

THIRTIETH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

February 12, 2013

The House was called to order at 1:30 p.m. by Mr. Carter, the Speaker. The following members answered to the roll call:

Alexander, Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Branscum, Broadaway, Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, Dickinson, Dotson, C. Douglas, D. Douglas, Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Neal, Nickels, Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, Smith, Steel, Talley, Thompson, Vines, Wagner, Wardlaw, Westerman, Whitaker, B. Wilkins, H. Wilkins, Womack, Word, Wren, Wright, Mr. Speaker.

Total.....96

The following member(s) was absent and did not answer to the roll call: Bragg, Hawthorne, Walker, Williams.

Total.....4

A quorum was present.

Unanimous leave was granted for Representative(s) Bragg, Walker.

The House stood and was led in prayer by Reverend George Barnes, New Zion Missionary Baptist Church, Magnolia, Arkansas.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

	February 12, 2013
EDUCATION	JAMES MCLEAN CHAIRPERSON
HOUSE BILL NO. 1243	DO PASS
BY REPRESENTATIVE COLLINS	AS AMENDED #1
HOUSE BILL NO. 1260	DO PASS
BY REPRESENTATIVE RATLIFF	
SENATE BILL NO. 139	DO PASS
BY SENATOR INGRAM	

COMMITTEE REPORT

	February 12, 2013
JUDICIARY	MARSHALL WRIGHT CHAIRPERSON
HOUSE BILL NO. 1193	DO PASS
BY REPRESENTATIVE HAMMER	
HOUSE BILL NO. 1264	DO PASS
BY REPRESENTATIVE BROADAWAY	
SENATE BILL NO. 207	DO PASS
BY SENATOR MALOCH	
SENATE BILL NO. 242	DO PASS
BY SENATOR IRVIN	

COMMITTEE REPORT

	February 12, 2013
PUBLIC HEALTH, WELFARE AND LABOR	JOHN BURRIS CHAIRPERSON
HOUSE BILL NO. 1172	DO PASS
BY REPRESENTATIVE FITE	
HOUSE BILL NO. 1197	DO PASS
BY REPRESENTATIVE DAVIS	

COMMITTEE REPORT

	February 12, 2013
PUBLIC TRANSPORTATION	JONATHAN BARNETT
	CHAIRPERSON
HOUSE BILL NO. 1274	DO PASS
BY REPRESENTATIVE HICKERSON	

COMMITTEE REPORT

	February 12, 2013
REVENUE AND TAXATION	JOE JETT
	VICE-CHAIRPERSON
HOUSE BILL NO. 1041	DO PASS
BY REPRESENTATIVE WESTERMAN	

COMMITTEE REPORT

	February 12, 2013
JOINT BUDGET	DUNCAN BAIRD
	CHAIRPERSON
HOUSE BILL NO. 1051	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1052	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1054	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1055	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1059	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1065	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1080	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT, CONTINUED

JOINT BUDGET

HOUSE BILL NO. 1083	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1089	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1090	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1091	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1105	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1107	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1113	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1161	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1211	DO PASS
BY JOINT BUDGET COMMITTEE	

Upon motion of Representative Lenderman, **HOUSE BILL NO. 1231** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1231

Amend **HOUSE BILL NO. 1231** as originally introduced:

Add Representatives Alexander, Ballinger, Baltz, Branscum, Copenhaver, D. Douglas, Hawthorne, Holcomb, Magie, McCrary, T. Thompson, W. Wagner, Wardlaw, Wren as cosponsors of the bill

AND

Add Senator R. Thompson as a cosponsor of the bill

AND

Page 3, delete lines 5 through 7 and substitute:

"(a)(1) A school district board of directors, upon recommendation of the superintendent, may contract with an existing school employee for additional pay to provide security during school hours in addition to his or her other job duties.

(A) The supplemental security services contract for additional pay shall be:

(i) On a monthly basis;

(ii) Outside of the normal employment contract; and

(iii) Outside of the scope and jurisdiction of the Teacher

Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq.

