.L. WOODYARD, III
(1945-2014)

MICHELE ALLGOOD
JOHN K. BAKER
MELISSA BANDY¹
TRAV BAXTER
WADE BOWEN
JOHN S. BRYANT
C. DOUGLAS BUFORD, JR.
BURNIE BURNER²
CHARLES B. CLIETT, JR.³
CRAIG R. COCKRELL
KEN COOK
COURTNEY C. CROUCH, III
DOAK FOSTER⁴
KAREN P. FREEMAN
LANA L. FREEMAN²
ASHLEY L. GILL
JILL R. GRIMSLEY⁵
HAROLD W. HAMLIN
MEGAN D. HARGRAVES

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CELINA J. BANWARTH
DEVIN R. BATES
KATIE W. BRANSCUM
MATTHEW L. BRUNSON
CARA D. BUTLER
HANNAH E. BUTLER
NATHAN COULTER
COLT D. GALLOWAY
¹²JOSHUA HALLENBECK
PEYTON HILDEBRAND
SAVANNAH JOHNSTON
JACOB McELROY
JONATHAN K. NICHOLS
AUSTIN REED
ANNA N-W REGNIER
MADHAV SHROFF
DAVID B. BINGHAM

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ASHLEY EDWARDS
MORRIS H. HARRIMAN, JR.
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¹⁴AMANDA O. ORCUTT
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OF COUNSEL
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BYRON FREELAND
¹⁹ALLAN GATES
JOSEPH W. GELZINE
KATHLYN GRAVES
²⁰HERMANN IVESTER
M. SAMUEL JONES, III
WALTER E. MAY
JOHN S. SELO
RICHARD A. WILLIAMS

¹ ADMITTED IN TEXAS AND ARKANSAS

² ADMITTED ONLY IN TEXAS

³ ADMITTED IN ARIZONA, TEXAS AND ARKANSAS

⁴ ADMITTED IN DISTRICT OF COLUMBIA AND ARKANSAS

⁵ ADMITTED IN OKLAHOMA, MISSOURI AND ARKANSAS

⁶ ADMITTED IN COLORADO AND ARKANSAS

⁷ ADMITTED IN GEORGIA AND TEXAS

⁸ ADMITTED IN NEW JERSEY AND ARKANSAS

⁹ ADMITTED IN CALIFORNIA, FLORIDA, ILLINOIS, AND ARKANSAS

¹⁰ ADMITTED IN WYOMING AND ARKANSAS

¹¹ ADMITTED IN ALABAMA AND TEXAS

¹² ADMITTED IN THE U.S. PATENT AND TRADEMARK OFFICE AND ARKANSAS

¹³ ADMITTED IN MASSACHUSETTS AND ARKANSAS

ALL OTHERS ADMITTED ONLY IN ARKANSAS

March 7, 2022

Via Electronic Mail to garritym@blr.arkansas.gov

Senator Alan Clark
Representative Mary Bentley
Representative Robin Lundstrum
Representative Marcus Richmond
Representative Jim Wooten

c/o Bureau of Legislative Research
Attn: Marty Garrity, Director
500 Woodlane, Room 315
Little Rock, AR 72201

Re: Representation Agreement

Dear Senator Clark, Representative Bentley, Representative Lundstrum, Representative Richmond, and Representative Wooten:

You have requested the law firm of Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. (the "Firm") to represent you with regard to complying with Judge James M. Moody, Jr.'s February 28, 2022 order requiring that you produce a privilege log with the court within 10 days of said order, and to assist with regard to your production of nonprivileged documents responsive to the subpoenas served upon you (the "Representation").

It is our policy to write clients a letter at the commencement of the Representation outlining the scope of services we anticipate performing, advising who in the Firm will handle the

Representation and the financial basis of the Representation. This letter covers those matters, as well as others of importance to you. If this letter correctly reflects your understanding of the nature and extent of the Representation, please so indicate on the acceptance portion of the letter which follows my signature.

I will have primary responsibility of the Representation and will be assisted by my partner Graham Talley. We will add personnel, including associates, to assist us as necessary during the Representation.

Fees

Our fees are based on the criteria considered as a guide in determining the reasonableness of a fee as specified in the Model Rules of Professional Conduct as adopted by the Arkansas Supreme Court. These criteria include the time and labor required for the tasks performed; the difficulty, novelty or complexity of the problem presented; the skill required to perform the tasks in a professional manner; the time constraints imposed by the client or the nature of the matter; the amounts involved and the results obtained for the client; and the experience, reputation and ability of the lawyer or lawyers performing the services. Our customary method of determining fees in the absence of special circumstances described in those criteria is to bill clients on an hourly billing rate basis.

The Firm has established for each of its lawyers and paralegals hourly billing rates. Our hourly rate for lawyers currently ranges from \$175.00 per hour to \$700.00 per hour. The hourly rate for services of our paralegals is between \$65.00 and \$125.00. These rates are periodically re-evaluated at least annually and are subject to adjustment. For this project my hourly rate is \$375.00, Graham's hourly rate is \$295.00, and the remaining personnel we assign to our document review team will be at the hourly rate of \$225.00. We strive to provide services at the lowest practical rate level. The time expended necessary to perform the legal services described above is the basis for determining our fees in the Representation.

In addition to fees for legal services, the Firm's statements will Firm statements will include reimbursement for various out-of-pocket costs such as filing fees, depositions, long distance telephone calls, digital impressions, and travel expenses. Whenever feasible, these costs will be billed directly to you rather than through the Firm. A copy of the Firm's Policy on Fees, Disbursements and Billing Arrangements is enclosed.

The Bureau of Legislative Research will be billed directly for this legal work. Should the Bureau of Legislative Research fail to pay for some or all of the billed work, we reserve the right to bill it *pro rata* to the five of you. We will bill monthly for legal fees and costs and send the Bureau of Legislative Research an invoice for that amount. Our statements are due and payable within fifteen days of receipt. If a statement is not paid within thirty days, we may request the Bureau of Legislative Research or each of you to sign a promissory note bearing interest at the rate of 10% per annum, due either on demand or at such other time as we may agree. Repeated

failure to pay statements may require the Firm to seek to withdraw from the Representation. In such event, you will be notified in advance of the filing of our petition for withdrawal.

Conflicts of Interest

Because we are representing all of you as a group with regard to identical subpoenas whose searches for responsive documents are based upon identical keywords, we are treating this Representation as a joint representation, even though we anticipate that your privilege log and subpoena productions will be separately made. We recognize that relevant documents may involve communications between some or all of you. There are advantages and disadvantages to the joint representation of multiple clients in the same matter. The primary advantage of joint representation of multiple clients arises out of the ease of coordinating legal positions and the cost savings due to the avoidance of multiple attorneys' fees. The principal disadvantage of joint representation arises out of the fact that when a single attorney develops and advocates a collective position on behalf of multiple clients, the unique interests and positions of each individual client frequently may receive less attention or emphasis than might be the case if each client had separate counsel.

Another important consequence of joint representation of multiple clients involves the treatment of attorney-client confidences. In proceeding with the joint representation, we will preserve the attorney-client confidences of you against unwarranted disclosure to anyone other than you. However, we must remain free to tell each of you anything that another of you has communicated to us that is within the scope of the Representation.

As with any joint representation, a potential conflict of interest could arise from the dual nature of this joint representation, including but not limited to the potential for a divergence between the best interests of the one of you versus another of you with regard to the Representation. You have indicated that there is no material adversity or conflict of interest between any of you regarding the Representation. So long as that is the case, we will be happy to represent you jointly. In the event that a material adversity or conflict of interest arises, it is likely that we will not be able to continue the joint representation and we may have to withdraw from further representation of some or all of you.

The Representation will begin when all of the following conditions have been fulfilled:

1. You have signed the acceptance part of this letter and returned it to the Firm (a scan of your signature page returned by email is sufficient); and
2. The Firm has completed a conflict of interest search and has determined that it has no conflict of interest that prevents the Firm from representing you. (We have completed that conflicts of interests search and have determined that we have no conflict of interest preventing the Firm from representing you).

If you have any questions whatsoever concerning any aspect of the Representation, either now or at a later date, please do not hesitate to let us know. Please indicate your acknowledgement

MITCHELL || WILLIAMS

Representation Agreement

March 7, 2022

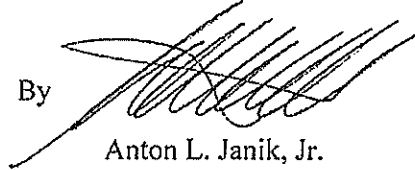
Page 4

and acceptance of the terms of this letter by signing where indicated below and returning it to me.
We sincerely appreciate the opportunity to be of service and look forward to getting started.

Very truly yours,

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.

By

A handwritten signature in black ink, appearing to read "Anton L. Janik, Jr.", written over a horizontal line.

Anton L. Janik, Jr.

ALJ/

MITCHELL || WILLIAMS

Representation Agreement

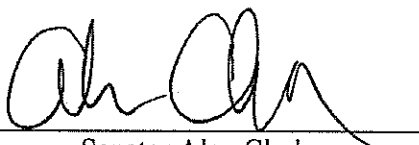
March 7, 2022

Page 5

**ACCEPTANCE OF REPRESENTATION AND
WAIVER OF CONFLICTS OF INTEREST**


By executing this acceptance, the undersigned agree to the Representation by Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C., upon the terms and conditions outlined above, and waive any conflicts of interest between the undersigned with regard to the Representation.

Date: March 8, 2022



Senator Alan Clark

Date: March 8, 2022



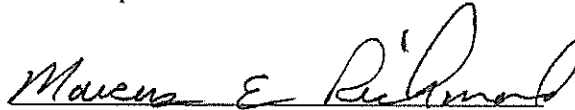
Representative Mary Bentley

Date: March _____, 2022



Representative Robin Lundstrum

Date: March 8, 2022



Representative Marcus Richmond

Date: March 8, 2022



Representative Jim Wooten

For payment of fees and costs incurred for the Representation:

BUREAU OF LEGISLATIVE RESEARCH

Date: March 8, 2022

By: 

Marty Garrity, Director

MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, P.L.L.C.
425 West Capitol Avenue, Suite 1800
Little Rock, Arkansas 72201-3525
(501) 688-8800

Fees, Disbursements and Billing Arrangements

The following is a general description of our standard practices with regard to fees, disbursements, and billings. It is our policy to send this description to our clients at the commencement of our representation and periodically thereafter throughout the course of our representation. **In the absence of a separate agreement specifying any variations, these terms are applicable to any services we provide for you.**

Fees. The amount and basis for computing our legal fees are ordinarily discussed and established with our clients before or promptly after commencing our representation. In the absence of a specific agreement with you establishing an alternative method of computing our fees, you will be billed at the Firm's standard hourly rate in effect when the work is performed. Each lawyer and paralegal in our Firm has a standard hourly billing rate and records his or her time in tenths of an hour as the work is performed.

