

MINUTES

**SENATE AND HOUSE INTERIM COMMITTEES ON
CITY, COUNTY, AND LOCAL AFFAIRS**

August 9, 2018

The Senate and House Interim Committees on City, County, and Local Affairs met Thursday, August 9, 2018 at 2:15 p.m. in the Embassy Suites Hotel, Rogers, Arkansas. The meeting was held during the Annual Conference of the Association of Arkansas Counties (AAC).

Committee members present: Senators Alan Clark, Senate Chair, Linda Collins-Smith, Bart Hester, Jim Hendren, and Ricky Hill. Representatives Tim Lemons, House Chair, Carol Dalby, Andy Davis, Gary Deffenbaugh, Jana Della Rosa, Charlotte Douglas, Trevor Drown, Jon Eubanks, David Fielding, Jimmy Gazaway, Justin Gonzales, Kim Hammer, Kim Hendren, Mike Holcomb, Jack Ladyman, Fredrick Love, Roger Lynch, Andy Mayberry, and James Sturch.

Other members present: Representatives Ron McNair, Rebecca Petty, and Dan Sullivan.

Call to Order

Senator Clark called the meeting to order. He asked legislators to introduce themselves.

Opening Remarks by Committee Chairs

Representative Lemons, Chair, and Representative Ladyman, Vice Chair of the House Committee on State Agencies and Governmental Affairs, both thanked the county elected officials for attending the meeting and for their service to their communities.

Welcome and Introductions – Chris Villines, Executive Director, Association of Arkansas Counties (AAC)

Senator Clark recognized Chris Villines, Executive Director, Association of Arkansas Counties (AAC). Mr. Villines said that over 700 elected officials are participating in the conference, which is a record attendance. He invited legislators to attend a panel discussion scheduled for Friday, August 9, 2018 at 9:00 a.m. for an in-depth discussion on the opioid epidemic in the state.

Discussion of Local 911 Issues and Solutions [Exhibit D, D-1, and D-3]

The following presenters were introduced: Josh Curtis, Governmental Affairs Director, and Blake Gary, Law Clerk, AAC, Renee Hoover, Administrator, Emergency Telephone Services Board (ETSB), Stacy Hunt, 911 Coordinator, Arkansas Department of Emergency Management (ADEM), and Brianna Fields, Deputy Director, Office of Emergency Management (OEM), Benton County.

Mr. Curtis told legislators that he and the other presenters will explain the various sections of their PowerPoint presentation, which is in member's packets. He said his role is to represent the state's county judges who selected 911 reform legislation as their number one priority, and have it introduced during the 92nd legislative Session. He referenced a proposed resolution prepared by the County Judges Association that outlines reforms needed by the 911 Communication Centers across the state.

Ms. Hunt told legislators the Arkansas Department of Emergency Management (ADEM) has also recognized the need for 911 reform. ADEM created the state's Next Generation (NG) 911 Working

Group to address issues and seek solutions for 911 systems. The group consists of officials from ADEM and the Office of Emergency Communications (OEC) and the Department of Homeland Security (DHS). Other stakeholders include technical specialists with the Arkansas Office of Geographic Information Services (GIS), the Emergency Telephone Services Board (ETSB), 911 Call Center managers, city and county officials, and county emergency managers. Ms. Hunt said the working group has been meeting during the past six to eight months. May, 2018, the group finalized the resolution Mr. Curtis referenced earlier.

Ms. Hoover gave a historical review highlighting the evolution of the state's 911 centers throughout the years. The original systems were designed for landline technology from the 1970s. The Federal Communications Commission (FCC) levied mandates in 1998 requiring that all 911 systems in the country be updated to Phase I service, which provides the general location of a call, but not the specific location. In Arkansas, deployment of the Phase I service was not completed until 2001. By the time deployment of the Phase I service was completed in Arkansas, the FCC had issued additional mandates requiring additional location information based on where a caller was located within a cell sector. Both Phase I and Phase II have been completed, but there are still four counties who do not have enhanced 911 landline service. Ms. Hoover told legislators she is a member of the National Association of State 911 Administrators (NASNA), the National Emergency Number Association (NENA), and the Association of Public Safety Communications Officials (APCO). Through her membership in these national organizations, she has learned that states who have a state-level agency with authority and oversight are better equipped to update and implement newer technologies within their 911 communication centers. Ms. Hoover outlined the current funding stream

