

**REPORT OF THE  
EXECUTIVE SUBCOMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL**

June 20, 2014

Co-Chairs:

We, your Executive Subcommittee of the Arkansas Legislative Council, met at 10:30 a.m. on Thursday, June 19, 2014 in Room 205 of the State Capitol.

Darrell Hedden, Chief, State Capitol Police, was recognized to discuss security concerns on the State Capitol grounds and facilities. Chief Hedden presented his recommendations for improving security in these areas.

Jill Thayer, Legal Counsel to the Director, Bureau of Legislative Research, briefed the subcommittee on the proposed Big MAC Security Policy.

There was discussion by the subcommittee members to cancel or reschedule the July and August meetings of the Legislative Council to avoid conflicts with the annual legislative conferences. The subcommittee recommended cancelling the July meeting and moving the August meeting forward to August 8. The subcommittee also discussed providing the subcommittees with the option of specifying that certain items are not final until they receive approval of the Legislative Council at its August meeting.

The Subcommittee discussed a proposed policy for handling letters of protest.

Senator Jason Rapert presented his Letter of Protest regarding procedural determinations made during the Legislative Council meeting in May.

Director Marty Garrity presented her report to the Subcommittee.

There being no further business the meeting was adjourned.

Respectfully submitted,

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Senator David Johnson  
Senate Vice Co-Chair

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Representative Terry Rice  
House Vice Co-Chair



**MARK MARTIN**  
SECRETARY OF STATE

## STATE OF ARKANSAS SECRETARY OF STATE

Business & Commercial Services.....	682-3409
Elections.....	682-5070
Building & Grounds.....	682-3407
Communications & Education.....	683-0057
State Capitol Police.....	682-5173
Business Office.....	682-8032
Information Technology.....	682-3411



To: Arkansas Legislative Council / Executive Subcommittee

From: Darrell S. Hedden  
Chief of Police

Date: Thursday June 19, 2014

Subject: Letter from the Arkansas Legislative Council / State Capitol Building Security.

I have received a copy of a letter that was sent to Secretary of State Mark Martin by the Executive Committee of the Arkansas Legislative Council. The letter referenced upgrades to the security measures for the legislative facilities located on the Fifth Floor of the Big Mac Building. The letter also states that concerns were raised by the Executive Committee regarding the security measures that are currently in place at the State Capitol Building. Although the letter does not specify the exact concerns or directly address any particular matter of concern, the letter states "we have grown concerned that the current policies and their implementation may be insufficient to ensure the safety of our members, staff, and other individuals within the State Capitol Building on a daily basis."

The letter request that the Secretary of State review the policies and procedures as they concern the security of the State Capitol Building and provide a report to the Executive Committee possible ways in which security may be increased.

Please see the attached documentation for your review as it concerns relevant matters to the letter received and the security measures that pertain to the Big Mac Building and State Capitol Building.

Let us review some history of the State Capitol Police and the Office of the Secretary of State to understand how the security operations came to be directed in the manner as they currently are, and how the State Capitol arrived at the current security posture as it is at this time.

The Arkansas Constitution designates The Office of the Secretary of State as part of the Executive branch of government. The Secretary of State is the constituted and legal custodian of the State Capitol Building, the grounds, and all the furniture and fixtures thereon and therein belonging to the state. It is the duty of the Secretary of State to report to each General Assembly the condition of the State Capitol Building and of the grounds and to make recommendations relative to the maintenance of the building and grounds. This would also include any recommendations of any additional security enhancements and or procedures that may affect the operations of the State Capitol Building and other facilities under the control of the Secretary of State.

As authorized by Arkansas Code Annotated 12-14-101, The Secretary of State has the authority to establish the State Capitol Police; Organize the State Capitol Police; Prescribe the State Capitol Police's duties; and define the State Capitol Police's powers. The Secretary of State may designate and appoint one (1) or more of his or her employees as State Capitol Police, who shall be peace officers under the laws of the state and shall have and possess all the powers provided by the law for Arkansas State Police, city police, and county sheriffs to be exercised as required for the protection of the State Capitol grounds, together with such other duties as may be assigned by the Secretary of State and may act in his or her official capacity and exercise his or her powers anywhere within the boundaries of the State of Arkansas.