The lawyer principally responsible for your file may assign parts of your work to other lawyers or other personnel in the office. The supervising lawyer will continue to be responsible to you for the entire assignment and will be available to discuss the use of other personnel with you. Our aim is to have your work performed by those attorneys, paralegals or law clerks at the lowest billing rate who have the appropriate experience and expertise for the matter at hand. Our goal is to produce the highest quality of legal work at a reasonable cost to you.

Disbursements. In addition to fees, you are responsible for the following disbursements. In most instances this will be in the form of reimbursement to us, although we may require that certain large disbursement items be billed directly to you for payment.

Digital Impressions - 10¢ per page if done in our office. If services are performed by a third party vendor, they will be billed at their costs.

Postage/Overnight Mail/Delivery - Actual costs for express/overnight mail delivery services or other delivery charges other than regular U.S. Postal Service mail.

Computer-Assisted Legal Research - The actual cost of such usage in the performance of our assigned duties.

Messengers/Couriers - Charges for deliveries by the Firm's messengers in the local area are \$10.00 per delivery. Deliveries outside of the local area are \$20.00 per hour plus

mileage at the rate of 57.5¢ per mile. For third party couriers you will be responsible for the actual cost.

Providers of Special Services - The actual costs incurred for court reporters, consultants, experts, investigators or other third party providers of special services.

Court/Government Agency Costs/Fees - The actual cost of all court costs, filing fees, government agency fees and similar fees and charges.

Stenographic/Word Processing Charges - Secretarial staff overtime will be charged to your account only if necessary to meet your special needs that could not be satisfied during normal staff working hours. Such overtime is charged at the rate of \$25 per hour.

Travel Expenses - All actual expenses incurred for air and ground transportation (mileage), lodging and meals related to travel outside the city of the local area, where the office is located, to perform the assigned work.

Miscellaneous - There may be other out-of-pocket expenses or disbursements not listed above which arise from time to time. Whenever possible we will advise you in advance of their nature and cost to you. In no event will your cost exceed the actual cost of the item or service.

Revision of Hourly Rates and Basis for Disbursements - Our general schedule of hourly rates and the basis of computing disbursement payments are revised periodically. Revisions are implemented without further notice.

Billing Arrangements. You will ordinarily be billed monthly for fees and disbursements. Our billing statement usually provides a chronological description of the services expended on your behalf and the date the service was provided along with the date, description and the amount of each disbursement. Payment is due upon receipt unless other payment arrangements have been made.

If you have any questions concerning anything discussed in this statement or related to the services provided by the firm, please contact us.

**ALC – Personnel Subcommittee Report
Emergency Review of Requests for Proposals from the
Department of Transformation and Shared Services,
Employee Benefits Division
March 18, 2022**

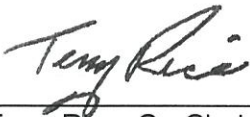
On March 18, 2022, Senator Terry Rice and Representative Jeff Wardlaw Co-Chairs of the Legislative Council along with Senator David Wallace and Representative David Hillman Co-Chairs of the Personnel Subcommittee of Legislative Council, were notified of a request for emergency action to approve two Requests for Proposals (RFPs) from the Employee Benefits Division of the Department of Transformation and Shared Services.

The two RFPs will be developed for the procurement of a Medicare Advantage Plan option as well as establishing a Pharmacy Benefits Manager. Both RFPs will be developed with the assistance of the Segal Group, Inc.

Under Rule 16 of the Rules of the Arkansas Legislative Council, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, as well as Senator David Wallace and Representative David Hillman, Co-Chairs of the Personnel Subcommittee of Legislative Council, have determined that emergency review and approval of both RFP requests is necessary in order to meet timelines and have services procured and in effect by January 1, 2023.

This action is taken by each of the four Co-Chairs on behalf of the Legislative Council and Personnel Subcommittee of Legislative Council and shall be reported to the Personnel Subcommittee at its next regularly scheduled meeting, in accordance with Rule 16. A copy of the request is attached hereto.

Respectfully Submitted,



Senator Terry Rice, Co-Chair
Arkansas Legislative Council



Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council



Senator David Wallace, Co-Chair
Personnel Subcommittee,
Arkansas Legislative Council



Representative David Hillman, Co-Chair
Personnel Subcommittee,
Arkansas Legislative Council



Department of Transformation and Shared Services

Governor Asa Hutchinson

Secretary Amy Fecher

Director Jake Bleed

March 18, 2022

The Honorable Terry Rice, Co-Chair
The Honorable Jeff Wardlaw, Co-Chair
Arkansas Legislative Council
Room 315, State Capitol Building
Little Rock, AR 72201

Sen. Rice and Rep. Wardlaw,

This letter is to request your immediate consideration of an issue which requires the approval of the Arkansas Legislative Council but cannot be held until the body's next scheduled meeting.

Acting pursuant to Ark. Code Ann. §21-5-404(6)(A), the Arkansas Board of Finance has authorized the development of requests for proposals (RFPs) for the procurement of a Medicare Advantage plan option and a pharmacy-benefits manager. Both services have been requested by the Employee Benefits Division of the Department of Transformation and Shared Services. Both RFPs will be developed with the assistance of the Segal Group, Inc., which has been retained to assist in the improvement of the operations of the division.

Additionally, pursuant to Act 1004 of 2021, the actions of the Board of Finance must be approved by the Arkansas Legislative Council. Services procured through the RFPs will become effective January 1, 2023. Given the significant effort required to both procure and implement these services, approval of these RFPs cannot be held until the next meeting of the Arkansas Legislative Council. I therefore ask that you approve the board's decision on an expedited basis pursuant to Rule 16 of the Arkansas Legislative Council.

Sincerely,

Amy Fecher

Employee Benefits Division

501 Woodlane Street, Suite 500 * Little Rock, AR 72201 * 501.682.9656

TRANSFORM.AR.GOV

ARKANSAS LEGISLATIVE COUNCIL

Officers

Senator Terry Rice
Senate Co-Chair

Representative Jeff Wardlaw
House Co-Chair

Senator Missy Irvin
Senate Co-Vice Chair

Representative Jim Dotson
House Co-Vice Chair



Room 315, State Capitol Building
Little Rock, AR 72201

Marty Garrity
Executive Secretary

Tel: 501-682-1937
Fax: 501-682-1936

March 21, 2022

Mr. Patrick Fisk, Director
Arkansas Department of Agriculture
Livestock & Poultry Commission
1 Natural Resources Drive
Little Rock, AR 72205

Dear Director Fisk:

This letter is to notify you that, the Executive Subcommittee exercised the power granted to it under Arkansas Code § 10-3-309(d)(2)(B) and ALC Rule 22(f)(2)(B) to review and approve emergency rules in writing on March 18, 2022. The following emergency rule was reviewed and approved, and the review and approval will be effective at 12:01 a.m., Wednesday, March 23, 2022:

- ***Arkansas Dept. of Agriculture, Arkansas Livestock and Poultry Commission - Avian Influenza Emergency Rule.***

A copy of the emergency rule is attached for your information.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Garrity".

Marty Garrity
Executive Secretary

MG:sla

cc: (via electronic mail)

Mr. Wes Ward, Secretary, Department of Agriculture
Mr. Wade Hodge, Chief Counsel, Department of Agriculture

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Agriculture/Livestock & Poultry Commission
DIVISION Livestock & Poultry
DIVISION DIRECTOR Patrick Fisk
CONTACT PERSON Wade Hodge
ADDRESS #1 Natural Resources Drive, Little Rock AR 72205
PHONE NO. 501-219-6361 FAX NO. _____
E-MAIL wade.hodge@agriculture.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Patrick Fisk
PRESENTER E-MAIL Patrick.fisk@agriculture.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Rebecca Miller Rice
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? Avian Influenza Emergency Rule
- 2. What is the subject of the proposed rule? To restrict movement and sale of poultry and waterfowl in AI affected areas; to prevent exhibitions of poultry and waterfowl; to require free range and backyard flocks to be kept under roof.
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No ✓ _____
If yes, please provide the federal rule, regulation, and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ✓ _____ No _____
If yes, what is the effective date of the emergency rule? Upon approval by ALC Executive subcommittee
When does the emergency rule expire? 120 days after approval

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes__✓____ No_____

5. Is this a new rule? Yes ✓ No__ ____ If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes_____ No__✓____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes_____ No__✓____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does.**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. 2-33-107; 2-40-103; 2-40-109
7. What is the purpose of this proposed rule? Why is it necessary? See attached summary
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.agriculture.arkansas.gov
9. Will a public hearing be held on this proposed rule? Yes_____ No__✓____
If yes, please complete the following:
Date:_____
Time:_____
Place:_____
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
N/A
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
Upon approval by ALC Executive subcommittee.
12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. N/A
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark.

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. N/A

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Agriculture/Livestock & Poultry Commission
DIVISION Livestock & Poultry
PERSON COMPLETING THIS STATEMENT Wade Hodge
TELEPHONE NO. 501-219-6361 **FAX NO.** _____
EMAIL: wade.hodge@agriculture.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Avian Influenza Emergency Rule

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes ✓ _____ No _____
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ✓ _____ No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ✓ _____ No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
- (b) The reason for adoption of the more costly rule;
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following: N/A
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____

Next Fiscal Year

General Revenue _____

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____

Financial impact will depend on the extent of any potential Avian Influenza outbreak. While there will be some negative financial impact on sales at flea markets, it is believed that implementation of the rule will help prevent financial disaster to the Arkansas poultry industry overall.

