

DRAFT MINUTES

SENATE COMMITTEE ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS HOUSE COMMITTEE ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS

Meeting Jointly

Wednesday, June 18, 2014

The Senate and House Committees on State Agencies and Governmental Affairs met jointly on Wednesday, June 18, 2014, at 10:30 a.m. in Room A of the MAC Building.

Members in Attendance

The following committee members attended: Senators Jane English, Vice Chair; Jimmy Hickey, Bryan King, Bobby Pierce and Robert Thompson. Representatives Andrea Lea, Chair; Butch Wilkins, Vice Chair; Duncan Baird, Nate Bell, Ann Clemmer, Jim Dotson, Kim Hammer, Mary Hickerson, Karen Hopper, John Hutchison, Allen Kerr, Josh Miller, Jim Nickels, Betty Overbey, and Wes Wagner.

Other Legislators in Attendance were: Senators Jonathan Dismang, Keith Ingram and Jon Woods. Representatives Scott Baltz, David Branscum, Charlie Collins, Andy Davis, Jon Eubanks, David Hillman, Shiella Lampkin, Homer Lenderman, Mark Lowery and Sue Scott.

The meeting was called to order by Representative Lea.

Consideration to Approve the Minutes

[EXHIBITS B.1, B.2, B.3, and B.4]

Representative Lea made a motion to approve the January 6, 2014; January 23, 2014; February 26, 2014; and April 9, 2014 meeting minutes. Without objection, the motion was approved by the Committee.

Discussion of the Freedom of Information Act and Outsourcing of Public Services

[EXHIBITS C.1, C.2, C.3, C.4, C.5, C.6, and C.7]

Representative Jim Nickels briefly explained of the Freedom of Information Act and outsourcing of public services. He stated state and local governments are giving control of critical public services and assets to corporations. Outsourcing undermines transparency, accountability, and competition. When public services are outsourced taxpayers do not have control over how tax dollars are spent. Representative Nickels briefly explained Exhibits C1, C2, and C3.

Mr. Dan Greenberg, Advance Arkansas Institute, stated in addition to transparency requirements of government, in some cases certain degree of disclosure requirements are important. He noted the positive impact of the House of Representatives live streaming meetings and suggested live streaming joint committee meetings and senate committee meetings. Mr. Greenberg briefly discussed three areas of expanding FOIA protection and rights: First, protecting the First Amendment right to record in public; Secondly, making Arkansas Crime Information Center (ACIC) records available to the public; Finally, for Arkansas Economic Development Commission (AEDC) to make available to the public the annual report on gifts to corporate interests.

Mr. Max Brantley, Editor, Arkansas Times, explained that as government agencies start using outsourcing more it will become harder to account for public funds. He briefly discussed three areas where disclosure requirements should be reviewed. First, the lack of public accountability for private foundations such as the University of Arkansas Foundation and the Razorback Foundation. There is a need for more disclosure and accountability without infringing the privacy rights of private entities.

Secondly, better record retention policy and procedures and having a coherent record retention law. Finally, he suggested the need to having access to working papers of governmental agencies including the Governor's Office, Attorney General's Office and the members of the Arkansas Legislature.

Professor Robert Steinbuch, Professor of Law, University of Arkansas Little Rock Law School, discussed how Arkansas FOIA is good but often times there are still agencies denying requests for information. Arkansas FOIA process can be improved by requiring agencies refusing FOIA requests for information or documents to cite the specific exemption that applies. Currently, this is not a provision in Arkansas FOIA but it is in other states. He also discussed how agencies should be required to maintain records and to publicly release those records. Professor Steinbuch also discussed the importance of open meetings entitlement for the public.

There being no further business, the meeting was adjourned at 11:55 a.m.

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