(B) The superintendent may withdraw immediately and cancel the security services contract upon written notice to the employee, and the employee shall receive on or before the next pay period payment for the lesser of:

(i) The remainder of the contract term; or

(ii) Two (2) months' pay for security services.

(C) Upon notice of the cancellation of the contract, the employee immediately shall return school-owned firearms, ammunition, safety gear, or other items furnished by the district for security duties and shall have the opportunity to remove personally owned firearms or equipment from school property."

AND

Page 3, delete line 13 and substitute:

"accredited law enforcement training academy in Arkansas that trains the employee in:"

AND

Page 3, delete line 22 and substitute:

"at an accredited law enforcement training academy in Arkansas to include:"

Page 4, delete line 7 and substitute:

"and shall be subject to a background check.

(e)(1) The decision of the superintendent or school district board of directors to cancel the security services contract is final and not subject to an appeal or a grievance hearing.

(2) The cancellation of an employee's supplemental security employment does not affect the employee's other employment with the district."

/s/ Homer Lenderman

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Eubanks, **HOUSE BILL NO. 1262** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1262

Amend **HOUSE BILL NO. 1262** as engrossed,

H2/8/13 (version: 02/08/2013 09:21:38 AM)

Page 3, delete lines 20 through 30 substitute the following language:

"continuous:

(1) Is required by statute or the Department of Education; or

(2) Meets the following criteria:

(A) Is part of the minimum number of professional development hours required by law or by the department;

(B) Improves the knowledge, skills, and effectiveness of teachers;

(C) Addresses the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;

(D) Leads to improved student academic achievement; and

(E) Is research-based and standards-based."

/s/ Jon Eubanks

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Eubanks, **HOUSE BILL NO. 1262** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1262

Amend **HOUSE BILL NO. 1262** as engrossed,

H2/8/13 (version: 02/08/2013 09:21:38 AM)

Page 7, line 6, delete "an initial" and substitute "a"

/s/ Jon Eubanks

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative D. Whitaker, **HOUSE BILL NO. 1250** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1250

Amend **HOUSE BILL NO. 1250** as originally introduced:

Page 1, delete lines 34 through 36

AND

Page 2, delete line 1, and substitute:

"(B) While operating or in actual physical control of a motor vehicle if at the time:

(i) The person is intoxicated; or

(ii) The alcohol concentration in the person's breath or blood is eight-hundredths (0.08) or more based upon the definition of alcohol concentration in § 5-65-204; or"

/s/ David Whitaker

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Williams, **HOUSE BILL NO. 1138** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1138

Amend **HOUSE BILL NO. 1138** as originally introduced:

Page 2, delete lines 25 through 32, and substitute:

"(a)(1) ~~Whenever it shall be found that any~~ When a person ~~has been is~~ admitted to an institution of the Department of Correction as a prisoner or the Department of Community Correction as a resident of a community correction facility, the Attorney General shall petition the circuit court of Pulaski County or the prosecuting attorney of the county from which the person was ~~se~~ sentenced shall petition the circuit court of the county from which the person was sentenced if the person or prisoner possesses any estate or becomes possessed of any estate while he or she remains in the institution."

/s/ Darrin Williams

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Wright, **HOUSE BILL NO. 1185** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1185

Amend **HOUSE BILL NO. 1185** as originally introduced:

Page 1, delete lines 28-33 and substitute the following:

"The pharmacist shall discuss any suggested substitution with the patient and inform the patient that the patient has a right to refuse the substitution. The pharmacist shall send notice of the substitution to the prescriber in writing or by electronic communication within (24) hours after the drug is dispensed to the patient;"

/s/ Marshall Wright

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Wright, **HOUSE BILL NO. 1185** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1185

Amend **HOUSE BILL NO. 1185** as originally introduced:

Add Senator Dismang as a cosponsor of the bill

/s/ Marshall Wright

The Amendment was read and adopted by more than 51 votes.

