

SENATE INTERIM COMMITTEE ON CITY, COUNTY, & LOCAL AFFAIRS
HOUSE INTERIM COMMITTEE ON CITY, COUNTY, & LOCAL AFFAIRS

MEETING JOINTLY

THURSDAY, JUNE 16, 2016

MINUTES

Senate and House Interim Committees on City, County, and Local Affairs met Thursday, June 16, 2016 at 10:00 a.m. in the Governors Hall IV, Statehouse Convention Center, Little Rock, Arkansas. The meeting was held during the 82nd Annual Convention of the Arkansas Municipal League (AML).

Committee members present were Senators Missy Irvin, Senate Chair, Linda Collins-Smith, Scott Flippo, and Stephanie Flowers. Representatives Betty Overbey, House Chair, Mary Bentley, Charles Blake, Donnie Copeland, Lance Eads, Les Eaves, Kenneth Ferguson, and Michael John Gray.

Other Legislators attending were Representatives Scott Baltz, Dan Douglas, David Hillman, Douglas House, Fredrick Love, Ron McNair, James Sorvillo, and Dave Wallace.

Call to Order

Mayor Harry Brown, City of Stephens, First Vice President, Arkansas Municipal League, called the meeting to order. Mayor Brown welcomed attendees and introduced The Honorable Leslie Rutledge, Arkansas Attorney General.

Review of Ballot Proposals and Legal Issues of Concern

General Rutledge thanked the municipal officials for their commitment to serving their communities. She reviewed recent programs instituted by the Attorney General's office, including:

- Mobile offices launched in all 75 counties in 2015 to provide information and warnings, particularly concerning identity theft and scams
- \$14 million in funding was designated and distributed by the Arkansas general treasury for public safety measures to help alleviate jail overcrowding
- \$500,000 in funding was directed to the Arkansas Department of Rural Services to assist volunteer fire departments
- \$1 million in funding was distributed to the Arkansas Wireless Information Network (AWIN) to ensure that safety measures are in place to allow law enforcement and first responders to directly contact one another
- A Medicaid fraud program and a Social Security Disability fraud program were launched

General Rutledge discussed the Attorney General Opinion regarding Act 746, the open-carry of firearms, a 17 page document, which can be found at the Attorney General's website. The opinion states that an individual may carry a firearm openly as long as he or

she does so without unlawful intent to employ it against another person. She gave four important caveats:

- Persons who choose to openly carry a firearm should expect law enforcement to question them
- All other state laws and statutes regarding handguns and firearms remain in place
- Business owners may choose to not allow firearms in his or her business
- Persons who choose to conceal and carry a firearm must obtain a conceal carry license

Tom Carpenter, Little Rock City Attorney, was introduced. He gave an overview of Article Twelve, Section Five of the Arkansas Constitution, which states that no county, city or other municipal corporation shall become a stockholder in any company, association or corporation, or obtain or appropriate money for it. He discussed an appeal pending in court concerning the City of Little Rock and the Greater Little Rock Chamber of Commerce. The court decision stated that a contract between the two entities was a contract in form and not in actuality. Mr. Carpenter believes the final ruling by the court in this matter will impact the entire state and any future contracts between municipalities and other entities. He explained that cities are not allowed to gift to individuals and/or corporations. When a city does not have the ability or resources to provide services to citizens, it must contract for the services. Mr. Carpenter said the decision in the current court case poses the question of whether a city can deal with economic development entities such as a chamber of commerce. He said that if passed, Constitutional Amendment Three would establish an amendment to Article Twelve, Section Five of Arkansas Constitution to allow economic development contracts, including the issuance of bonds.

Kristin Higgins, Program Associate, University of Arkansas Cooperative Extension Service, was introduced. Ms. Higgins gave a presentation on ballot issues for the upcoming November elections. She said the Cooperative Extension Service is currently researching the issues. An official fact sheet will be published September, 2016 including the initiatives that will appear on the ballot. She reviewed the ballot initiatives:

- Issue One would allow four year terms for certain elected county officials and allow candidates who are unopposed to not have their names appear on the ballot
- Issue Two would allow the governor to retain power and authority when absent from the state
- Issue Three would amend Article Twelve, Section Five of the Constitution to allow cities and counties to appropriate funds to corporations and institutions to help finance economic development projects

Ms. Higgins said there are six groups collecting signatures on five constitutional amendments:

- An amendment to limit attorney contingency fees and non-economic damages in medical lawsuits. It would alter Amendment 80 by empowering the General Assembly to pass laws regarding excessive contingency fees in medical injury cases. It would also amend Section Thirty-Two of Article Five of the Constitution and require

the legislature to set maximum dollar amounts for non-economic damages at the upcoming legislative session.