Prior to 1989 the Secretary of State's Office employed a small force of security guards that had no police powers. This force served as security officers and as night watchmen for the State Capitol Building only. With the passage of ACT 468 of 1989 the Secretary of State was given the authority as stated in ACA 12-14-101 to establish a police presence at the State Capitol. The State Capitol Police Officers are mandated to Protect property; Preserve and maintain proper order and decorum; prevent unlawful assemblies and disorderly conduct; exclude and eject persons from and prevent trespass upon and in all of the State Capitol grounds and other grounds, buildings, improvements, streets, alleys, and sidewalks under control of the Secretary of State; and have the authority to regulate the operation and parking of motor vehicles upon the State Capitol grounds and other grounds under control of the Secretary of State and upon all streets adjoining and traversing the State Capitol grounds, as long as it does not impede normal traffic patterns. The State Capitol Police officers have and exercise police supervision on behalf of the Secretary of State and are authorized as peace officers to

arrest, with or without warrant, any person upon or in the areas described by law or within the boundaries of the State of Arkansas who is or is reasonably believed to be committing an offense against any laws of the State of Arkansas or against the ordinances of the city where the State Capitol grounds are located, and to deliver the person before any court of competent jurisdiction to be dealt with according to law.

When I joined the State Capitol Police department in 1992, under the administration of then Secretary of State Bill McCuen, the police force consisted of ten officers, three Sergeants, and one Captain. At that time, these 14 officers provided the police services to the State Capitol Building, The Justice Building, and to the State Capitol Grounds as required by the Secretary of State. There were also two Arkansas State Troopers assigned to the State Capitol Building from 8:00am until 5:00pm Monday through Friday. During legislative sessions, the Arkansas State Police would assign an additional two State Troopers to the House of Representatives to provide for their security needs. Other than the protection of the Governor and the assignment of the two State Troopers to the House of Representatives during legislative sessions, no other State Police are being utilized in the day to day operations of the State Capitol Building Security.

In 1997, the Legislature passed ACT 976, ACA 12-14-107, which upon request, one (1) member of the State Capitol Police shall be assigned to the Senate. The officer is selected by the Senate Efficiency chair or his or her designee in charge of security procedures for the Senate and the officer shall remain a full-time employee of the State Capitol Police with accrued benefits and remain on duty with the State Capitol Police when not on call with the Senate.

Each session since the passage of Act 976 the State Capitol Police have worked closely with the Arkansas Senate in addressing any of their security concerns, especially during legislative sessions, meetings, and functions. The House of Representatives however have continued to utilize the Arkansas State Police during legislative sessions at the House Chamber, but have called on the State Capitol Police to attend Legislative meetings when controversial issues were on the agenda and to assist in legislative meetings on crowd control during controversial meetings. State Capitol Police Officers were granted access to all Senate Offices through keys and or card access to allow for enhanced security, but State Capitol Police officers were not granted any access to areas under control of the House of Representatives and only have one key issued to unlock committee room doors on the first floor of the State Capitol Building.

In 1995, then Secretary of State Sharon Priest developed a Capitol Building Master Plan that recommended closing the tunnel and west side of the building to through traffic. This was to be accomplished by installing access control devices on the Northeast entrance and

West-side entrance that would only allow staff with access cards to enter and park in the areas. This plan was never funded by the Legislature and no changes were implemented.

In May 2000 Mr. Robert Laman, then Director of the Arkansas Building Authority, requested the Secretary of State to conduct a study of the feasibility of the State Capitol Police Officers in providing Law Enforcement Services and Security to all Arkansas Building Authority properties in Little Rock. The summary of the study was provided to then Department of Finance and Administration Director Dick Barclay. This study was only conducted on ABA properties and did not include the Ledbetter Complex, nor #2, #3, or #4 Capitol mall buildings, but did include the #1 State Capitol Mall "Big Mac" Building. That study estimated a need for approximately 30 additional officers and equipment at a startup cost of approximately 1.4 million dollars. Director Barclay indicated that DFA management did not feel the increased cost justified replacing what was currently in place at that time with additional State Capitol Police. At that time, DFA used off duty Little Rock Police and Pulaski County Sheriff's deputies as security in some of its facilities. This practice has almost all been discontinued as of this date.