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____ N/A _____

Total _____ N/A _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. N/A

Current Fiscal Year

Next Fiscal Year

\$ _____ N/A _____

\$ _____ N/A _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____ N/A _____

\$ _____ N/A _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private

individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No x

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Asa Hutchinson
Governor

March 16, 2022

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

MEMORANDUM REGARDING AVIAN INFLUENZA AND EMERGENCY RESPONSE PREPAREDNESS

Purpose

This memorandum summarizes a proposed Avian Influenza Emergency Rule approved by the Arkansas Livestock and Poultry Commission (Commission).

Background

Since January 1, 2022, several incidents of AI have been found, both in the Mississippi and Atlantic flyways. Arkansas is in the Mississippi flyway. The first incident in the Mississippi flyway was confirmed in a commercial turkey flock in Indiana on February 9. On March 4, the USDA announced a confirmed case in southeast Missouri, near the Arkansas border.

AI is caused by an influenza type A virus which can infect poultry and wild birds, especially waterfowl. AI viruses are classified by a combination of two groups of proteins: hemagglutinin or “H” proteins, of which there are 16 (H1–H16), and neuraminidase or “N” proteins, of which there are 9 (N1–N9). AI viruses are further classified as either high pathogenic or low pathogenic, referring to the ability of a particular virus strain to produce disease in domestic chickens.

Waterfowl are considered the main vector for the virus. Each year birds migrate by way of four “flyway” zones- Pacific, Central, Mississippi and Atlantic flyways. Birds migrating in these flyways fly over areas where commercial poultry are present. Feces deposited from the air finds its way to the ground of poultry farms and is tracked into poultry houses, contaminating the flock. There are no treatments or vaccines currently available to control AI. The only available control for the disease is by depopulating all affected and exposed flocks.

Highly pathogenic avian influenza (HPAI) virus strains require rapid response because they are extremely infectious, often fatal to chickens, and can spread rapidly from flock-to-flock. Arkansas has had three AI incidents in recent years - 2008, 2013 and 2015. Domesticated poultry may become infected with avian influenza viruses through direct contact with infected waterfowl or other infected poultry, or through contact with surfaces that have been contaminated with the viruses.

During the last large outbreaks in the U.S. in late 2014 through June 2015, more than 50 million chickens and turkeys either died from HPAI or were destroyed to stop the spread of the disease in the Central and Mississippi Flyways. Approximately 87 percent of the bird losses occurred in Iowa and Minnesota in the Mississippi Flyway. The bulk of other cases occurred in the adjacent states of Nebraska, Wisconsin, and South Dakota. In Arkansas, the virus was confirmed in June 2015 in Boone County and resulted in the loss of 40,000 turkeys.

These bird losses in the 2014-2015 outbreak accounted for about 12 percent of the U.S. table-egg laying population and 8 percent of the estimated inventory of turkeys grown for meat. In response to this historic animal-disease event, many destination markets for U.S. poultry commodities levied trade restrictions on U.S. poultry exports, distorting markets and exacerbating economic losses.

Key Points

- Poultry is the leading agricultural industry in Arkansas, providing over 169,691 jobs in the state. Over 6,500 farms in Arkansas produce some type of poultry. Northwest Arkansas, particularly Washington and Benton counties, produces the most poultry in Arkansas. In 2020 the poultry industry in Arkansas provided \$3.7 billion (50%) of the total agriculture cash receipts. Of the poultry cash receipts, broilers were the largest contributor, providing 37% of the state's total agricultural cash receipts.
- An outbreak of avian influenza (AI) has been confirmed in several locations in the Mississippi flyway, including southeast Missouri, near the Arkansas border. If allowed to spread into Arkansas, it could create a substantial economic impact on the Arkansas poultry industry.
- Current Commission rules do not specifically prohibit congregation or commingling of poultry waterfowl exhibitions, fairs and similar events
- Current Commission rules do not prohibit movement or sale within or from area near confirmed AI cases.
- The proposed emergency rule also requires free range and backyard flocks to be kept under a roof or in an enclosed structure.

Discussion

The Commission's current AI rule is designed to help prevent the introduction of AI into Arkansas and allows for the State Veterinarian, after consultation with the Poultry Federation, to require certain precautions. However, the current AI rule does not prohibit

- congregation or commingling of poultry at exhibitions, shows or fairs;
- movement within or from an area near confirmed AI cases; and
- sale of poultry or waterfowl at flea markets, auctions, and similar events near a confirmed AI site.

The proposed rule will provide for those prohibitions with limited exemptions. Exemptions are allowed for movement if a commuter agreement is in place and premovement AI testing is demonstrated. An exemption is allowed for the sale of chicks and ducklings three weeks of age or less if originating from an NPIP certified flock. The proposed emergency rule also requires free range and backyard flocks to be kept under a roof or in an enclosed structure. The proposed emergency rule will help protect the poultry industry in Arkansas from a potential financial disaster.

AVIAN INFLUENZA EMERGENCY RULE

As used in this rule:

“Affected area” means a radius of 25 miles surrounding a flock with a confirmed case of highly pathogenic avian influenza (HPAI).

“Domestic Waterfowl” means ducks and geese that have been selectively bred for meat, eggs, or exhibition purposes.

“Exhibit” means gathering or commingling for purposes of show, public display, or competition.

“Poultry” means chickens, turkeys, guinea fowl, pigeons, ostrich, emus, or pheasants raised commercially or domestically for meat, eggs, and feathers.

“Poultry Industry” means entities involved in the production of poultry and waterfowl, of any species, for the purpose of meat and/or eggs.

I. It is prohibited to:

A. Exhibit poultry and domestic waterfowl;

B. Move poultry or domestic waterfowl from or within an affected area;

- Poultry with commuter agreements or premovement avian influenza testing by polymerase chain reaction (PCR) or antigen capture are exempt from paragraph B.

C. Sell barter, trade, auction, or give away, poultry or domestic waterfowl at fairs, swap meets, auctions, flea markets, and similar events and locations within an affected area.

- Chicks and ducklings three weeks of age or less originating from a NPIP certified flock are exempt from paragraph C.

II. All free range and backyard poultry must be confined under roof or inside structures to prevent contamination from infected migratory birds flying overhead or by direct exposure to wild birds.

III. Other conditions or requirements imposed by appropriate federal agencies may also apply.

EMERGENCY DECLARATION

Since January of 2022 multiple states have confirmed cases of highly pathogenic avian influenza (HPAI) in both commercial and backyard operations. HPAI is caused by an influenza type A virus which can infect poultry and wild birds, especially waterfowl. HPAI is a contagious and economically devastating disease that causes severe illness and/or death in poultry, such as chickens, turkeys, and ducks.

There are no treatments or vaccines currently available to control avian influenza. The only available control for the disease is by depopulating all affected and exposed flocks. The spread of this highly contagious disease in poultry presents imminent peril to the welfare of the state’s poultry industry, due to the potential to quickly destroy private property and cause economic hardship.

The commingling of poultry and waterfowl from multiple locations presents a significant risk of transmission of HPAI. Therefore, it is necessary to establish a temporary prohibition of exhibition of birds at events where birds from multiple sources are commingled, such as fairs, shows, and exhibitions; and to temporarily restrict the sale and movement of poultry and domestic waterfowl in affected areas.

These matters constitute imminent peril to the public welfare which requires adoption of an emergency rule that will take effect upon filing the rule with the Secretary of State.

AVIAN INFLUENZA EMERGENCY RULE

As used in this rule:

“Affected area” means a radius of 25 miles surrounding a flock with a confirmed case of highly pathogenic avian influenza (HPAI).

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“Poultry” means chickens, turkeys, guinea fowl, pigeons, ostrich, emus, or pheasants raised commercially or domestically for meat, eggs, and feathers.

“Poultry Industry” means entities involved in the production of poultry and waterfowl, of any species, for the purpose of meat and/or eggs.

I. It is prohibited to:

A. Exhibit poultry and domestic waterfowl;

B. Move poultry or domestic waterfowl from or within an affected area;

- Poultry with commuter agreements or premovement avian influenza testing by polymerase chain reaction (PCR) or antigen capture are exempt from paragraph B.

C. Sell barter, trade, auction, or give away, poultry or domestic waterfowl at fairs, swap meets, auctions, flea markets, and similar events and locations within an affected area.

- Chicks and ducklings three weeks of age or less originating from a NPIP certified flock are exempt from paragraph C.

II. All free range and backyard poultry must be confined under roof or inside structures to prevent contamination from infected migratory birds flying overhead or by direct exposure to wild birds.

III. Other conditions or requirements imposed by appropriate federal agencies may also apply.

EMERGENCY DECLARATION

Since January of 2022 multiple states have confirmed cases of highly pathogenic avian influenza (HPAI) in both commercial and backyard operations. HPAI is caused by an influenza type A virus which can infect poultry and wild birds, especially waterfowl. HPAI is a contagious and economically devastating disease that causes severe illness and/or death in poultry, such as chickens, turkeys, and ducks.

There are no treatments or vaccines currently available to control avian influenza. The only available control for the disease is by depopulating all affected and exposed flocks. The spread of this highly contagious disease in poultry presents imminent peril to the welfare of the state’s poultry industry, due to the potential to quickly destroy private property and cause economic hardship.

The commingling of poultry and waterfowl from multiple locations presents a significant risk of transmission of HPAI. Therefore, it is necessary to establish a temporary prohibition of exhibition of birds at events where birds from multiple sources are commingled, such as fairs, shows, and exhibitions; and to temporarily restrict the sale and movement of poultry and domestic waterfowl in affected areas.

These matters constitute imminent peril to the public welfare which requires adoption of an emergency rule that will take effect upon filing the rule with the Secretary of State.



**STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH**

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Tim Carlock, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services

Memorandum

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research

FROM: Rebecca Miller-Rice, Administrator, Administrative Rules Review Section, Legal Services Division

DATE: March 16, 2022

SUBJECT: Legal Authorization for the Emergency Promulgation of the Avian Influenza Emergency Rule by the Department of Agriculture’s Arkansas Livestock and Poultry Commission

The Arkansas Livestock and Poultry Commission (“Commission”) of the Department of Agriculture seeks legislative review and approval for the emergency promulgation of its Avian Influenza Emergency Rule, by which the Commission seeks to restrict the movement and sale of poultry and waterfowl in avian influenza-affected areas; prevent exhibitions of poultry and waterfowl; and require free range and backyard flocks to be kept under roof or inside structures. Authority for the control, suppression, and eradication of livestock and poultry diseases and pests, and supervision of livestock and poultry work in this state, including authority to promulgate rules governing the handling, sale, and use of vaccines, antigens, and other biological products used for reportable diseases and emergencies affecting livestock and poultry, is vested in the Commission. *See* Ark. Code Ann. § 2-33-107(a). Pursuant to Ark. Code Ann. § 2-33-107(c), the Commission shall have the authority to make, modify, and enforce such rules and orders, not inconsistent with law, as it shall from time to time deem necessary to effectively carry out the functions performable by it. *See also* Ark. Code Ann. § 2-40-103(a)(1), (3) (establishing the Commission’s duty to inquire into and investigate all outbreaks of contagious or infectious disease of animals and to promulgate rules for the protection of areas from which animal diseases may be eradicated) and Ark. Code Ann. § 2-40-109(b) (authorizing the Commission to adopt rules to prescribe the procedures for condemning a diseased poultry flock as authorized in the statute).

ARKANSAS LEGISLATIVE COUNCIL

Officers

Senator Terry Rice
Senate Co-Chair

Representative Jeff Wardlaw
House Co-Chair

Senator Missy Irvin
Senate Co-Vice Chair

Representative Jim Dotson
House Co-Vice Chair



Room 315, State Capitol Building
Little Rock, AR 72201

Marty Garrity
Executive Secretary

Tel: 501-682-1937
Fax: 501-682-1936

March 24, 2022

Department of Commerce
Arkansas Economic Development Commission
Mr. Mike Preston, Secretary
1 Commerce Way, Suite 601
Little Rock, AR 72202

Dear Secretary Preston:

The Arkansas Legislative Council Co-Chairs agreed on March 24, 2022 to approve the American Rescue Plan Act Appropriation and Funding Requests for the Arkansas Department of Commerce, submitted pursuant to Section 39 of Act 997 of 2021, in the aggregate amount of \$6,772,724.13.

Please let me know if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Garrity", is written over a horizontal line.

Marty Garrity
Executive Secretary

MG:clj

cc: Mr. Larry Walther, Secretary, Department of Finance & Administration
Mr. Jim Hudson, Deputy Director of Operations & General Counsel, AEDC
(via electronic mail)



Michael Preston
SECRETARY OF COMMERCE
EXECUTIVE DIRECTOR
Arkansas Economic
Development Commission

March 21, 2022

Senator Terry Rice & Representative Jeff Wardlaw
Co-Chairs
Arkansas Legislative Council
One Capitol Mall, 5th Floor
Little Rock, AR 72201

Re: Request for ARC Program Appropriation, Ashley-Chicot Electric Coop.

Dear Chairman Rice and Chairman Wardlaw:

As you know, at the August 27, 2021, meeting of ALC, members adopted a motion to authorize you as the Chairs of ALC to approve American Rescue Plan Act ("ARPA") appropriation and funding for the ARC projects identified as still "under review" on the August 26, 2021, supplemental project list once those projects completed all the required review steps and were moved into the "ready" category.

Attached is an update of the August 26, 2021, ARC project list. Three projects under list 2B, highlighted in green in the attached spreadsheet have now completed the review process and are ready to commence work. We request your approval of ARPA appropriation for the following Ashley-Chicot Electric Coop. projects:

1. Mist Promise - \$2,158,718.48
2. Crossroads Sub Old Milo - \$2,249,272.08
3. Meridian Sub East West - \$2,364,733.57

These projects total an appropriation amount of \$6,772,724.13 resulting in total savings of \$946,198.72 from their previous request. This decrease is attributed to a more finite infrastructural design. Thank you in advance for your favorable consideration of this request.

Sincerely,

Michael Preston
Commerce Secretary

cc: Secretary Larry Walther

ISP/ Company	Project	Amount	Technology	Status	Gantt Chart Updated:	Exhibit A:	Award Letter Sent?	Hold Until Publil Hearing	Notes:
AR Valley Electric Coop	Rural Logan County	\$2,064,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on May 1, 2022
AR Telco	Shiley	\$1,359,201.00	Fiber	Ready	yes	yes	no	no	
AR Telco	Edgemont - Cleburne County	\$2,890,040.00	Fiber	Ready	yes	yes	yes	no	
AR Telco	Fairfield Bay - Phase 2	\$5,484,052.00	Fiber	Ready	yes	yes	yes	no	
CableSouth Media3 SwiftConnect	Grady	\$1,393,589.44	Fiber	Ready	yes	yes	yes	no	
Clay County Connect	Greene County - Delaplane	\$678,173.00	Fiber	Ready	yes	yes	yes	no	
Clay County Electric Coop	Randolph County Phase 2	\$5,020,895.00	Fiber	Ready	yes	yes	yes	no	
East AR Video	Wheatley	\$991,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Sept 1
East AR Video	St. Francis County	\$77,350.00	Fiber	Ready	yes	yes	yes	no	
Extreme Broadband	Waldron	\$4,004,218.00	Fiber	Ready	yes	yes	yes	no	
Hillbilly Wireless	Independence County - North	\$10,471,450.00	Fiber	Ready	yes	yes	yes	no	
Hillbilly Wireless	Tupelo	\$1,895,310.90	Fiber	Ready	yes	yes	yes	no	
Indco Cable TV	White County	\$3,880,028.00	Fiber	Ready	yes	yes	yes	no	
Madison County Telco MCTC	Aurora	\$1,794,386.00	Fiber	Ready	yes	yes	yes	no	
Madison County Telco MCTC	Kingston	\$2,944,836.00	Fiber	Ready	yes	yes	yes	no	
Mountain View Telephone CO	Hubb Willis	\$435,761.00	Fiber	Ready	yes	yes	yes	no	Gantt Chart Expected on 9/16 Per Shawn Lane
Pine Bluff Cable TV	Phiebergen	\$1,995,000.00	Fiber	Ready	yes	yes	yes	yes	Gantt chart starts on Oct 15
Pine Bluff Cable TV	Island Harbor	\$508,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Nov 1
Pine Bluff Cable TV	East Pine Bluff	\$690,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 15
Resort Cable TV	Cedar Creek	\$684,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 11
Resort Cable TV	HWY 227 N	\$869,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 11
Resort Cable TV	Walnut Valley - Brookhill Ranch	\$880,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Nov 15
Resort Cable TV	Fountain Lake	\$968,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 1
Resort Cable TV	Cedarglades	\$621,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Nov 1
Resort Cable TV	Tom Lloyd - Amanda Place	\$956,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 11
Resort Cable TV	Peery 2	\$2,175,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 11
Resort Cable TV	Royal 2	\$2,275,000.00	Fiber	Ready	yes	yes	no	yes	Gantt chart starts on Oct 11
Ritter	Crittenden County	\$5,182,308.00	Fiber	Ready	yes	yes	yes	no	
SATCO	Independence County - South	\$7,600,300.00	Fiber	Ready	yes	yes	yes	no	
SWAT	Bradley County	\$2,991,357.00	Fiber	Ready	yes	yes	yes	no	
TCW	Gairland City	\$866,790.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Faulkner County	\$5,817,677.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Van Buren	\$586,047.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Carroll County	\$4,867,453.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Sevier County	\$6,383,106.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Grant County	\$7,041,252.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Perry County	\$10,782,386.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Faulkner County	\$9,056,129.00	Fiber	Ready	yes	yes	yes	no	
Windstream	Hartman	\$7,584,168.00	Fiber	Ready	yes	yes	yes	no	
WOW	Coal Hill	\$1,208,310.00	Fiber	Ready	yes	yes	yes	no	
WOW	Coal Hill	\$2,218,948.17	Fiber	Ready	yes	yes	yes	no	
Ashley-Chicot Electric Cooperative	Ashley County - Mist Promise Land Hwy 8	\$2,434,885.58	Fiber	Ready					
Ashley-Chicot Electric Cooperative	Ashley County - Crossroads Sub Old Milo	\$2,574,340.81	Fiber	Ready					
Ashley-Chicot Electric Cooperative	Ashley County - Meridian Sub East West	\$2,709,696.47	Fiber	Ready					
CableSouth Media3 SwiftConnect	Ashley	\$5,961,636.00	Fiber	Currently in Tech Review					
Ashley-Chicot Electric Cooperative	Chicot County	\$2,436,336.00	Fiber	Close to Ready - Currently under Review - working with ISP to clarify and get kmz.					

Ready State \$130,191,521.51
Currently in Review \$8,397,972.00
Total \$138,589,493.51

27 sent
13 on hold
1 unsent

**ALC-Performance Evaluation and Expenditure Review (PEER)
ALC Subcommittee Report for
Emergency Action
April 18, 2022**

On April 18, 2022, Senator Terry Rice and Representative Jeff Wardlaw, Co-Chairs of the Legislative Council, and Senator Jonathan Dismang and Representative Michelle Gray, Co-Chairs of the PEER Subcommittee, received written notification from Larry Walther, the Chief Fiscal Officer of the State, requesting emergency review of a request for Pay Plan appropriation.

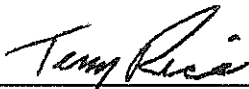
Under Rule 16 of the Rules of the Arkansas Legislative Council, on April 18, 2022, the Co-Chairs of the Legislative Council and PEER Subcommittee unanimously determined that emergency review was necessary to enable the agency to perform essential services. As such, the Co-Chairs of the Legislative Council and the Co-Chairs of the PEER subcommittee may act on behalf of the Legislative Council in regard to the request, and state herein that the request shall be filed as reviewed and reported to the Legislative Council at its next regularly scheduled meeting in accordance with Rule 16.

Below is a summary of the request given emergency review:

Pay Plan Appropriation Request

Arkansas Public Defender Commission - \$1,000

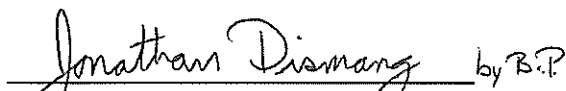
Respectfully Submitted,



Senator Terry Rice, Co-Chair
Arkansas Legislative Council



Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council

 by B.P.

Senator Jonathan Dismang, Co-Chair
ALC PEER Subcommittee

 by B.P.