- A 911 surcharge on landlines ranges from 5% up to 12% per month
- The surcharge on wireless and voice-over IP service is 65 cents per line on monthly wireless phone bills, one of the lowest in the U.S.
- 85% of funds collected are distributed quarterly to the PSAPs by the ETSB
- 15% of the funds are retained by the ETSB to cover the local exchange carrier costs
- An additional portion of the 15% is distributed to the PSAPs on an annual basis as reimbursements for maintenance
- Counties and cities are currently supplementing the costs of their 911 systems by paying out over \$20 million

Mr. Curtis told legislators there are 127 PSAPs in the state. To fully fund all the centers it will require an increase of over 75 cents per customer. He described elements necessary to implement 911 reforms:

- Implementing IP based technology
- IP based technology will make it possible for counties to upgrade to NG911 systems

He emphasized the necessity of updating 911 systems from the current Legacy-based system to the NG911. The IP based technology allows interoperability between local Public Safety Answering Points (PSAPs). The AAC is currently working on draft legislation to be introduced during the 92nd legislative Session to address the needs of the 911 communication centers.

Mr. Curtis and legislators discussed elements in the proposed draft legislation:

- Consolidation of PSAPs
- Creation of a statewide board with oversight authority
- Provide the ETSB with rule making authority
- Increase wireless surcharge fees

Update on Recent Elections-Related Legislation

Heather McKim, Director, and Daniel Shults, Legal Counsel, Arkansas State Board of Election Commissioners, were recognized. Ms. McKim said there are seven Board members. The role of the Election Commission Board is to enforce election laws and develop rules for county election officials. The Board conducts training for county election officials, county clerks, and county election commissioners. Regional election committees have been created. Board personnel travel and meet with the regional committees. The Board's only role concerning election equipment is to approve the equipment. She said personnel with Arkansas's Department of Homeland Security recently partnered with the Arkansas Department of Emergency Management (ADEM). This partnership provides assistance to counties and helps them assess their physical and cyber security.

Mr. Shults outlined issues in state and federal legislation that impact counties. During the 2017 legislative Session, legislation was passed requiring voters to certify their voter registration with photo identification. The legislation is currently pending before the Arkansas Supreme Court. Mr. Shults said the Court has indicated their intent to decide the matter before the November, 2018 election. He then addressed changes to school board elections and said training is being provided to counties.

Discussion on Protecting Ballot Secrecy in Precincts With Limited Numbers of Voters

Senator Clark recognized Crystal Graddy, President, Arkansas County Clerks Association and Boone County Clerk, and Rhonda Cole, County Clerk, Clark County. Ms. Graddy presented concerns clerks have because of the numerous election law changes passed in the 91st legislative Session.

- Precinct splits direct clerks on which ballot is given to a voter
- Legislation that passed caused precincts to become smaller and smaller
- Legislation passed that added school elections
- When a precinct split is added, the districts can have as few as one or two voters causing reporting issues
- The major problem in the primary and absentee voting is splits that have only ten to twenty voters, which means they can be tracked by party affiliation thereby removing a voter's anonymity

Ms. Cole discussed upcoming redistricting, which will occur following the 2020 census. Redistricting will have to be finalized before the 2022 election primary. In 2011, the General Assembly passed Act 1242, establishing the four congressional districts. This was the first time in the state's history that congressional districts split counties. Prior to this, the congressional districts were composed of whole counties. She said Act 1242 used the county election precincts to split the following counties, Crawford, Newton, Jefferson, and Sebastian. This causes legislators to have to split counties when the congressional districts are redrawn. The County Clerks have asked the legislature that when the districts are redrawn, to use the election precinct boundaries in the four counties impacted by the county splits. Because districts are drawn independently there is no check in the system to avoid unique areas. She gave the example in Clark County where there are fourteen splits with less than five voters in each voting district. The County Clerks Association is asking the legislature to encourage all entities to make as many of the district lines correlate with county lines when possible.

There being no further business, the meeting adjourned at 4:30 p.m.

Senator Clark announced that a forum by the candidates for Arkansas Secretary of State will take place following the committee meeting.