Also during July of 2000, then Director Tom Mars of the Arkansas State Police requested that the Secretary of State conduct a feasibility study of the State Capitol Police in providing security for the Governor's Residence. That study was conducted and submitted to then Chief of State Capitol Police James Vandiver. This study also carried a very expensive startup cost, with an estimated additional 12 State Capitol Police Officers added to the department and was apparently rejected. In the Regular Legislative Session of 2001, House Bill 2308 was filed to create the Division of State Capitol Police within the Department of Arkansas State Police essentially transferring the State Capitol Police department to the Arkansas State Police. It was thought at the time that Director Mars was in full support of this being realized, but he resigned from the Arkansas State Police during the legislative session and accepted employment with the Wal-Mart Corporation and the Bill died in the House of Representatives at the close of the session.

Shortly after the events of September 11, 2001, the United States was placed on High Alert due to the terrorist attacks in New York. The Secretary of State's Office implemented the use of walk through metal detectors at the east and west public entrances. All other entrances to the building were closed altogether. The Secretary of State's Office implemented and or revised several policies and procedures including; installing an Automated Fire alarm / Evacuation system, Security Post, Metal Detectors, Suspicious Letters, Hazardous Materials / Biological Threats, Department Operations and developed an Emergency Evacuation Plan for the building as required by the Occupational Safety and Health Administration (OSHA). Within months of the 911 attacks four State Capitol Police Officers were called to active military duty. This activation caused an immediate loss of

manpower. The Secretary of State requested additional funding from the legislature but this request was not approved. An arrangement was made with the Bureau of Legislative research, Secretary of State, Legislative Audit and the Lieutenant Governor's Office to share in the cost to hire an additional four officers. Permanent Funding was eventually approved during the 2003 legislative session to cover the additional four officers added to the force.

In 2003, then Secretary of State Charlie Daniels implemented the use of additional card access doors for employees and staff and made upgrades to the Closed Circuit Camera System used by the State Capitol Police. Card access locks were placed on multiple doors operated by the Secretary of State, the Bureau of Legislative Research, Legislative Audit, Treasury, Governor, Land Commissioner and other doors under control of the Senate and House of Representatives. During this time, the United States Department of Homeland Security implemented the National Threat System that was adopted by the State Capitol Police. This National Threat Notification System was color coded and based on the national threat level, the State Capitol Police would determine the level of protective measures to be taken to raise or lower the security measures in place at the State Capitol building. The Secretary of State's office provided a memorandum to all agencies on the State Capitol Complex to explain this National Threat Level and how the State Capitol Police would respond to each level issued by DHS.

The National Threat Level was phased out by DHS over a period of time, but we still use local and national intelligence and as well as other indicators in determining the threat level condition on the State Capitol Building and other facilities under the control of the Secretary of State.

In November of 2005 the United States Department of Homeland Security, Protective Security Division, developed a Buffer Zone Protection Plan to assist local and State authorities in developing plans to protect critical infrastructure and Key Assets from terrorist attack. DHS notified the State Capitol Police of a Critical Infrastructure Site within our area of operation and provided a Written Buffer Zone Protection Plan of the site. This plan was provided to the controlling authority of that site at that time, but because the Secretary of State was not the controlling authority it was not briefed or advised if any of the recommendations were implemented. The Secretary of State had no controlling authority to implement the suggested security enhancements at the Critical Site, but the Secretary of State did install protective bollards in areas around the State Capitol Building.

The information provide by DHS in the Buffer Zone Protection Plan is protected from disclosure as provided by the provisions of the Critical Infrastructure Information Act of 2002, and will not be made available with this document.

During the following years other upgrades were made to enhance security to the State Capitol Building. All State Capitol Police Officers received numerous hours of addition terrorist related training.

In 2007 the State Capitol Police, Department Of Emergency Management, Arkansas State Police, and Office of the Governor participated in a table top drill of a terrorist attack on the State Capitol Building. It was suggested at that time to close the tunnel entrance and the State Capitol to the public on weekends. It was also suggested to install a Generator capable of running the facility in the event of a critical power failure. These suggestions were not implemented, due to lack of support and funding from the legislature and others.