Representative Michelle Gray, Co-Chair
ALC PEER Subcommittee



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF THE SECRETARY
1509 West Seventh Street, Suite 401
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-2242
Fax: (501) 682-1029
www.arkansas.gov/dfa

April 18, 2022

Senator Terry Rice, Chair
Representative Jeff Wardlaw, Chair
Arkansas Legislative Council
State Capitol
Little Rock, AR 72201

RE: Emergency Action Procedures Request

Dear Co-Chairs:

This is to inform you that there is an item for Legislative Council review that requires your immediate attention. Because of the time-sensitive nature of this item, the Department of Finance and Administration respectfully requests an expedited review. The following request has received my approval as Chief Fiscal Officer of the State.

This item is a request for \$1000 in additional Personal Services Matching appropriation for the AR Public Defender Commission.

I ask that you please institute emergency action procedures for consideration of these matters and sign them out of Committee per Rule 16 of the Rules of the Arkansas Legislative Council.

Sincerely,


Larry W. Walther, Secretary

LWW:rb



State of Arkansas
Bureau of
Legislative Research

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Tim Carlock, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services

REQUEST FOR PROPOSAL

RFP Number: BLR-220001	
Commodity: Employee Health Benefits Actuarial Consulting Services	Proposal Opening Date: _____, 2022
Date: _____, 2022	Proposal Opening Time: 4:00 P.M. CDT

PROPOSALS SHALL BE SUBMITTED IN HARD COPY AND ELECTRONIC FORMAT AND WILL BE ACCEPTED UNTIL THE TIME AND DATE SPECIFIED ABOVE. THE PROPOSAL ENVELOPE MUST BE SEALED AND SHOULD BE PROPERLY MARKED WITH THE PROPOSAL NUMBER, DATE AND HOUR OF PROPOSAL OPENING, AND VENDOR'S RETURN ADDRESS. THE ELECTRONIC SUBMISSIONS SHOULD BE CLEARLY MARKED AS A PROPOSAL IN RESPONSE TO RFP NO. BLR-220001. IT IS NOT NECESSARY TO RETURN "NO BIDS" TO THE BUREAU OF LEGISLATIVE RESEARCH.

Vendors are responsible for delivery of their proposal documents to the Bureau of Legislative Research prior to the scheduled time for opening of the particular proposal. When appropriate, Vendors should consult with delivery providers to determine whether the proposal documents will be delivered to the Bureau of Legislative Research office street address prior to the scheduled time for proposal opening. Delivery providers, USPS, UPS, FedEx, and DHL, deliver mail to our street address, 500 Woodlane Street, State Capitol Building, Room 315, Little Rock, Arkansas 72201, on a schedule determined by each individual provider. These providers will deliver to our offices based solely on our street address.

MAILING ADDRESS: 500 Woodlane Street State Capitol Building, Room 315 Little Rock, Arkansas 72201 E-MAIL: thayerj@blr.arkansas.gov TELEPHONE: (501) 682-1937	PROPOSAL OPENING LOCATION: Bureau of Legislative Research Director's Office State Capitol Building, Room 315
---	--

Company Name: _____

Name (type or print): _____

Title: _____

Address: _____

Telephone Number: _____

Fax Number: _____

E-Mail Address: _____

Identification:

Federal Employer ID Number

Social Security Number

**FAILURE TO PROVIDE TAXPAYER IDENTIFICATION NUMBER MAY
RESULT IN PROPOSAL REJECTION**

Business Designation (check one):	Individual []	Sole Proprietorship []	Public Service Corp []
	Partnership []	Corporation []	Government/ Nonprofit []

GENERAL DESCRIPTION:	Employee Health Benefits Actuarial Consulting Services
TYPE OF CONTRACT:	Term

MINORITY BUSINESS POLICY

Participation by minority businesses is encouraged in procurements by state agencies, and although it is not required, the Bureau of Legislative Research ("BLR") supports that policy. "Minority" is defined at Arkansas Code Annotated § 15-4-303 as "a lawful permanent resident of this state who is: (A) African American; (B) Hispanic American; (C) American Indian; (D) Asian American; (E) Pacific Islander American; or (F) A service-disabled veteran as designated by the United States Department of Veteran Affairs". "Minority business enterprise" is defined at Arkansas Code Annotated § 15-4-303 as "a business that is at least fifty-one percent (51%) owned by one (1) or more minority persons". The Arkansas Economic Development Commission conducts a certification process for minority businesses. Vendors unable to include minority-owned businesses as subcontractors may explain the circumstances preventing minority inclusion.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Vendor shall submit a copy of the Vendor's Equal Opportunity Policy. EO Policies shall be submitted in hard copy and electronic format to the Bureau of Legislative Research accompanying the solicitation response. The Bureau of Legislative Research will maintain a file of all Vendor EO policies submitted in response to this solicitation. The submission is a one-time requirement, but Vendors are responsible for providing updates or changes to their respective policies.

EMPLOYMENT OF ILLEGAL IMMIGRANTS

The Vendor shall certify prior to award of the contract that it does not employ or contract with any illegal immigrants in its contract with the Bureau of Legislative Research. Vendors shall certify on the Proposal Signature Page and online at <https://www.ark.org/dfa/immigrant/index.php/disclosure/submit/new> . Any subcontractors used by the Vendor at the time of the Vendor's certification shall also certify that they do not employ or contract with any illegal immigrant. Certification by the subcontractors shall be submitted within thirty (30) days after contract execution.

RESTRICTION OF BOYCOTT OF ISRAEL

Pursuant to Arkansas Code § 25-1-503, a public entity shall not enter into a contract with a company unless the contract includes a written certification that the person or company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel. This prohibition does not apply to a company which offers to provide the goods or services for at least twenty percent (20%) less than the lowest certifying business.

By checking the designated box on the Proposal Signature Page, the Vendor agrees and certifies that they do not, and will not for the duration of the contract boycott Israel.

DISCLOSURE FORMS

Completion of the EO-98-04 Governor's Executive Order contract disclosure forms located at <http://www.dfa.arkansas.gov/offices/procurement/Documents/contgrantform.pdf> is required as a condition of obtaining a contract with the Bureau of Legislative Research and shall be submitted with the Vendor's response.

SECTION I. GENERAL INFORMATION

1.0 INTRODUCTION

The purpose of this Request for Proposals ("RFP") issued by the Bureau of Legislative Research ("BLR") is to invite responses ("Proposals") from Vendors desiring to provide Employee Health Benefits Actuarial Consulting Services for the Arkansas General Assembly.

The BLR intends to execute one (1) contract as a result of this procurement ("the Contract"), if any contract is issued at all, encompassing all of the products and services contemplated in this RFP, and Proposals shall be evaluated accordingly. All Vendors must fully acquaint themselves with the needs and requirements of the General Assembly and the BLR and obtain all necessary information to develop an appropriate solution and to submit responsive and effective Proposals. The Vendor Selection Process for this procurement shall be conducted by the Executive Subcommittee of the Legislative Council (the "Subcommittee"), with ultimate contract approval by the Legislative Council.

1.1 ISSUING AGENCY

This RFP is issued by the BLR for the General Assembly. The BLR is the sole point of contact in the state for the selection process. Vendor questions regarding RFP-related matters should be made in writing (via e-mail) through the Director of the BLR's Legal Counsel, Jillian Thayer, thayerj@blr.arkansas.gov. Questions regarding technical information or clarification should be addressed in the same manner.

1.2 SCHEDULE OF EVENTS

- Release RFP _____, 2022
- Deadline for submission of questions _____, 2022
- Closing for receipt of proposals and opening of proposals _____, 2022 at 4:00 p.m. CDT
- Evaluation of proposals by BLR _____, 2022 to June 10, 2022
- Proposals released to Subcommittee Week of _____, 2022
- Selection of Vendors to make Oral Presentations To Be Announced by Subcommittee
- Oral Presentations/Intent to Award To Be Announced by Subcommittee
- Approval of draft contract by the Policy-Making Subcommittee of the Legislative Council _____, 2022
- Approval of final contract by the Legislative Council _____, 2022
- Contract Execution Upon approval of the Legislative Council
- Contract Start Date _____, 2022

Proposals are due no later than the date and time listed on Page 1 of the RFP.

1.3 **CAUTION TO VENDORS**

- Vendors shall not contact members of the Subcommittee or the BLR regarding this RFP or the Vendor Selection process from the time the RFP is posted until the Intent to Award is issued, other than through submission of questions in the manner provided for under Section 1.7 of this RFP. The BLR will initiate all other necessary contact with Vendors. ***Any violation of this requirement can be considered a basis for disqualification of the Vendor by the Subcommittee.***
- **Vendors shall respond to each numbered paragraph of the RFP, including by written acknowledgment of the requirements and terms contained in paragraphs that require no other response.** (e.g. "Section 1.3. Vendor acknowledges and agrees with the requirements set forth in this section.") Failure to provide a response will be interpreted as an affirmative response or agreement to the conditions. Reference to handbooks or other technical materials as part of a response must not constitute the entire response, and Vendor must identify the specific page and paragraph being referenced.
- On or before the date and time specified on page one of this RFP, Vendors shall submit:
 - a. One (1) signed original hard copy of the original proposal and the Official Proposal Price Sheet ("OPPS");
 - b. Fifteen (15) additional copies of the redacted proposal and the OPPS (If no redacted version is submitted, then 15 copies of the original proposal.); and
 - c. If the Vendor's proposal contains information that is proprietary and confidential, two (2) electronic versions of the proposal (one (1) redacted electronic version and one (1) unredacted electronic version) on CD, flash drive, or via e-mail. However, if there is no information to redact, one (1) electronic version of the proposal is sufficient.
- If emailing electronic versions, send to Jillian Thayer at thayerj@blr.arkansas.gov.
- Failure to submit the required number of copies with the proposal may be cause for rejection.
- For a proposal to be considered, an official authorized to bind the Vendor to a resultant contract must have signed the proposal **and** the Official Proposal Price Sheet.
- All official documents shall be included as part of the resultant Contract.
- The Subcommittee reserves the right to award a contract or reject a proposal for any or all line items of a proposal received as a result of this RFP, if it is in the best interest of the Subcommittee to do so. Proposals will be rejected for one or more reasons not limited to the following:
 - a. Failure of the Vendor to submit his or her proposal(s) on or before the deadline established by the issuing office;
 - b. Failure of the Vendor to respond to a requirement for oral/written clarification, presentation, or demonstration;
 - c. Failure to supply Vendor references;
 - d. Failure to sign the original proposal **and** the Official Proposal Price Sheet;

- e. Failure to complete and sign the Official Proposal Price Sheet(s);
- f. Any wording by the Vendor in its response to this RFP, or in subsequent correspondence, that conflicts with or takes exception to a requirement in the RFP; or
- g. Failure of any proposed services to meet or exceed the specifications.