/s/ Mrs. Sherri Stacks

Chief Clerk

ENGROSSED BILL REPORTS

DAVY CARTER, CHAIRPERSON

February 12, 2013

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1138 BY REPRESENTATIVE WILLIAMS
 HOUSE BILL NO. 1185 – TITLE – BY REPRESENTATIVE WRIGHT
 HOUSE BILL NO. 1231 – TITLE – BY REPRESENTATIVE LENDERMAN
 HOUSE BILL NO. 1250 BY REPRESENTATIVE WHITAKER
 HOUSE BILL NO. 1262 BY REPRESENTATIVE EUBANKS

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1185

BY: REPRESENTATIVE WRIGHT

BY: *SENATOR J. DISMANG*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF PRESCRIPTION UNDER THE PHARMACY ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1231

BY: REPRESENTATIVES LENDERMAN, *ALEXANDER, BALLINGER, BALTZ, BRANSCUM, COPENHAVER, D. DOUGLAS, HAWTHORNE, HOLCOMB, MAGIE, MCCRARY, T. THOMPSON, W. WAGNER, WARDLAW, WREN*
 BY: *SENATOR R. THOMPSON*

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING SCHOOL SECURITY AND SCHOOL CRISIS RESPONSE TRAINING; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO. 1007

BY: REPRESENTATIVE SHEPHERD

COMMENDING ARKANSAS FARMERS FOR THEIR VITAL CONTRIBUTIONS TO THE SECURITY AND ECONOMIC WELL-BEING OF THE STATE AND THE NATION AND FOR PRODUCING THE FOOD AND FIBER THAT IS ESSENTIAL TO THE HEALTH AND SECURITY OF THE CITIZENS OF THIS STATE AND PEOPLE THROUGHOUT THE WORLD.

THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY.

HOUSE RESOLUTION NO. 1010

BY: REPRESENTATIVE EDWARDS

TO HONOR LIEUTENANT COLONEL BRENDA CLUCK FOR HER EXEMPLARY MILITARY SERVICE TO THE STATE OF ARKANSAS AND TO THE UNITED STATES OF AMERICA UPON HER RETIREMENT FROM THE UNITED STATES ARMY.

THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY.

HOUSE CONCURRENT RESOLUTION NO. 1003

BY: REPRESENTATIVE CARTER

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Alexander, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Branscum, Broadway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, D. Douglas, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Neal, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, Wardlaw, Westerman, D. Whitaker, B. Wilkins, Williams, Womack, Wren, Wright.

Total..... 90

NEGATIVE:

Total..... 0

ABSENT OR NOT VOTING: D. Altes, Bragg, C. Douglas, J. Edwards, Love, W. Wagner, Walker, Mr. Speaker.

Total..... 8

VOTING PRESENT: H. Wilkins, Word.

Total..... 2

Total number of votes cast 92

Total number voting in the affirmative..... 90

Necessary to the adoption of the resolution 75

So the Resolution was adopted.

Morning Hour Expired.

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT
RESOLUTION NO. 1003

BY REPRESENTATIVE CARTER

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1034
HOUSE BILL NO. 1129

BY REPRESENTATIVE D. WHITAKER
BY REPRESENTATIVE RICE

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 112
SENATE BILL NO. 170

BY SENATOR R. THOMPSON
BY SENATOR G. STUBBLEFIELD

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 12, 2013

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:
 HOUSE BILL NO. 1121 BY REPRESENTATIVE HILLMAN, ET AL
 HOUSE BILL NO. 1122 BY REPRESENTATIVE HILLMAN, ET AL
 beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:20 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Davy Carter,
 Chairperson

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1121 BY REPRESENTATIVE HILLMAN, ET AL
 HOUSE BILL NO. 1122 BY REPRESENTATIVE HILLMAN, ET AL

/s/ Mike Beebe - Governor

TIME: 9:20 a.m.