In January 2011, Secretary of State Mark Martin requested the State Capitol Police to contact the United States Department of Homeland Security and request an updated Vulnerability Assessment Survey of the Arkansas State Capitol. The Department of Homeland Security conducted their survey in April of 2011. A copy of their survey and recommendations were provided to the Secretary of State and many suggestions were implemented by the State Capitol Police and Secretary of States' office. Many of the Recommendations were necessarily cost prohibitive due to budget constraints and could not be implemented without the proper funding. This information is also protected from disclosure as provided by the provisions of the Critical Infrastructure Information Act of 2002, and will not be made available with this document.

Also during 2011 the Bureau of Legislative Research and Legislative Council asked Secretary of State Martin to conduct an analysis into the possibility of utilizing State Capitol Police officers in providing security to the 5<sup>th</sup> floor of the #1 State Capitol Mall "Big Mac" Building. This analysis was conducted by State Capitol Police personnel in two forms. One analysis was presented to provide two additional officers on staff and station them at the Big Mac Facility Monday through Friday during normal business hours. The expected cost with equipment was \$145,767.00. Another analysis was provided that State Capitol Police would provide total access control and security to the entire #1 State Capitol Mall building on a twenty four hour basis. The expected cost with equipment was \$866,621.00 at 2011 figures. Cost analyses for both scenarios were provided at that time. These analyses were presented to the Director of Legislative Research, but due to the expected high cost for this type operation, private security was hired for the 5<sup>th</sup> floor BLR facilities.

During the 2011 Session the House of Representatives changed all locks on doors under their control and disabled almost all of the Card access locks on doors under their control that were being monitored by the State Capitol Police security lock system. During the

2013 Legislative Session the House of Representatives utilized two State Troopers, as they have in the past, and also hired private security personnel to work in the House Galleries. Neither the Secretary of State nor State Capitol Police were briefed on the new private security personnel and became aware of it by other means. Also, during the 2013 Legislative Session the Secretary of State Budget was held in the House of Representatives on two occasions.

Secretary of State Martin has continued to provide the State Capitol Police with the necessary funding to enhance CCTV Surveillance systems and necessary police training. The State Capitol Police have also purchased new law enforcement equipment to assist with the security of the Capitol Building and have continued to provide opportunities to its officers to attend specialized police training in multiple areas.

As mentioned earlier, the Executive Committee of the Arkansas Legislative Council stated that concerns were raised regarding the security measures that are currently in place at the State Capitol Building. The letter does not specify the exact concerns or directly address any particular matter of concern, but it is always beneficial for all parties to discuss their concerns so they can be addressed in an appropriate manner. The letter requested that we provide a report on ways in which security may be increased. Without a clear understanding of the concerns, I can only suggest some ways in which security can be increased to more widely protect the State Capitol Building on a daily basis. It must be understood though that many of these suggestions have been made by multiple people and officials over many years with limited support for implementation.

### **Suggestions:**

There are many things that can be done to enhance the security at the State Capitol Building, but to make any changes work all agencies and employees must be willing to except and abide by the enhancements. Security enhancements can be a complicated task to administer because The State Capitol is a unique place with multiple agencies and staff working within one building. Each office has its own policies and procedures and not one agency has control over the other. All have ideas on how they would like to see things done but most want only certain procedures to affect themselves and other procedures to apply to others.

I suggest that all deactivated card access doors be placed back in service and additional doors be added to the system. This will allow only those with proper access to be authorized entry to a particular area. Access can be discontinued or enhanced from one central point as circumstances change. All areas can be monitored for unauthorized access as well for one central point. I suggest the key pad access be eliminated at the Capitol Hill



Building and Card access only be required for entry. This would prevent key pad numbers from being given to unauthorized personnel and would allow for better control and security to the building. I suggest the House of Representatives reactivate all access doors they have deactivated and discontinue providing keys to their doors. I suggest that the Senate do the same and reactivate any card access door that has been deactivated.

Additional CCTV cameras should also be installed on the north parking area to Capitol Hill, at each entry door of the building, and to the front lobby. All events by outside parties should be discontinued at Capitol Hill as well. The Capitol Building tunnel could be closed to through civilian traffic, equipment could be installed to only allow individuals with issued card access to drive through the tunnel area and park on the east side of the State Capitol Building.