1.4 RFP FORMAT

Any statement in this document that contains the word “must” or “shall” means that compliance with the intent of the statement is mandatory, and failure by the Vendor to satisfy that intent will cause the proposal to be rejected.

1.5 ALTERATION OF ORIGINAL RFP DOCUMENTS

The original written or electronic language of the RFP shall not be changed or altered except by approved written addendum issued by the BLR. This does not eliminate a Vendor from taking exception(s) to these documents, but it does clarify that the Vendor cannot change the original document's written or electronic language. If the Vendor wishes to make exception(s) to any of the original language, it must be submitted by the Vendor in separate written or electronic language in a manner that clearly explains the exception(s). If Vendor's submittal is discovered to contain alterations/changes to the original written or electronic documents, the Vendor's response may be declared non-responsive, and the response shall not be considered.

1.6 REQUIREMENT OF AMENDMENT

THIS RFP MAY BE MODIFIED ONLY BY AMENDMENTS WRITTEN AND AUTHORIZED BY THE BUREAU OF LEGISLATIVE RESEARCH. Vendors are cautioned to ensure that they have received or obtained and responded to any and all amendments to the RFP prior to submission.

1.7 RFP QUESTIONS

Any questions regarding the contents and requirements of the RFP and the format of responses to the RFP shall be directed to Jillian Thayer **via email only** at thayerj@blr.arkansas.gov. Questions must be submitted by the deadline set forth in Section 1.2, Schedule of Events. Questions submitted by Vendors and answers to questions, as provided by the Bureau of Legislative Research, will be made public.

1.8 PRICES/COST

An official authorized to bind the Vendor to any resulting Contract must sign the Official Proposal Price Sheet.

Vendors must include all pricing information on the Official Proposal Price Sheet and any attachments thereto and must clearly mark said page(s) as pricing information. Official Proposal Price Sheets may be reproduced as needed. Vendors may expand items to identify all proposed services and costs. A separate listing, which must include pricing, may be submitted with summary pricing.

All charges included on the Official Proposal Price Sheet, must be valid for one hundred eighty (180) days following proposal opening, and shall be included in the cost evaluation. The pricing must include all associated costs for the service being bid.

The BLR will not be obligated to pay any costs not identified on the Official Proposal Price Sheet. Any cost not identified by the Vendor but subsequently incurred in order to achieve successful operation will be borne by the Vendor.

1.9 PROPRIETARY INFORMATION

Proposals and documents pertaining to the RFP become the property of the BLR, and after release to the Subcommittee, shall be open to public inspection pursuant to the Freedom of Information Act of 1967, Arkansas Code § 25-19-101, *et seq.* It is the responsibility of the Vendor to identify all proprietary information by providing a redacted copy of the proposal, as discussed below, and to seal such information in a separate envelope or e-mail marked as confidential and proprietary.

If the proposal contains information that the Vendor considers confidential and proprietary, the Vendor shall submit one (1) complete electronic copy of the proposal from which any proprietary information has been removed, *i.e.*, a redacted copy. The redacted copy should reflect the same pagination as the original, show the empty space from which information was redacted, and be submitted on a CD, a flash drive, or in a separate e-mail. Except for the redacted information, the electronic copy must be identical to the original hard copy. The Vendor is responsible for ensuring the redacted copy on CD, flash drive, or submitted via e-mail is protected against restoration of redacted data. ***Submission of a redacted copy is at the discretion of the Vendor, but if no information is redacted, the entire proposal will be considered available as public information once published to the Subcommittee members.***

1.10 DELIVERY OF RESPONSE DOCUMENTS

It is the responsibility of Vendors to submit proposals at the place and on or before the date and time set in the RFP solicitation documents. Proposal documents received at the BLR office after the date and time designated for proposal opening are considered late proposals and shall not be considered. Proposal documents that are to be returned may be opened to verify which RFP the submission is for.

1.11 BID EVALUATION

The Subcommittee will evaluate all proposals to ensure all requirements are met. The Contract will be awarded on the basis of the proposal that most thoroughly satisfies the relevant criteria as determined by the Subcommittee.

1.12 ORAL AND/OR WRITTEN PRESENTATIONS/DEMONSTRATIONS

The Subcommittee will select a small group of Vendors from among the proposals submitted to attend a meeting of the Subcommittee to answer questions and to make oral and written presentations to the Subcommittee. The date of this meeting will be announced by the Subcommittee at least one (1) week prior. All presentations are subject to be recorded.

The Successful Vendor selected by the Subcommittee shall also attend the September 14, 2022 meeting of the Policy Making Subcommittee of the Legislative Council and the September 16, 2022 meeting of the Legislative Council, in order to answer any questions that may arise regarding the Contract.

1.13 INTENT TO AWARD

After complete evaluation of the proposal, the intent to award will be announced at the meeting of the Subcommittee at which select Vendors' oral presentations are given (See Section 1.12). The date of this meeting will be announced by the Subcommittee at least one (1) week prior. The purpose of the announcement is to establish a specific time in which vendors and agencies are aware of the intent to award. The Subcommittee reserves the right to waive this policy, the Intent to Award, when it is in the best interest of the state.

1.14 APPEALS

A Vendor who is aggrieved in connection with the award of a contract may protest to the Legislative Council. The protest shall be submitted in writing within five (5) calendar days after the intent to award is announced. After reasonable notice to the protestor, the Legislative Council, or the Joint Budget Committee if the Arkansas General Assembly is in session, shall promptly meet to discuss and issue a decision in writing that states the reasons for the action taken. The Legislative Council's or the Joint Budget Committee's decision is final and conclusive. In the event of a timely protest, the Bureau of Legislative Research shall not proceed further with the solicitation or with the award of the contract unless the co-chairs of the Arkansas Legislative Council or the Joint Budget Committee make a written determination that the award of the contract without delay is necessary to protect substantial interests of the state.

1.15 PAST PERFORMANCE

A Vendor's past performance may be used in the evaluation of any offer made in response to this solicitation. The past performance should not be greater than three (3) years old and must be supported by written documentation submitted to the Bureau of Legislative Research with the Vendor's RFP response.

Documentation shall be in the form of a report, memo, file, or any other appropriate authenticated notation of performance to the vendor files.

1.16 TYPE OF CONTRACT

This will be a term contract commencing on November 15, 2022, and terminating on June 30, 2024, with an option for additional renewal terms of two (2) years each. The Subcommittee and the BLR will have the option to renegotiate at the time of renewal.

1.17 PAYMENT AND INVOICE PROVISIONS

All invoices shall be delivered to the BLR and must show an itemized list of charges. The Invoice, Invoice Remit, and Summary must be delivered via email to Jillian Thayer, Legal Counsel to the Director, at thayerj@blr.arkansas.gov.

The BLR shall have no responsibility whatsoever for the payment of any federal, state, or local taxes that become payable by the Successful Vendor or its subcontractors, agents, officers, or employees. The Successful Vendor shall pay and discharge all such taxes when due.

Payment will be made in accordance with applicable State of Arkansas accounting procedures upon acceptance by the BLR. The BLR may not be invoiced in advance of delivery and acceptance of any services. Payment will be made only after the Successful Vendor has successfully satisfied the BLR as to the reliability and effectiveness of the services as a whole. Purchase Order Number and/or Contract Number should be referenced on each invoice.

The Successful Vendor shall be required to maintain all pertinent financial and accounting records and evidence pertaining to the Contract in accordance with generally accepted principles of accounting and other procedures specified by the BLR. Access will be granted to state or federal government entities or any of their duly authorized representatives upon request.

Financial and accounting records shall be made available, upon request, to the BLR's designee(s) at any time during the contract period and any extension thereof and for five (5) years from expiration date and final payment on the Contract or extension thereof.

1.18 PRIME CONTRACTOR RESPONSIBILITY

The Successful Vendor will be required to assume prime contractor responsibility for the Contract and will be the sole point of contact.

If any part of the work is to be subcontracted, the Vendor must disclose in its proposal the following information: a list of subcontractors, including firm name and address, contact person, complete description of work to be subcontracted, and descriptive information concerning subcontractor's business organization.

1.19 DELEGATION AND/OR ASSIGNMENT

The Vendor shall not assign the Contract in whole or in part or any payment arising therefrom without the prior written consent of the Subcommittee. The Vendor shall not delegate any duties under the Contract to a subcontractor unless the BLR, as approved by the Subcommittee, has given written consent to the delegation.

1.20 CONDITIONS OF CONTRACT

The Successful Vendor shall at all times observe and comply with federal and state laws, local laws, ordinances, orders, and regulations existing at the time of or enacted subsequent to the execution of the Contract which in any manner affect the completion of the work. The Successful Vendor shall indemnify and save harmless the BLR, the Subcommittee, the Arkansas Legislative Council, the Arkansas General Assembly, and the State of Arkansas and all of their officers, representatives, agents, and employees against any claim or liability arising from or based upon the violation of any such law, ordinance, regulation, order, or decree by an employee, representative, or subcontractor of the Successful Vendor.

1.21 STATEMENT OF LIABILITY

The BLR, the General Assembly, and committees of the General Assembly will demonstrate reasonable care but shall not be liable in the event of loss, destruction, or theft of contractor-owned technical literature to be delivered or to be used in the installation of deliverables. The Vendor is required to retain total liability for technical literature until the deliverables have been accepted by the authorized BLR official. At no time will the BLR, the General Assembly, or committees of the General Assembly be responsible for or accept liability for any Vendor-owned items.

The Successful Vendor shall indemnify and hold harmless the Arkansas General Assembly and its members and committees, the BLR and its officers, directors, agents, retailers, and employees, and the State of Arkansas from and against any and all suits, damages, expenses, losses, liabilities, claims of any kind, costs or expenses of any nature or kind, including, with limitation, court costs, attorneys' fees, and other damages, arising out of, in connection with, or resulting from the development, possession, license, modification, disclosure, or use of any copyrighted or non-copyrighted materials, trademark, service mark, secure process, invention, process or idea (whether patented or not), trade secret, confidential information, article, or appliance furnished or used by a vendor in the performance of the Contract.