By: Samantha Williams

HOUSE BILL NO. 1297

BY: REPRESENTATIVE GILLAM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS FOR ESTABLISHING A HIGHER EDUCATION ACCREDITING AGENCY IN ARKANSAS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1298

BY: REPRESENTATIVE HOUSE

BY: SENATOR J. KEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE UNCLAIMED REMAINS OF A VETERAN MAY BE INTERRED; TO ESTABLISH THE MISSING IN AMERICA PROJECT ACT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

HOUSE BILL NO. 1299

BY: REPRESENTATIVES J. EDWARDS, CARTER

BY: SENATOR J. ENGLISH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR VETERANS' HOME CONSTRUCTION FOR THE DEPARTMENT OF VETERANS' AFFAIRS FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1300

BY: REPRESENTATIVES COLLINS, E. ARMSTRONG, J. BURRIS, DAVIS, GILLAM, HOBBS, HOPPER, LINCK, MCLEAN, SLINKARD, T. THOMPSON

BY: SENATORS BLEDSOE, A. CLARK, J. DISMANG, J. ENGLISH, J. HENDREN, HESTER, J. HUTCHINSON, IRVIN, RAPERT, D. SANDERS, TEAGUE, J. WOODS, D. WYATT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967 CONCERNING PUBLIC WATER SYSTEM SECURITY; TO REMOVE THE SUNSET CLAUSE FOR PUBLIC WATER SYSTEM SECURITY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1301

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE MID-SOUTH COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1302

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE UNIVERSITY - MOUNTAIN HOME FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1303

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1304

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1305

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1306

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE NATIONAL PARK COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1307

BY: REPRESENTATIVES COPENHAVER, CATLETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW MEDICAL WAIVER WINDOW TINTING TO BE THE SAME AS REGULAR LAW ENFORCEMENT VEHICLES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 1308

BY: REPRESENTATIVE WILLIAMS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE LEASE OR RENTAL OF LAND OWNED BY THE STATE AND USED BY THE BOARD OF CORRECTIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 1309

BY: REPRESENTATIVE WILLIAMS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE TERMINOLOGY USED TO REFERENCE INMATES IN PRISONS AND JAILS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1310

BY: REPRESENTATIVE LINCK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR THE PRESERVATION OR DISPOSAL OF SCHOOL BUILDINGS IN SCHOOL DISTRICTS THAT HAVE BEEN CONSOLIDATED; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1311

BY: REPRESENTATIVE LEA**BY: SENATOR HICKEY**

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING COUNTY TREASURERS AND CERTAIN ELECTION MATERIALS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 1312

BY: REPRESENTATIVE WESTERMAN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE LOCAL CONTROL OVER FLUORIDE LEVELS IN WATER SYSTEMS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1313

BY: REPRESENTATIVE COZART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING POLLING PLACES FOR CITY ELECTIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 1314

BY: REPRESENTATIVE COZART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE MUNICIPALITIES TO MAINTAIN RECORDS REGARDING CERTAIN ELECTED OFFICES AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE RESOLUTION NO. 1011

BY: REPRESENTATIVES COPENHAVER, B. WILKINS, LENDERMAN, HUTCHISON, CARTER, ALEXANDER, E. ARMSTRONG, BAINE, BALTZ, BRAGG, BROADAWAY, DAVIS, C. DOUGLAS, J. EDWARDS, FITE, GILLAM, HAWTHORNE, HODGES, JEAN, JETT, JULIAN, KIZZIA, LEDING, LINCK, MAGIE, MAYBERRY, MCCRARY, D. MEEKS, PERRY, RATLIFF, RICHEY, VINES, W. WAGNER, WILLIAMS, WREN

A BILL FOR AN ACT TO BE ENTITLED TO CONGRATULATE THE ARKANSAS STATE UNIVERSITY RED WOLVES FOOTBALL TEAM FOR WINNING BACK-TO-BACK SUN BELT CONFERENCE CHAMPIONSHIPS AND THE 2013 GODADDY.COM BOWL.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

HOUSE RESOLUTION NO. 1012

BY: REPRESENTATIVES T. THOMPSON, D. ALTES, BAINE, BROADAWAY, CATLETT, COPENHAVER, DALE, J. DICKINSON, C. DOUGLAS, J. EDWARDS, EUBANKS, FITE, GILLAM, GOSSAGE, JETT, LAMPKIN, LEA, LENDERMAN, MAGIE, S. MALONE, MCCRARY, D. MEEKS, S. MEEKS, MURDOCK, B. OVERBEY, RATLIFF, STEEL, WARDLAW, WREN