Other suggestions to tighten security would be to discontinue the use of multiple agencies that provide security within the State Capitol and Legislative Facilities. All security operations should be consolidated under The State Capitol Police; this would include placing additional officers at the 5<sup>th</sup> floor Big Mac facility and/or the entire Big Mac Building Complex. This would also include utilizing Capitol Police Officers in place of Arkansas State Troopers and private security guards at the House of Representatives during Legislative Sessions. Consolidation of Security personnel and procedures would greatly enhance communication during daily operations in all areas and would allow for all security providers to be conducting the same techniques at all locations, in the same manner, and under the same command and control structure. This would include having State Capitol Police officers assigned to the House of Representatives and Senate and to attend legislative Sessions and Legislative Meetings whenever and wherever they are being held.

Card access could be discontinued to the basement entrances and North and South entrances thus requiring all persons, including members and staff, to enter the building by way of the east and west entrances only. All members of the Senate and House of Representatives could be issued a pin or identification tag that must be worn at all times while on the grounds to distinguish them as members of the legislature. Staff can also be required to be issued and wear an Identification Card at all times while working on the Grounds. Any member or staff not wearing an Identification Pin or Card could be required to enter and be scanned through a metal detector.

Bag scanners could be added to the 5<sup>th</sup> floor BLR Facility and to the east and west entrances of the State Capitol Building to scan all packages, purses, bags, briefcases, and other items prior to entering the building. This would necessarily require additional funds to purchase

and install, and would be labor intensive requiring additional officers working each entry point. This would require additional Capitol Police Officers being added to the department, additional budgeting, equipment, and training would also be required.

Consideration may be given to closing the State Capitol Building on weekends and Holidays to prevent access by individuals that may be doing surveillance to the structure. This would necessarily curtail public events and other activities that occur on weekends and Holidays

Many other suggestions can be given consideration and ideas can be discussed, but all agencies and persons involved must have a clear understanding that with every increase in security to any facility, there can never be a decrease without clear compelling reasons to do so. It has been my experience that once a procedure is put in place it almost can never be taken away. All persons involved must be willing to follow and except any new procedures established. This has been hard to do with so many different ideas being put forth and so many different agencies working within one facility.

Ultimately the State Capitol and all other Facilities can be secured as tight as humanly possible, but this will take a major and lasting financial commitment from all parties involved especially the Legislative branch where all budgeting is derived.

I hope this document will allow for understanding of how the State Capitol came to its current security posture and will allow for concerns and ideas to be put forth with an understanding of how any security upgrade or enhancements requires additional funding, manpower, and commitment by all affected.

Additional studies can be conducted, should they be required.

Sincerely,

Darrell S. Hedden  
Chief of Police

## **Security Policy**

### **One Capitol Mall, Fifth Floor – Legislative Committee Rooms and Staff Offices**

#### **Policy Statement**

It is the intent of this Security Policy to provide a deterrent to acts of violence by keeping dangerous weapons and other unauthorized items out of the legislative committee rooms located on the Fifth Floor of One Capitol Mall and the Bureau of Legislative Research staff offices. The security officers that operate the metal detection equipment will do so to the best of their ability to avoid any major inconvenience to legislators, staff, and members of the public while in performance of their respective duties.

Securitas will provide training for security officers in the operation of all metal detection equipment. The role of the officers will be to monitor walk-through magnetometers and hand-held metal detector wands to screen visitors to the Fifth Floor of One Capitol Mall (also referred to as the “facility”) for weapons and unauthorized items before allowing those persons access to the building.

#### **Access**

Access to the Fifth Floor of One Capitol Mall will be limited as follows:

- All entrants through the main street entrance will pass through the metal detectors, manned by a security guard before entering the building.
- Access to the fifth floor via the elevators, including the freight elevator, and stairwells from other parts of the building will be restricted to key card access only.