The resulting Contract shall be governed by the laws of the State of Arkansas, without regard for Arkansas' conflict of law principles. Any claims against the Bureau of Legislative Research, the Arkansas General Assembly, or any committees thereof, whether arising in tort or in contract, shall be brought before the Arkansas State Claims Commission as provided by Arkansas law, and shall be governed accordingly. Nothing in this RFP or the resulting contract shall be construed as a waiver of sovereign immunity.

1.22 AWARD RESPONSIBILITY

The BLR and the Subcommittee will be responsible for award and administration of any resulting contract(s).

1.23 INDEPENDENT PRICE DETERMINATION

By submission of this proposal, the Vendor certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, that in connection with this proposal:

- The prices in the proposal have been arrived at independently, without collusion, and that no prior information concerning these prices has been received from or given to a competitive company; and
- If there is sufficient evidence of collusion to warrant consideration of this proposal by the Office of the Attorney General, all Vendors shall understand that this paragraph may be used as a basis for litigation.

1.24 PUBLICITY

News release(s), media interviews, or other publicity by a Vendor pertaining to this RFP or any portion of the project shall not be made without prior written approval of the BLR, as authorized by the co-chairs of the Subcommittee. Failure to comply with this requirement is deemed to be a valid reason for disqualification of the Vendor's proposal.

The Successful Vendor agrees not to use the BLR's, the Subcommittee's, the Arkansas Legislative Council's, or the Arkansas General Assembly's names, trademarks, service marks, logos, images, or any data arising or resulting from this RFP or the Contract as part of any commercial advertising or proposal without the express prior written consent of the BLR and the Subcommittee in each instance.

1.25 CONFIDENTIALITY

The Successful Vendor shall be bound to confidentiality of any confidential information that its employees may become aware of during the course of performance of contracted services. Consistent and/or uncorrected breaches of confidentiality may constitute grounds for cancellation of the Contract.

The Successful Vendor shall represent and warrant that its performance under the Contract will not infringe any patent, copyright, trademark, service mark, or other intellectual property rights of any other person or

entity and that it will not constitute the unauthorized use or disclosure of any trade secret of any other person or entity.

1.26 PROPOSAL TENURE

All Proposals shall remain valid for one hundred eighty (180) calendar days from the Proposal due date referenced on Page 1 of the RFP.

1.27 WARRANTIES

- The Successful Vendor shall warrant that it currently is, and will at all times remain, lawfully organized and constituted under all federal, state, and local law, ordinances, and other authorities of its domicile and that it currently is, and will at all times remain, in full compliance with all legal requirements of its domicile and the State of Arkansas.
- The Successful Vendor shall warrant and agree that all services provided pursuant to this RFP and the Contract have been and shall be prepared or done in a workman-like manner consistent with the highest standards of the industry in which the services are normally performed. The Successful Vendor further represents and warrants that all computer programs implemented for performance under the Contract shall meet the performance standards required thereunder and shall correctly and accurately perform their intended functions.
- The Successful Vendor shall warrant that it is qualified to do business in the State of Arkansas and is in good standing under the laws of the State of Arkansas, and shall file appropriate tax returns as provided by the laws of this State.

1.28 CONTRACT TERMINATION

Subsequent to award and execution of the Contract, the Subcommittee and the BLR may terminate the Contract at any time. In the event of termination, the Successful Vendor agrees to apply its best efforts to bring work in progress to an orderly conclusion, in a manner and form consistent with the Contract and satisfactory to the Subcommittee.

1.29 VENDOR QUALIFICATIONS

The Successful Vendor must, upon request of the Subcommittee, furnish satisfactory evidence of its ability to furnish products or services in accordance with the terms and conditions of this proposal. The Subcommittee reserves the right to make the final determination as to the Vendor's ability to provide the services requested herein.

The Vendor must demonstrate that it possesses the capabilities and qualifications described in Sections 3 and 5, including without limitation the following:

- Be capable of providing the services required by the Subcommittee;
- Provide documentation that it is authorized to do business in this State; and
- Complete the Official Proposal Price Sheet in Attachment A.

1.30 NEGOTIATIONS

As provided in this RFP, discussions may be conducted by the Subcommittee and the BLR with a responsible Vendor who submits proposals determined to be reasonably susceptible of being selected for award for the purpose of obtaining clarification of proposal responses and negotiation for best and final offers.

1.31 LICENSES AND PERMITS

During the term of the Contract, the Vendor shall be responsible for obtaining, and maintaining in good standing, all licenses (including professional licenses, if any), permits, inspections, and related fees for each or any such licenses, permits, and/or inspections required by the state, county, city, or other government entity or unit to accomplish the work specified in this solicitation and the contract.

1.32 OWNERSHIP OF DATA & MATERIALS

All data, material, and documentation prepared for the Arkansas General Assembly and any of its members or committees, pursuant to the Contract, shall belong exclusively to the BLR, for the use of the committees of the Arkansas General Assembly, as authorized by _____.

SECTION 2. OVERVIEW

2.0 OBJECTIVES

It is the objective of the BLR, by entering into a Contract for Employee Health Benefits Actuarial Consulting Services, to provide to legislative committees and the members of the Arkansas General Assembly access to actuarial studies and cost estimates of proposed legislation and actuarial advice and recommendations regarding technical, policy, legal, or administrative questions.

This Request for Proposal is designed to obtain a Contract to provide actuarial consulting services to the members of the Arkansas General Assembly related to any proposed legislation that may impose a new or increased cost obligation for health benefit plans, including pharmacy benefits, on an entity of the State of Arkansas. All responses to this RFP shall reflect the overall goals and objectives stated herein. The Vendor shall bill the BLR on an hourly basis for the services provided.

SECTION 3. EMPLOYEE HEALTH BENEFITS ACTUARIAL CONSULTING SERVICES

3.0 SCOPE OF WORK / SPECIFICATIONS

It will be the responsibility of the Vendor to provide the members of the Arkansas General Assembly, with actuarial consulting services including the following:

- Provide cost analysis, as requested for proposed legislation;
- Attend committee meetings, as requested, to provide routine actuarial consultation on technical, policy, legal, or administrative questions;
- Communicate new developments/trends in public employee health benefits programs and provide improvement recommendations;
- Assist in preparation of proposed changes to related laws;
- Provide consultation and advisory services in the policy and administrative problems of new legislation implementation;
- Develop and provide various tables and factors as needed for legislative committees;
- Be readily accessible to committee members and staff; and
- Be available for periodic educational discussions with committees and staff.

In the event that services in addition to those described in Section 3.0 are required during the term of the Contract, the Subcommittee shall vote to authorize additional work, subject to the approval of the Subcommittee co-chairs, who shall have the power to approve the additional services and an additional fee for those services in an amount not to exceed ten percent (10%) of the total contract amount.

3.1 ACTUARIAL CONSULTING

The actuarial consulting services provided by the Successful Vendor pursuant to this Request for Proposals must address the stated specifications and requirements. These services will be provided to the members and committees of the Arkansas General Assembly.

As requested, the Vendor must attend various meetings of the committees of the Arkansas General Assembly. Hourly compensation will be paid for meeting times. The Vendor shall explain any anticipated limitations in its ability to attend committee meetings.

Vendor's response to this Request for Proposal should be comprehensive and address each individual item of section 3.0 to the Vendor's fullest extent to communicate their understanding of the requirement and how

best the Vendor will meet this requirement. All pertinent information regarding the Vendor's proposed solution, team, actuarial resources, technical infrastructure, or other details must be provided to the items in 3.0.

All projects shall be paid pursuant to the fee schedule set forth in the Official Proposal Price Sheet up to the maximum contract amount. The Vendor shall submit itemized invoices to the BLR, which will pay the invoices on a monthly basis.

The BLR does not grant the Vendor exclusive rights to all actuarial consulting services contemplated under this RFP. In the event the Subcommittee decides that the acquisition of these services by another Vendor is in the General Assembly's best interest, the BLR reserves the right to contract and purchase actuarial consulting services from a different source outside the contract resulting from this RFP, and the BLR's action to procure services outside of the Contract does not infringe upon, nor terminate, the contract resulting from this RFP.

3.2 PROCUREMENT OF GOODS AND SERVICES

If the Vendor anticipates the need to procure additional goods or services in order to provide the actuarial consulting services requested in the RFP, the Vendor must identify the goods and/or services that may be procured, the reason the procurement is necessary, the name of the vendor for whom the goods or services are to be procured, and the anticipated cost of the goods and/or services to be procured.

SECTION 4. COST PROPOSAL

4.0 COMPENSATION

Compensation for Employee Health Benefits Actuarial Consulting Services shall be paid based upon the work performed as specified in this RFP. A Vendor seeking consideration shall submit a compensation proposal for Employee Health Benefits Actuarial Consulting Services as provided throughout the RFP.

The fee schedule will cover the time spent in the completion of the requested task or project, as well as other administrative costs (including, but not limited to, secretarial, bookkeeping, budget preparation, monitoring and auditing services, travel expenses, etc.). The fee schedule will cover the time expended inclusive of all overhead or any other costs associated with the particular individuals who may be performing the services.

4.1 PAYMENT SCHEDULE

The BLR shall pay the Vendor based on the hours expended for approved projects on a monthly basis or as otherwise may be agreed to in writing by the parties. The BLR may request and the Vendor shall provide timesheets or other documentation as may be directed by the BLR prior to the payment for any services rendered. Failure to provide appropriate and satisfactory documentation will be sufficient grounds to withhold payment for the disputed amount, but other nondisputed amounts must be paid in a timely manner.

4.2 TRAVEL, LODGING, AND MEALS

The Successful Vendor may submit invoices and receive reimbursement for actual travel expenses allowed by law related to attending meetings of committees of the Arkansas General Assembly, or other travel related to work under the Contract as approved by the co-chairs of the Subcommittee. Reimbursement of travel expenses will be included in the total maximum contract amount.

Estimates of expenses as allowed by law for travel related to field work required by the Contract and this RFP should be included by the Vendor in the fee schedule, as required by Section 4.0.