A BILL FOR AN ACT TO BE ENTITLED TO ENCOURAGE THE GOVERNOR TO CONSIDER THE GEOGRAPHIC DISTRIBUTION OF THE PRODUCTION OF RELEVANT COMMODITIES WHEN APPOINTING MEMBERS TO AGRICULTURAL RESEARCH AND PROMOTION BOARDS.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

HOUSE RESOLUTION NO. 1013

BY: REPRESENTATIVE MCGILL

A BILL FOR AN ACT TO BE ENTITLED TO HONOR THE MEMORY OF GENERAL WILLIAM ORLANDO DARBY; TO RECOGNIZE HIS CONTRIBUTIONS TO THE ESTABLISHMENT OF THE UNITED STATES ARMY RANGERS; AND TO SUPPORT THE DARBY LEGACY PROJECT TO ERECT A STATUE IN HIS HONOR IN CISTERNA PARK, FORT SMITH, ARKANSAS.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

HOUSE JOINT RESOLUTION NO. 1005

BY: REPRESENTATIVE SHEPHERD

HOUSE JOINT RESOLUTION
 AN AMENDMENT TO THE ARKANSAS
 CONSTITUTION CONCERNING THE PROCESS FOR
 SELECTING A JUSTICE OF THE SUPREME COURT
 AND AMENDING PROVISIONS CONCERNING
 SERVICE ON THE SUPREME COURT.

Subtitle
 AN AMENDMENT TO THE ARKANSAS
 CONSTITUTION CONCERNING THE
 PROCESS FOR SELECTING A JUSTICE
 OF THE SUPREME COURT AND
 AMENDING PROVISIONS CONCERNING
 SERVICE ON THE SUPREME COURT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Subsection (A) of Section 2 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

(A) The Supreme Court shall be composed of seven ~~Justices~~ justices, one of whom shall serve as Chief Justice. The ~~Justices~~ justices of the Supreme Court shall be selected ~~from the State at large~~ as provided in this amendment.

SECTION 2. Section 18 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

§ 18. Election of ~~Supreme Court Justices and Court of Appeals Judges~~ judges.

(A) ~~Supreme Court Justices and Court of Appeals Judges~~ judges shall be elected on a nonpartisan basis by a majority of qualified electors voting for such office. Provided, however, the General Assembly may refer the issue of merit selection of members of the ~~Supreme Court and the Court of Appeals~~ to a vote of the people at any general election. If the voters approve a merit selection system, the General Assembly shall enact laws to create a judicial nominating commission for the purpose of nominating candidates for merit selection to the ~~Supreme Court and Court of Appeals~~.

(B) ~~Vacancies in these offices~~ on the Court of Appeals shall be filled by appointment of the Governor, unless the voters provide otherwise in a system of merit selection.

SECTION 3. Section 21 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

§ 21. Effective date.

(a) This Except as provided in subsection (b) of this section, this Amendment amendment shall become effective on July, 2001.

(b) Sections 23 through 27 of this amendment shall become effective on January 1, 2015.

SECTION 4. Amendment 80 to the Arkansas Constitution is amended to add additional sections to read as follows:

§ 23. Retention in office of a Justice of the Supreme Court.

(a) At the general election next before his or her term expires, a Justice of the Supreme Court may seek retention in office by filing with the Secretary of State not less than one hundred twenty (120) days before the date of the general election a declaration of candidacy to succeed himself or herself as a Justice of the Supreme Court.

(b) If a Justice of the Supreme Court files a declaration of candidacy, there shall be submitted to the qualified electors of the state at the general election this question:

“Shall (Insert name of Justice of the Supreme Court) be retained in office? YES NO”

(c) The question shall be decided by a majority of those voting in the general election.

(d) If the decision is “yes”, the Justice of the Supreme Court shall be retained in office for an eight-year term.

(e)(1) If the decision is “no” or if no declaration of candidacy is filed, the office shall be vacant upon expiration of the term then being served.

(2) The former Justice of the Supreme Court shall not be eligible for appointment to succeed himself or herself.