#### **Dangerous Weapons/Unauthorized Items**

The following is a partial list of items prohibited from being carried into the facility. The security officer will be authorized to use his or her discretion in disallowing items not included on this list:

- Guns, including pellet and BB guns
- Explosives
- Martial Arts Weapons
- Batons
- Mace/Pepper Spray
- Ammunition
- Electric Weapons (e.g. tasers)
- Large Knives
- Brass Knuckles

## Screening and Inspection

Individuals entering the facility will be subject to an initial screening via walk-through magnetometer and visual inspection of any property in the individual's possession.

- **Purpose of the Screening/Inspection – Administrative Search.** Screening/inspection will be conducted at the street entrance of the Fifth Floor of One Capitol Mall. The screening/inspection will be limited and no more intrusive than necessary to protect against weapons and items of danger being brought into the facility. The screening/inspection is not being conducted for the purpose of gathering evidence for criminal prosecution. However, items discovered during the course of the screening/inspection may be admissible in criminal prosecution. Because the security screening is an administrative search as a condition by which entry into the facility may be gained, the person being screened/inspected is deemed to have consented to the screening/inspection.
- **Notice.** Signs will be displayed at all entrances alerting visitors to the facility that upon entering the facility, they may be subject to a screening and inspection of their person and property. If a person approaching the entry point to the facility chooses to avoid the screening/inspection by not entering the facility, the person may not be screened/inspected.
- **Persons Subject to Screening/Inspection.** All individuals are required to enter through the walk through magnetometer; the following individuals will be exempt from further inspection if the alarm on the magnetometer sounds when they walk through: current members of the Arkansas General Assembly, Bureau of Legislative Research staff, Senate staff, House of Representatives staff, and Legislative Audit staff.

*[POSSIBLE ADDITIONAL EXEMPTIONS for your consideration: Lobbyists, Media, Anyone carrying a badge issued by the State Capitol Police, Anyone carrying a badge issued by an Arkansas State agency, friends and family accompanying a current member of the Arkansas General Assembly]*

- **Procedure.** As an individual approaches the walk through magnetometer, the security guard will ask the individual to empty his or her pockets and place the contents in the bowl provided and place the bowl on the table along with any bags the individual has in his or her possession. The individual will then be asked to walk through the magnetometer.

No Alarms Sound. If the individual passes through the magnetometer without any alarms sounding, the security guard will visually inspect the contents of the bowl and ask the individual to open his or her bag for a visual inspection. If after these visual inspections, the security guard does not detect any weapons or other unauthorized items, the individual will be permitted to continue on to his or her destination within the facility.

Alarms Sound. If the alarm sounds when the individual passes through the magnetometer, the security guard will ask the individual to double check his or her

pockets and walk through a second time. If the alarm sounds a second time, the security guard will then utilize the hand-held metal detector wand to determine the cause of the alarm. If the cause of the alarm is determined to be from a harmless source, the security guard will conduct the visual inspection of the contents of the bowl and the individual's bag and allow the individual to continue on to his or her destination within the facility.

**Pat-down.** If the cause of the alarm cannot be determined by the hand-held wand, and if there is reason to believe that an individual is armed, a pat-down of the individual may be initiated by the security guard. Any time a pat down is initiated, the officer will have a witness present and the incident will be noted in the security officer's daily activity report. Pat downs of females will only be conducted by a female security officer. All pat downs will be conducted in the designated private area set aside by the Bureau of Legislative Research.

**Detection of a Weapon.** If during any part of the search procedure a dangerous weapon is discovered by the security guard, the security guard will immediately contact the State Capitol Police for assistance. Individuals attempting to enter the facility with an unauthorized item that is not considered illegal will have the option of either returning the item to their personal vehicle or not entering the facility.

**Refusal of Screening/Inspection.** Each individual has the right to refuse to submit to a screening/inspection. However, an individual refusing the screening/inspection will be asked to leave the facility. If the individual refuses to leave, the security officer will immediately notify the State Capitol Police.

- **Persons with Disabilities.** The security officer is instructed to ensure that people with disabilities are screened while still being sensitive to each person's condition. If it is not possible for an individual to walk through the magnetometer, a hand-held wand screening will be deployed. If the individual does not permit a hand-held wand screening, access to the facility may be denied. A visual inspection of the person's possessions will be conducted in the same manner as for other individuals. Service animals will be visually inspected.
- **Media Equipment.** The security guard will visually check TV cameras used by media outlets. Camera operators and all other media equipment will be screened in accordance with the standard procedures set out herein.

