

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 542

5 By: Senator J. Dismang  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DUTIES OF THE  
9 STATE HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.

### Subtitle

12 TO AMEND THE LAW CONCERNING THE DUTIES OF  
13 THE STATE HIGHWAY COMMISSION.  
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16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. DO NOT CODIFY. Legislative Intent.

20 The General Assembly finds that:

21 (1) Acts 2019, No. 298, required a study of the working  
22 processes and functioning of the Arkansas Department of Transportation;

23 (2) The purpose of the study was to examine and identify areas  
24 of potential improvement within the overall functioning of the department and  
25 to recommend legislation to the General Assembly for consideration in order  
26 to:

27 (A) Maximize the department's use of taxpayer dollars;

28 (B) Improve the efficiency and overall functioning of the  
29 department; and

30 (C) Ensure the responsiveness of the department to the  
31 needs of the State of Arkansas and its citizens with regard to improvement of  
32 the state highways and roads;

33 (3) The study was conducted with transparency through the  
34 collaboration of the department, members of the Highway Commission Review and  
35 Advisory Subcommittee of the Legislative Council, and members of the public;  
36 and



1           (4) Continued collaboration between the department, members of  
 2 the Highway Commission Review and Advisory Subcommittee of the Legislative  
 3 Council, and members of the public is necessary to facilitate transparency  
 4 and the implementation of the recommendations resulting from the study.

5  
 6           SECTION 2. Arkansas Code § 27-65-107(a)(18), concerning the powers and  
 7 duties of the State Highway Commission, is amended to read as follows:

8           (18)(A) To propose and submit rules regarding the:

9                           (i) Criteria for distribution of funds and the  
 10 distribution of funds from the:

11   (a) State Highway and Transportation  
 12 Department Fund; and

13   (b) Road and Bridge Repair, Maintenance, and  
 14 Grants Fund; ~~and~~

15   (ii) Spending priority designated for highway  
 16 construction contracts and public road construction projects by the  
 17 department and the commission, including the criteria used to establish the  
 18 spending priority-; and

19   (iii) Implementation of the recommendations included  
 20 in the final report submitted by the Legislative Council resulting from the  
 21 study of the Arkansas Department of Transportation required by the Highway  
 22 Commission Review and Advisory Subcommittee of the Legislative Council under  
 23 Acts 2019, No. 298.

24                           (B)(i) The commission shall submit the proposed rules  
 25 required under subdivision (a)(18)(A) of this section to the Highway  
 26 Commission Review and Advisory Subcommittee of the Legislative Council for  
 27 review.

28   ~~(ii) Proposed rules required under subdivision~~  
 29 ~~(a)(18)(A) of this section that are under consideration at the time the act~~  
 30 ~~passes do not require review by the Highway Commission Review and Advisory~~  
 31 ~~Subcommittee of the Legislative Council prior to implementation but shall be~~  
 32 ~~submitted to the Highway Commission Review and Advisory Subcommittee of the~~  
 33 ~~Legislative Council by October 1, 2017, as a report.~~

34   ~~(iii)~~ (ii) The proposed rules required under  
 35 subdivision (a)(18)(A) of this section are not required to be promulgated  
 36 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but

1 shall be published after review by the Highway Commission Review and Advisory  
2 Subcommittee of the Legislative Council, ~~and~~.

3 (C) The commission shall submit proposed contracts under  
4 subdivision (a)(18)(A)(iii) of this section of fifty thousand dollars  
5 (\$50,000) or more to the Highway Commission Review and Advisory Subcommittee  
6 of the Legislative Council for review before the execution of the contracts.

7 (D) The Highway Commission Review and Advisory  
8 Subcommittee of the Legislative Council shall allow members of the public a  
9 reasonable length of time to comment on the proposed rules and contracts  
10 submitted under subdivision (a)(18)(A)(iii) and subdivision (a)(18)(C) of  
11 this section.