(f) Retention in office may be sought for successive terms without limit as to number, except for retirement as may be provided by the General Assembly for a maximum retirement age.

§ 24. Judicial Nominating Commission.

(a) There is established a "Judicial Nominating Commission" of fifteen (15) members, to consist of:

(1)(A) Six (6) members appointed by the Governor, which shall include at least one (1) member from each congressional district of the state.

(B) A member appointed by the Governor shall not:

(i) Be admitted to practice law in the State of Arkansas;

or

(ii) Have an immediate family member who has been admitted to the practice of law in the State of Arkansas or any other state;

(2) Six (6) members, including at least one (1) from each congressional district of the state, who are members of the Arkansas Bar Association and have been elected by the other active members of the association under procedures adopted by the Board of Governors of the Arkansas Bar Association; and

(3) Three (3) members at large to be selected as follows:

(A) One (1) member selected by the Speaker of the House of Representatives;

(B) One (1) member selected by the President Pro Tempore of the Senate; and

(C)(i) One (1) member selected by not less than eight (8) members of the commission.

(ii) The member selected by the members of the commission under subdivision (a)(3)(C)(i) of this section:

(1) Shall be a resident of the state; and

(2) Shall not have been admitted to the practice of law in the State of Arkansas or any other state or have an immediate family member who has been admitted to the practice of law in the State of Arkansas or any other state.

(iii) In the event eight (8) members of the commission cannot agree upon the member at large within thirty (30) days of the initial organization of the commission or within thirty (30) days of a vacancy in the member-at-large position, the Governor shall appoint the member-at-large.

(b) The commission shall elect one (1) of its members to serve as chair for a term of one (1) year.

(c)(1)(A) The six (6) members of the commission appointed by the Governor shall be appointed within ninety (90) days of the effective date of this amendment.

(B)(i) Two (2) members shall be appointed for a term of two (2) years.

(ii) Two (2) members shall be appointed for a term of four (4) years.

(iii) Two (2) members shall be appointed for a term of six (6) years.

(2)(A) The Arkansas Bar Association shall hold its election and certify to the Secretary of State the members elected to the commission within ninety (90) days from the effective date of this amendment.

(B) The initial members of the commission elected by the Arkansas Bar Association shall draw lots for terms as follows:

(i) Two (2) members shall serve a term of two (2) years;

(ii) Two (2) members shall serve a term of four (4) years;

and

(iii) Two (2) members shall serve a term of six (6) years.

(C) Subsequent members of the commission elected by the members of the Arkansas Bar Association shall serve a term of six (6) years.

(3) The three (3) members at-large shall serve for a term of two (2) years.

(d)(1) A vacancy in a position appointed by the Governor shall be filled by appointment of the Governor for the remainder of the term.

(2) A vacancy in a position elected by the Arkansas Bar Association shall be filled by the Board of Governors of the Arkansas Bar Association for the remainder of the term.

(3) A vacancy in a member-at-large position shall be filled in the same manner as the original selection for the remainder of the term.

(e) A majority of the members of the commission constitutes a quorum.

(f) The commission shall determine:

(1) That qualifications of nominees to hold judicial office have been met; and

(2) The existence of vacancies on the commission.

(g)(1) While a member of the commission, a commissioner shall not hold:

(A) A public office by election or appointment; or

(B) An official position in a political party.

(2) A member of the commission shall not be eligible for nomination as a Justice of the Supreme Court while a member of the commission and for five (5) years thereafter.

(h) A commissioner shall serve without compensation but may receive reimbursement for necessary travel and lodging expenses while performing his or her duties as commissioner.

(i) A commissioner shall not succeed himself or herself on the commission.

(j) As used in this section, "Arkansas Bar Association" includes any successor thereof and any future form of the organized Bar of this state.

(k) The Governor shall call the initial meeting of the commission within one hundred twenty (120) days of the effective date of this amendment.

§ 25. Vacancy in Supreme Court position.

(a) When a vacancy in the position of Justice of the Supreme Court occurs or is certain to occur, the Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court three (3) nominees, each of whom has previously notified the commission in writing that he or she will serve as a Justice of the Supreme Court if appointed.