### **Security Officers**

One armed security officer, provided through the Bureau of Legislative Research's contract with Securitas, will be present at the street entrance to the Fifth Floor of One Capitol Mall at all times, Monday through Friday, 8:00 a.m. to 5:00 p.m. Arrangements will be made through Securitas for a backup security officer to cover the main security officer's breaks throughout the day. On those instances where the Bureau has notice of a large or potentially controversial legislative meeting to be held in the committee rooms in the facility, Securitas will also ensure that both a male and female officer are present to assist with conducting any pat down searches that may be

necessary. The backup officer and additional officer to cover meetings will not necessarily be armed.

**Security Cameras**

The Bureau of Legislative Research has in place, and the security guard has visual monitoring access to, several security cameras located throughout the Fifth Floor of One Capitol Mall. These cameras are set to monitor the access points to the facility.

DRAFT

# July 2014

July 2014							August 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5							
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>Jun 29</b>	<b>30</b>	<b>Jul 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Jun 29 - Jul 5							
	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
Jul 6 - 12					NCOIL Summer Meeting (Boston, Massachusetts)		
	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
Jul 13 - 19	NCOIL Summer Meeting					09:00am 11:00am Legislative Council (Big MAC A)	
	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
Jul 20 - 26							SLC 68th Annual Meeting
	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>Aug 1</b>	<b>2</b>
Jul 27 - Aug 2	SLC 68th Annual Meeting (Little Rock, AR)			ALEC 41st Annual Meeting (Dallas, Texas)			



# August 2014

August 2014							September 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
7/27 - 8/1	Jul 27	28	29	30	31	Aug 1	2
						ALEC 41st Annual Meeting	
8/3 - 8	3	4	5	6	7	8	9
							CSG National Conference
8/10 - 15	10	11	12	13	14	15	16
	CSG National Conference (Anchorage, AK)					09:00am 11:00am Legislative Council (Big MAC A)	
8/17 - 22	17	18	19	20	21	22	23
			NCSL Legislative Summit 2014 (Minneapolis, Minnesota)				
8/24 - 29	24	25	26	27	28	29	30
8/31 - 9/5	31	Sep 1	2	3	4	5	6



# September 2014

September 2014							October 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>Aug 31</b>	<b>Sep 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
Aug 31 - Sep 6							
	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
Sep 7 - 13							
	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
Sep 14 - 20					Energy Council - Annual Meeting (Tulsa, Oklahoma) 09:00am 11:00am Legislative Council (Big MAC A)		
	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
Sep 21 - 27	Energy Council - Annual						
	<b>28</b>	<b>29</b>	<b>30</b>	<b>Oct 1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Sep 28 - Oct 4							

## **Exhibit E**

### **Policy Concerning Letters of Protest of Official Actions Taken During Meetings of the Legislative Council**

**As Adopted by the Executive Subcommittee of the Legislative Council  
June 19, 2014**

Once all available remedies for challenging the actions and decisions of the chair of the Legislative Council have been taken in a meeting of the Legislative Council and the chair has moved on to other business, the only recourse remaining to a member of the Legislative Council with regard to that action is to file an official letter of protest with the Executive Subcommittee of the Legislative Council.

Upon receipt of a letter of protest under this policy, the Executive Subcommittee shall, at its next regularly scheduled meeting, consider authorization to include the letter of protest as part of the official record of the Legislative Council meeting at which the protested action occurred. Neither the Executive Subcommittee nor the Legislative Council shall make a determination as to the merits of the protest. The chair whose actions are the focus of the protest will be allowed to submit a letter in response to the protest letter, which shall also be made a part of the official record of the meeting.

All letters of protest received and authorized by the Executive Subcommittee shall be reported to the Legislative Council at its next regularly scheduled meeting. Other than adoption of the Executive Subcommittee report, no further action will be taken by the Legislative Council with regard to the protest.

