

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

As Engrossed: H4/7/21

# A Bill

SENATE BILL 542

5 By: Senator J. Dismang  
6 By: Representative McNair  
7

## For An Act To Be Entitled

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

### Subtitle

14 TO AMEND THE LAW CONCERNING THE DUTIES OF  
15 THE STATE HIGHWAY COMMISSION.  
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. DO NOT CODIFY. Legislative Intent.

21 The General Assembly finds that:

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

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

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

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

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

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



1 and

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

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

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

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

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

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

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

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

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

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

35 ~~(iii)~~ (ii) The proposed rules required under  
 36 subdivision (a)(18)(A) of this section are not required to be promulgated

1 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but  
2 shall be published after review by the Highway Commission Review and Advisory  
3 Subcommittee of the Legislative Council, ~~and~~.

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

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

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15 */s/J. Dismang*

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18 **APPROVED: 4/16/21**