- Two initiatives approved by the Attorney General's office in May, 2016 will allow three casinos to operate in Arkansas and place into the Constitution the names of three specific companies and authorize them to operate casinos in Boone, Miller and Washington counties. It would create the Arkansas Gaming Commission which would regulate and oversee casino gaming and establish a casino gaming tax rate that would designate how much these casinos would pay in taxes to the state, city and county.

Ms. Higgins reviewed three ballot proposals relating to marijuana. Two of the proposals are specific to medical marijuana. One proposal includes specific code and specific directions for the state to follow in legalizing the growing, distribution, selling, use, and possession of marijuana for qualified medical purposes. The second amendment will legalize the use, possession, and sale of marijuana for medical purposes. The third amendment, known as the Arkansas Cannabis Amendment, would legalize marijuana for all purposes, both medical and recreational.

AMERICA WALKS – Discussion of Mobilizing Individuals, Organizations, and Businesses to Increase Walking and Walkability in Cities and Towns

Dr. Ian Thomas, State and Local Program Director, America Walks, was introduced. Dr. Thomas said that America Walks is a national education and advocacy organization focused on encouraging people to walk more often and promotes the creation of walkable communities. He discussed the advantages of walkable communities:

- Traffic safety – pedestrian deaths and serious injuries have increased. Walkable communities create places that are safe and inviting for people to walk, ride bicycles, plus improves a community's transit system. The younger generation wants to live where they can walk or take a bus to local shops, restaurants, or college classes. Having more people out walking makes streets safer. In areas with pedestrians it is necessary to find a way to slow down traffic to avoid injuries and deaths.
- Improve public health – a major benefit of walkable communities. In 1969, half of all American children walked to school. By 2006, the number had decreased to less than one-third, and the number of overweight or obese children quadrupled.
- Social justice – communities must address social justice issues where citizens are stuck in a cycle of poverty. When citizens don't have access to a car and there is not a decent transit system, it is difficult to maintain a job, do their shopping, or have a social life with friends.

Dr. Thomas introduced Mayor Jill Dabbs, City of Bryant, Mayor Frank Hash, City of El Dorado, and Rick Elumbaugh, City of Batesville. Each mayor highlighted projects and policies being developed in their communities that focus on creating a more walkable community.

Mayor Dabbs said the City of Bryant approved guidelines for a "Complete Street" project-building and/or rehabbing streets in the city to accommodate pedestrians and cyclists. The city is working with their schools to establish a master plan to connect neighborhoods

to facilitate students who want to walk or bike to school. She said the city has received a \$2 million grant for improvements to Highway 183, which includes intersection improvements, reduced speed streets, adds more sidewalks, divided medians, and crosswalks to connect to the new high school.

Mayor Frank Hash said the City of El Dorado has been working for a number of years with an architecture firm to improve downtown sidewalks, biking and walking facilities and add interconnecting trails to a number of parks and lakes. The city built a two and half mile walking and biking path around a municipal golf course and a soccer field, with plans to build another 4 miles of biking and hiking paths.

Mayor Rick Elumbaugh said the City of Batesville is the oldest existing city in the state and its Main Street is a historic district. The city developed a plan to revitalize the downtown area. The city changed its Main Street to diagonal parking, installed planters, and provided parking on both sides of the street. Main Street was reduced to one lane, 10 miles per hour, and stoplights removed. Mayor Elumbaugh described other changes and improvements to the downtown area, including two new restaurants, expansion of the city library in its historic building from 2,000 square feet to 20,000 square feet. Mayor Elumbaugh said funds used for improvement costs were donated 100% to the city and sponsored by local corporations and banks.

Update on the Nearly Completed Statewide Long Range Intermodal Plan – the Arkansas Highway and Transportation Department's State Bicycle and Pedestrian Plan

Jessie Jones, P.E. Division, Head Transportation Planning and Policy Division, Arkansas Highway and Transportation Department (AHTD) was introduced. Ms. Jones gave a PowerPoint presentation on the Long Range Intermodal Transportation Plan (LRITP). She said the LRITP is a policy that addresses transportation issues in the state for the next 25 years and is the state's first performance-based plan. The plan will set the strategic directions for the future of the state's transportation system and the level of transportation investments required. Ms. Jones said the performance-based approach will ensure that transportation investment decisions are made based on the ability to meet goals to improve the overall transportation system. The AHTD maintains 16,411 roadway miles, the twelfth largest system in the U.S., and includes 7,282 bridges. The LRITP will integrate a bicycle and pedestrian plan, a rail plan, plus public transportation needs. The plan will be updated every five years. Ms. Jones explained that new federal legislation, which took effect October 2012, requires the use of performance data in the planning process by state transportation departments and Metropolitan Planning Organizations (MPO). She said the current plan was completed by the AHTD in 2007 and an update is necessary to address new federal requirements.

There being no further business, the meeting adjourned at 12:00 p.m..