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THE SENATE  
OF THE STATE OF ARKANSAS

CHAIR:  
INSURANCE & COMMERCE

VICE-CHAIR:  
JOINT RETIREMENT & SOCIAL SECURITY

MEMBER:  
JOINT BUDGET  
LEGISLATIVE COUNCIL  
EDUCATION  
RULES, RESOLUTIONS & MEMORIALS  
JOINT PERFORMANCE REVIEW

June 9, 2014

The Honorable Bill Sample  
Chairman – Arkansas Legislative Council  
2340 North Highway 7  
Hot Springs, Arkansas 71909

The Honorable John Edwards  
Chairman – Arkansas Legislative Council  
40 Sherrill Road  
Little Rock, Arkansas 72202

Dear Chairman Sample and Chairman Edwards:

It is imperative the business of the Arkansas Legislative Council be conducted fairly and properly so that all members have confidence in our legislative procedure. Please accept this letter of protest for rulings made by Chairman Edwards during the May 16, 2014, meeting of the Arkansas Legislative Council ("ALC") regarding suspension of the rules to consider my resolution requesting the Arkansas Legislative Council express its support of Amendment 83 to the Arkansas Constitution defining marriage as consisting only of the union of one man and one woman. There are several procedural rulings which were not undertaken in the correct manner that had a direct impact on the vote for my resolution.

**Double motions:** Representative Leding made the motion for a roll call and a division of the vote after a voice vote was undertaken on the matter. This double motion should not have been recognized and the effect should have been that the sole purpose of the motion was for a roll call vote. Consequently, the votes should have been added together and the motion to suspend the rules should have only required the affirmative vote of two-thirds of the total membership of the ALC members. There are no provisions in the rules of the Senate, House of Representatives, and ALC that permit double motions. Moreover and more importantly, it is the practice of the House and the Senate that double motions are not recognized. The ALC rules provide under §2 that "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."

PAGE TWO - Letter of Protest  
Chairman Sample/Chairman Edwards  
June 9, 2014

Mason's Manual provides under § 163.1:

1. It is generally not good practice to permit a member to submit more than one motion at a time, and it may not be done without unanimous consent.

This reference guide for ALC provides that double motions may not be done without unanimous consent and in this instance, unanimous consent of ALC was not acquired.

**Two-thirds vote requirement:** The ALC rules provide under §18(c) the rules of the Legislative Council may be suspended by an affirmative vote of two-thirds (2/3's) of a quorum. Under § 8(a)(3) of the ALC rules, upon the request of any three (3) members of the Legislative Council, a separate vote of the House of Representatives members and Senate members shall be taken on any issue or matter before the Legislative Council and approval of a majority of the members present from the House of Representatives and a majority of the members present from the Senate shall be required for the issue or matter. Therefore, upon the request for a division of the vote, the vote threshold should have solely been a majority of the members present from each chamber and not the higher two-thirds vote. Under this ruling, the vote to suspend the rules would have passed.

**Motion to reconsider:** Upon your determination that the two-thirds vote threshold was not met in the Senate, I made a motion for reconsideration of the suspension of the rules. Under § 9(a) of the ALC rules, 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. My motion for reconsideration was a proper motion made at the proper time. You adjourned the meeting stating that my protest to the double motion should have been made at the time of the motion. However, you adjourned the meeting having acknowledged me, at which time I made the motion, and you did not rule on my motion for reconsideration. Procedurally, it is not the practice of the House of Representative, the Senate, or ALC to adjourn a meeting without making a ruling on a motion that has been made before the body.

In light of the above listed procedural improprieties, the vote to suspend the rules for consideration of my resolution was wrongly decided upon. I ask that a copy of this protest letter be included along with the minutes of the meeting and be distributed to all members of the Arkansas Legislative Council at our next regularly scheduled meeting.

I would also appreciate the chairman addressing the mistakes that were made and apologizing for the confusion this has caused for all members and the mishandling of the resolution. Had the proceedings of the meeting been conducted appropriately, the resolution to support Amendment 83 would have clearly been passed by the majority of members present and voting - the voice vote in favor of suspension of the rules to consider the resolution was a clear majority and 56 members of the legislature indicated their support as co-sponsors of the resolution.

Since the resolution was never formally heard, it is being placed back on the agenda for normal consideration at the next regularly scheduled ALC meeting when no suspension of the rules will be required.

Sincerely,



Jason Rapert  
State Senator  
District 35