(b)(1) The Governor shall appoint one (1) of the nominees to fill the vacancy.

(2) If the Governor fails to appoint a nominee within sixty (60) days of receiving the nominees from the commission, the Chief Justice of the Supreme Court shall appoint one (1) of the nominees.

(c) The Secretary of State shall certify an appointment under this section.

§ 26. Transition provisions for Justice of the Supreme Court – Terms due to vacancy.

(a)(1) A Justice of the Supreme Court elected before the adoption of this amendment shall serve the term for which he or she was elected unless removed for cause.

(2) A Justice of the Supreme Court serving at the date of the adoption of this amendment may file a declaration of candidacy to succeed himself or herself as provided in this amendment.

(3) If retained in office, the term of the Justice of the Supreme Court shall be eight (8) years, beginning the second Monday in January following the election.

(b) The term and election of each Justice of the Supreme Court appointed to fill a vacancy after the adoption of this amendment shall be as follows:

(1) If an appointed Justice of the Supreme Court has served or will have served twelve (12) months on or before the next general election following

appointment, the justice may file for election for an eight-year term as provided under this amendment.

(2) If an appointed Justice of the Supreme Court has not served or will not have served twelve (12) months on or before the next general election following appointment, the justice shall continue in office until the second general election following appointment and may file for election for an eight-year term as provided under this amendment.

§ 27. Political activity prohibited.

A Justice of the Supreme Court appointed or retained in office under this amendment shall not:

(1) Make, directly or indirectly, a contribution to a political party or political organization; or

(2) Hold office in a political party or political organization.

Was read the first time, rules suspended, read the second time, and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE JOINT RESOLUTION NO. 1006

BY: REPRESENTATIVE D. DOUGLAS

HOUSE JOINT RESOLUTION
 SUBTITLE AMENDING THE ARKANSAS
 CONSTITUTION TO ALLOW A COUNTY TO ABOLISH
 THE TOWNSHIP OFFICE OF CONSTABLE IF
 APPROVED BY A VOTE OF THE PEOPLE.

AMENDING THE ARKANSAS
 CONSTITUTION TO ALLOW A COUNTY
 TO ABOLISH THE TOWNSHIP OFFICE
 OF CONSTABLE IF APPROVED BY A
 VOTE OF THE PEOPLE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Section 2 of Amendment 55 of the Arkansas Constitution, concerning powers of the quorum court, is amended to add a new subsection to read as follows:

(c)(1)(A) The Quorum Court may refer to the voters of the county the question of whether to abolish all township offices of constable in the county at a general election.

(B) The Quorum Court may refer the question under subdivision (c)(1)(A) of this section upon approval by a majority of the members of the Quorum Court.

(2) If a majority of those voting on the question at a general election approve the abolishing of all township offices of constable in the county, each

township office of constable in the county shall be abolished at the end of the existing term for which the constable was elected.

(3) The authority of the Quorum Court to call an election under subdivision (c)(1) of this section does not establish the position of constable as a county position.

Was read the second time, and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 112

BY: SENATOR R. THOMPSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF TRUSTEES OF THE ARKANSAS TEACHER RETIREMENT SYSTEM TO ISSUE RULES NECESSARY TO ALIGN WITH THE RULES OF THE INTERNAL REVENUE SERVICE WHEN THE INTERNAL REVENUE SERVICE REMOVES A PENALTY OR LOOSENS A RESTRICTION ON PUBLIC PENSION PLANS TO BENEFIT MEMBERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

SENATE BILL NO. 170

BY: SENATORS G. STUBBLEFIELD, RAPERT, CALDWELL, HICKEY, B. KING, J. ENGLISH

BY: REPRESENTATIVES *BALLINGER, MAGIE*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH THE PREGNANT WOMAN'S PROTECTION ACT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Upon motion of Representative Duncan Baird, the House adjourned at 4:10 p.m. until 1:30 p.m., Wednesday, February 13, 2013.

ATTEST:

Davy Carter
Speaker of the House of Representatives

Sherri Stacks
Chief Clerk