SECTION 5. ADDITIONAL VENDOR REQUIREMENTS

5.0 COMPREHENSIVE VENDOR INFORMATION

All proposals should be complete and carefully worded and should convey all of the information requested by the Subcommittee and the BLR. If significant errors are found in the Vendor's proposal, or if the proposal fails to conform to the essential requirements of the RFP, the Subcommittee will be the sole judge as to whether that variance is significant enough to reject the proposal. Proposals should be prepared simply and economically, providing a straightforward, concise description of the Vendor's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of the content. Proposals that include either modifications to any of the contractual requirements of the RFP or a Vendor's standard terms and conditions may be deemed non-responsive and therefore not considered for award.

5.1 VENDOR PROFILE

In addition to information requested in other sections of the RFP, the Vendor shall submit the following:

- Business Name;
- Business Address;
- Alternate Business Address;
- Primary Contact Name, Title, Telephone, Fax, and E-mail Address;
- How many years this company has been in this type of business;
- Proof that the Vendor is qualified to do business in the State of Arkansas;
- A disclosure of the Vendor's name and address and, as applicable, the names and addresses of the following: If the Vendor is a corporation, the officers, directors, and each stockholder of more than a ten percent (10%) interest in the corporation. However, in the case of owners of equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to own beneficially five percent (5%) or more of the securities need be disclosed; if the Vendor is a trust, the trustee and all persons entitled to receive income or benefits from the trust; if the Vendor is an association, the members, officers, and directors; and if the Vendor is a partnership or joint venture, all of the general partners, limited partners, or joint venturers;
- A disclosure of all the states and jurisdictions in which the Vendor does business and the nature of the business for each state or jurisdiction;
- A disclosure of all the states and jurisdictions in which the Vendor has contracts to supply the type of services requested under this RFP and the nature of the goods or services involved for each state or jurisdiction;
- A disclosure of the details of any finding or plea, conviction, or adjudication of guilt in a state or federal court of the Vendor for any felony or any other criminal offense other than a traffic violation committed by the persons identified as management, supervisory, or key personnel;
- A disclosure of the details of any bankruptcy, insolvency, reorganization, or corporate or individual purchase or takeover of another corporation, including without limitation bonded indebtedness, and any pending litigation of the Vendor;
- A disclosure of any conflicts of interest on the part of the Vendor or its personnel that will be working on this project.
- Additional disclosures and information that the Subcommittee may determine to be appropriate for the procurement involved.

5.2 GENERAL INFORMATION

Vendor shall submit any additional information for consideration such as specialized services, staffs available, or other pertinent information the Vendor may wish to include.

5.3 DISCLOSURE OF LITIGATION

A Vendor shall include in its Proposal a complete disclosure of any civil or criminal litigation or indictment involving such Vendor. A Vendor shall also disclose any civil or criminal litigation or indictment involving any of its joint ventures, strategic partners, prime contractor team members, and subcontractors. This disclosure requirement is a continuing obligation, and any litigation commenced after a Vendor has submitted a Proposal under this RFP must be disclosed to the BLR in writing within five (5) days after the litigation is commenced.

5.4 EXECUTIVE SUMMARY

A Vendor must provide a summary overview for provision of the services being proposed. The intent of this requirement is to provide the Subcommittee with a concise but functional summary of the discussion of the Vendor's plan for providing the services. While the Subcommittee expects a Vendor to provide full details in each of the sections in other areas of the RFP relating to its plan, the Executive Summary will provide a "map" for the Subcommittee to use while reviewing the Proposal.

A Vendor may use graphics, charts, pre-printed reports, or other enhancements as a part of this section to support the proposal or add to the presentation. Any such materials must be included in the original and each copy of the Proposal.

5.5 VENDOR'S QUALIFICATIONS

A Vendor shall provide resumes or short biographies and qualifications of all management, supervisory, and key personnel to be involved in performing the services contemplated under this RFP. The resumes shall present the personnel in sufficient detail to provide the Subcommittee with evidence that the personnel involved can perform the work specified in the RFP. A Vendor shall provide a brief history of its company, to include the name and location of the company and any parent/subsidiary affiliation with other entities. If a Vendor is utilizing the services of a subcontractor(s) for any of the service components listed, the Vendor shall include in its proposal response a brief history of the subcontractor's company to include the information requested herein.

A Vendor shall provide:

- A brief professional history, including the number of years of experience in providing the services required under this RFP or related experience and any professional affiliations and trade affiliations.
- A listing of current accounts and the longevity of those accounts.
- An organizational chart highlighting the names/positions that will be involved in the contract, including the individual who will be primarily responsible for managing the account on a day-to-day basis.
- A detailed description of the plan for assisting the Subcommittee in meeting its goals and objectives, including how the requirements will be met and what assurances of efficiency and success the proposed approach will provide.
- An indication of the timeframe the Vendor would require to assist the Subcommittee in meeting its goals and objectives.
- A detailed, narrative statement listing the three (3) most recent, comparable contracts (including contact information) that the Vendor has performed and the general history and experience of its organization.
- At least three (3) references from entities that have recent (within the last three (3) years) contract experience with the Vendor and are able to attest to the Vendor's work experience and qualifications relevant to this RFP.
- A list of every business for which Vendor has performed, at any time during the past three (3) years, services substantially similar to those sought with this solicitation. Err on the side of inclusion; by submitting an offer, Vendor represents that the list is complete.
- List of failed projects, suspensions, debarments, and significant litigation.
- An outline or other information relating to why the Vendor's experience qualifies in meeting the specifications stated in Section 3 of this RFP.

A Vendor shall provide information on any conflict of interest with the objectives and goals of the Subcommittee that could result from other projects in which the Vendor is involved. Failure to disclose any such conflict may be cause for Contract termination or disqualification of the response.

A Vendor or its subcontractor(s) must list all clients that were lost between March 2019 and the present and the reason for the loss. The Subcommittee reserves the right to contact any accounts listed in this section. A Vendor must describe any contract disputes involving an amount of thirty-five thousand dollars (\$35,000) or more that the Vendor, or its subcontractor(s), has been involved in within the past two (2) years. Please indicate if the dispute(s) have been successfully resolved.

5.5.1 BACKGROUND INVESTIGATION

Vendors must allow the BLR to perform an investigation of the financial responsibility, security, and integrity of a Vendor submitting a bid, if required by the Subcommittee.

SECTION 6. EVALUATION CRITERIA FOR SELECTION

6.0 GENERALLY

The Vendor should address each item listed in this RFP to be guaranteed a complete evaluation. After initial qualification of proposals, selection of the Successful Vendor will be determined in a meeting of the Subcommittee by evaluation of several factors.

The Subcommittee has developed evaluation criteria that will be used by the Subcommittee and that is incorporated in Section 6.1 of this RFP. Other agents of the Subcommittee may also examine documents.

Submission of a proposal implies Vendor acceptance of the evaluation technique and Vendor recognition that subjective judgments must be made by the Subcommittee during the evaluation of the proposals.

The Subcommittee reserves, and a Vendor by submitting a Proposal grants to the Subcommittee, the right to obtain any information from any lawful source regarding the past business history, practices, and abilities of Vendor, its officers, directors, employees, owners, team members, partners, and/or subcontractors.

6.1 EVALUATION CRITERIA

The following evaluation criteria are listed according to their relative importance; however, the difference between the importance assigned to any one criterion and the criteria immediately preceding and following is small:

- Directly related experience;
- Pricing;
- Availability to perform the work and attend meetings;
- Plan for providing services;
- Proposed personnel and the credentials of those assigned;
- Compliance with the requirements of the RFP; and
- Past performance.

PROPOSAL SIGNATURE PAGE

Type or Print the following information:

Prospective Contractor Contact Information

Contact Person: _____ Title: _____

Phone: _____ Alternate Phone: _____

Email: _____

Confirmation of Redacted Copy

☐ YES, a redacted copy of proposal documents is enclosed.

☐ NO, a redacted copy of submission documents is not enclosed. I understand a full copy of non-redacted submission documents will be released if requested.

Note: If a redacted copy of the proposal documents is not provided with the Vendor's proposal, and neither box is checked a copy of the unredacted documents will be released in response to any request made under the Arkansas Freedom of Information Act (FOIA).

Illegal Immigrant Confirmation

By signing and submitting a response to this RFP and by certifying online at <https://www.ark.org/dfa/immigrant/index.php/disclosure/submit/new>, the Vendor agrees and certifies that they do not employ or contract with illegal immigrants. If selected, the Vendor certifies that they will not employ or contract with illegal immigrants during the aggregate term of the contract.

Israel Boycott Restriction Confirmation

By checking the box below, the Vendor agrees and certifies that they do not boycott Israel, and if selected, will not boycott Israel during the aggregate term of the contract.

☐ Vendor does not and will not boycott Israel.

An official authorized to bind the Vendor to a resultant contract shall sign below.

The Signature below signifies agreement that any exception that conflicts with the requirements of this RFP will cause the Vendor's proposal to be disqualified.

Authorized Signature: _____ **Title:** _____

Printed/Typed Name: _____ **Date:** _____

ATTACHMENT A
OFFICIAL PROPOSAL PRICE SHEET

Note: The Official Proposal Price Sheet must be submitted in a separate envelope or e-mail. Any reference to pricing in the technical proposal shall be cause for disqualification from further considerations for award.

1. Bids should provide at least a 180-day acceptance period.
2. By submission of a proposal, the proposer certifies the following:
 - A. Prices in this proposal have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition;
 - B. No attempt has been made nor will be by the proposer to induce any other person or firm to submit a proposal for the purpose of restricting competition;
 - C. The person signing this proposal is authorized to represent the company and is legally responsible for the decision as to the price and supporting documentation provided as a result of this RFP; and
 - D. Prices in this proposal have not been knowingly disclosed by the proposer and will not be prior to award to any other proposer.

The Official Price Proposal Sheet must be submitted in substantially the following form, allowing for the inclusion of specific information regarding positions, goods, services, etc., and signed by an official authorized to bind the Vendor to a resultant contract.

DESCRIPTION	PRICE PER HOUR	NUMBER OF POSITIONS
Supervisor		
Other Professional Staff (List by Position)		
Support Staff		
DESCRIPTION	PRICE PER UNIT (IF APPLICABLE)	TOTAL PRICE
Subcontractors (if any)		
Travel		
Any Additional Goods & Services (List Individually)		
TOTAL MAXIMUM AMOUNT OF BID:		

Signature, Title

Date