

MINUTES OF THE MEETING
OF THE
ARKANSAS LEGISLATIVE COUNCIL

Friday, October 19, 2012

The Arkansas Legislative Council met at 9:00 a.m., Friday, October 19, 2012 in Committee Room A of the Big Mac Building, Little Rock, Arkansas. Co-Chair Tommy Lee Baker called the meeting to order and dispensed with the calling of the roll. The members who attended are listed on the sign-in sheets.

Minutes of the Last Meeting

Co-Chair Baker referred the members to the minutes of the September 28, 2012 meeting of the Legislative Council and asked if there were any questions. There were no questions.

Representative Dale moved that the minutes of the September 28, 2012 meeting of the Legislative Council be approved. The motion received a second and passed by voice vote.

Presentation of Revenue Report

Co-Chair Baker recognized Richard Wilson, Assistant Director for Research Services with the Bureau of Legislative Research, to present the monthly revenue report for September 2012. Mr. Wilson reported that the Monthly Revenue Report for September 2012 (Exhibit D), reflects that after three months of the current fiscal year, collections are \$56.1 million ahead of the same three-month period last year for a growth rate of four percent (4%) on gross collections and the net revenue available is \$54.1 million ahead for a growth rate of four and one-half percent (4.5%). Mr. Wilson noted that the graph page shows that the net general revenue available for distribution is \$42 million over the official revenue forecast and page 1 of the spreadsheet reflects that gross receipts are flat while income tax collections are growing at good pace. In response to questions, Mr. Wilson responded that the graph of net general revenues available for distribution forecast would probably move on November 16, 2012 when the Department of Finance and Administration is required to submit an official forecast for the 2014-2015 fiscal year. Mr. Wilson also commented that he suspects the official forecast will be revised during the current fiscal year.

Reports of Standing Subcommittees

Administrative Rules and Regulations Subcommittee

Co-Chair Baker stated the Executive Subcommittee did not meet since the last meeting and therefore there was no report. Co-Chair Baker recognized Senator Percy Malone to present the report of the Administrative Rules and Regulations Subcommittee. Senator Malone referred members to the report in their packets of the Administrative Rules and Regulations

Subcommittee for its meeting of October 15, 2012. Senator Malone reported that the subcommittee conducted a routine review of existing special language and also reviewed proposed rules, of which two were held for further review at the next subcommittee meeting. Senator Malone offered to answer questions. There were no questions.

Senator Percy Malone moved that the report of the Administrative Rules and Regulations Subcommittee be adopted. The motion received a second and was passed by voice vote.

Game and Fish/State Police Subcommittee

Co-Chair Baker recognized Representative Garry L. Smith to present the report of the Game and Fish/State Police Subcommittee. Representative Smith reported that the Game and Fish/State Police Subcommittee met on October 9, 2012 at the Arkansas State Police firing range located at the Wrightsville Unit of the Arkansas Department of Correction. The subcommittee saw demonstrations of the Mobile Command Post, Arson Squad and Bomb robot and a demonstration of the ability of the State Police drug dog to find a throw-down weapon. The subcommittee members were also given a tour of the Wrightsville Unit.

Representative Garry Smith moved the adoption of the report of the Game and Fish/State Police Subcommittee. The motion received a second and was passed by a voice vote.

Performance Evaluation and Expenditure Review (PEER) Subcommittee

Co-Chair Baker recognized Senator Johnny Key to present the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee. Senator Key reported that the Performance Evaluation and Expenditure Review (PEER) Subcommittee met on October 4, 2012 and approved an appropriation transfer from the Department of Education and all other items were reviewed and none were held. There were no questions.

Senator Johnny Key moved that the report of the Performance Evaluation and Expenditure Review (PEER) Subcommittee be adopted. The motion received a second and passed by a voice vote.

Review Subcommittee

Co-Chair Baker recognized Representative Larry Cowling to present the report of the Review Subcommittee. Representative Cowling reported that the Review Subcommittee met on October 4, 2012 and reviewed the following items: various methods of finance, general contractors construction projects, discretionary grants, professional-consultant services contracts, special procedures, and a commodities contract.

Representative Cowling reported that all items were reviewed and none were held; however, since the subcommittee meeting he has received a request to remove from the report the contract between UAMS and Deloitte Consulting LLP listed as item 5 on page 5 of the Review Subcommittee Report and refer it back to the Review Subcommittee. Representative Cowling also reported that since the subcommittee meeting, an additional contract was submitted for review and that request and contract summary (Exhibit F.10Addendum) is included behind the Review Subcommittee Report in the members' packets. Representative Cowling explained that

the additional contract is with a landscape design architect who would oversee a major expansion of the Arkansas State Veterans Cemetery. The Department of Veterans Affairs would receive over \$3.7 million in federal funds from the National Cemetery Administration and is obligated to contract and finance ten percent (10%) of the up-front landscape design fee, but these expenses will be reimbursed 100% after the project is completed. The total contract is in the amount of \$472,279.00 with the Ecological Design Group. Representative Cowling offered to answer questions.

Representative Larry Cowling moved that the Review Subcommittee Report be adopted as amended to include the review of the contract between the Department of Veterans Affairs and Ecological Design Group, Inc.. The motion received a second from Senator David Johnson.

Co-Chair Baker recognized Cherry Duckett with the University of Arkansas for Medical Sciences (UAMS) who responded to questions about the contract, the impact of delaying the review of the contract, and the services that would be available at the University of Arkansas for Medical Services. There followed a discussion of the request to delay the review of the contract and refer it back to the Review Subcommittee.

Co-Chair Baker recognized Charles Johnson, Deputy Director of the Department of Veterans Affairs, who responded to questions regarding the contract between the Department of Veterans Affairs and Ecological Design Group.

There followed further discussion of the request to refer the contract between UAMS and Deloitte Consulting back to the Review Subcommittee.

Co-Chair Baker recognized Senator David Johnson who moved that the Review Subcommittee Report be amended to remove from the report the contract between UAMS and Deloitte Consulting LLP listed as item 5 on page 5 of the Review Subcommittee Report and refer it back to the Review Subcommittee for further discussion. The motion received a second.

There followed further discussion of the motion and Ms. Duckett responded to additional questions.

Co-Chair Baker recognized Senator Percy Malone who made a substitute motion that the contract between UAMS and Deloitte Consulting, LLP, listed as item 5 of page 5 of the Review Subcommittee Report, be referred back to the Review Subcommittee for further discussion at the subcommittee meeting tentatively scheduled for November 8, 2012, with the condition that a favorable review by the Review Subcommittee will be final and that an unfavorable review by the Review Subcommittee will require the contract to come before the Legislative Council at the next regular meeting. The motion passed by voice vote.

There followed a brief discussion of the motion. **Co-Chair Baker called for a voice vote on the main motion by Representative Cowling that the Review Subcommittee Report be adopted as amended to include the review of the contract between the Department of Veterans Affairs and Ecological Design Group, Inc. and the motion passed.**

Reports of Interim or Special Committees

Arkansas Legislative Task Force on Autism

Co-Chair Baker recognized Co-Chair Salmon to present the report from the Arkansas Legislative Task Force on Autism. Co-Chair Salmon stated that the report from the Arkansas Legislative Task Force on Autism is required by Act 1272 of 2009 and it includes recommendations from the Task Force to the 89th General Assembly. Co-Chair Salmon asked that, while the members read the report and consider the recommendations, they keep in mind the incident at one of Little Rock's schools of a nine-year-old child who was handcuffed and taken to jail. It was later learned that the child had autism, but this was not recognized by anyone at the school. There were no questions concerning this report.

Review of Communications

Co-Chair Baker referred members to the communications, listed as items H.1 through H.14 in their packets, and stated that none required action by the Legislative Council. There were no questions and communications were filed without objection.

New Business

Co-Chair Baker asked if any member had new business to bring before the Legislative Council and there was none.

Adjournment

The meeting adjourned at 9:50 a.m. upon the passage of the motion to adjourn.

Respectfully submitted,

ATTEST:

Representative Tommy Lee Baker
Co-Chair, House

Marty Garrity
Executive Secretary