

TWENTY-SIXTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas

February 2, 2007

The House was called to order at 10:00 a.m. by Mr. Petrus, the Speaker. The following members answered to the roll call:

Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total98

The following member(s) was absent and did not answer to the roll call:
 Chesterfield, Flowers.

Total2

A quorum was present.

Unanimous leave was granted for Representative Chesterfield.

The House stood and was led in prayer by Brother Tim McMinn, Pastor, Sylvan Hills Community Church, Sherwood, 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 2, 2007

STATE AGENCIES AND
GOVERNMENTAL AFFAIRS
SENATE CONCURRENT RESOLUTION NO. 3
BY SENATOR CRITCHER

JEFF WOOD
CHAIRPERSON
DO PASS

Upon motion of Representative Burris, **HOUSE BILL NO. 1195** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1195

Amend **HOUSE BILL NO. 1195** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 24-6-204 is amended to read as follows:

24-6-204. Board of trustees.

(a)(1) The Board of Trustees of the State Police Retirement System is created ~~and established~~.

(2)(A) ~~‡ The board~~ shall consist of ~~eleven (11)~~ twelve (12) trustees, as follows:

(i) The Chair of the Arkansas State Police Commission, who shall serve as trustee by virtue of his or her position;

(ii) The Director of the Department of Arkansas State Police, who shall serve as trustee by virtue of his or her position;

(iii) The Director of the Department of Finance and Administration or the director's designee from that department;

(iv) Five (5) members of the State Police Retirement System to be elected by the members of the system with at least two (2) member trustees holding the rank of trooper, trooper first class, or corporal, at least one (1) member trustee holding a rank higher than the rank of corporal, and at least one (1) member trustee whose retirement eligibility is covered under ~~the provisions of~~ § 24-6-401 et seq.;

(v) One (1) retired member of the system to be elected by the members of the Retired Members Association; ~~and~~

(vi) The highest ranking administrative officer of the system in charge of employee benefits or that officer's designee; and

~~(vi)~~(vii) The Vice chair Chair of the Arkansas State Police Commission and the Secretary of the Arkansas State Police Commission, who shall serve as nonvoting members by virtue of their positions.

(B) The elections of member trustees shall be held under ~~such rules and regulations~~ as the board shall from time to time adopt to govern the elections.

(C) The regular term of office of a member trustee shall be three (3) years.

(b)(1) In the event any trustee provided for in subdivisions (a)(2)(A)(iv) and (v) of this section:

(A) Ceases to be a state police officer; or

(B) Fails to attend scheduled meetings of the board for three (3) consecutive meetings unless, in each case, he or she is excused by the remaining trustees attending the meetings, the board by resolution shall declare his or her office of trustee vacated as of the date of adoption of the resolution.

(2) If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(c)(1) The administration, management, and control of the system shall be vested in the board.

(2)(A) The executive director and administrative staff of the Arkansas Public Employees' Retirement System shall be the executive secretary and the administrative staff of the State Police Retirement System.

(B) All administrative records of the ~~Arkansas~~ State Police Retirement System shall be maintained within the administrative offices of the Arkansas Public Employees' Retirement System.

(3)(A) The executive secretary shall be the disbursing agent of all appropriations made by the General Assembly out of the State Police Retirement Fund.

(B) The executive secretary shall furnish and file with the Auditor of State a bond with a corporate guaranty or indemnity surety thereon in the penal sum of two thousand dollars (\$2,000), the premium on which shall be paid from appropriations made available to the Department of Arkansas State Police.

(d) The Chair of the Arkansas State Police Commission shall be the chair of the board.

(e) The Treasurer of State shall serve as treasurer of the system and shall be the legal custodian of its funds.

(f) The Attorney General shall serve as legal advisor to the board.

(g)(1) The board shall hold meetings regularly, at least one (1) in each quarter year, and shall designate the time and place of the meetings.

(2) Special meetings may be held in accordance with ~~such rules and regulations~~ as the board shall adopt.

(3) Five (5) voting trustees shall constitute a quorum at any meeting of the board, and at least five (5) concurring votes shall be necessary for a decision by the board at any of its meetings.

(4) The board shall adopt its own rules or procedures and shall keep a record of its proceedings, which shall be open to public inspection.

(h) In addition to ~~such~~ other duties as that are imposed upon the board by this subchapter, the board shall:

(1) Make all rules and regulations from time to time as it shall deem necessary in the transaction of its business and in administering the system;

(2) Provide for the administrative direction and control of the executive secretary in the performance of his or her duties as executive secretary of the system;

(3) Provide for an actuarial valuation of the assets and liabilities of the system or the retirement reserve account at least one (1) time in each four-year period from and after December 31, 1958;

(4) Adopt ~~such~~ mortality and other tables of experience and rates of regular interest as ~~shall be~~ that are required for the proper operation of the system;

(5) Exercise discretionary power and authority in the investments and disbursements of the funds of the system, subject to the provisions of this subchapter;

(6) Perform the duties of trustee without additional compensation ~~therefor~~. However, trustees may receive expense reimbursement in accordance with § 25-16-901 et seq.; and

(7) Do all things necessary for the proper administration of the system and for carrying out and making effective the provisions of this subchapter.

SECTION 2. Arkansas Code § 24-6-209 is amended to read as follows:

24-6-209. Employer's contribution.

(a) The Department of Arkansas State Police, as employer, shall make contributions to the State Police Retirement System of twenty-two percent (22%) of active member payroll.

(b)(1) At the request of the Executive Secretary of the State Police

Retirement System, the Director of the Department of Finance and Administration shall make annual transfers on each June 30 to the State Police Retirement System from the remainder of insurance premium taxes enumerated in § 19-6-301(27) before those taxes are transferred to ~~General Revenues~~ general revenues enumerated in § 19-6-201(19) the amounts of money necessary to amortize the unfunded liabilities over a period not to exceed thirty (30) years ~~for those members not covered by the provisions of § 24-6-401 et seq.~~

(2) These transfers are intended to cover the unfunded accrued actuarial liabilities of the State Police Retirement System and shall not be used for the purpose of providing any benefit enhancements for the State Police Retirement System.

(3) Members of the ~~Tier One~~ State Police Retirement System shall not be entitled to any benefit enhancements from these transfers unless funds from sources other than insurance premium taxes are found to provide for the retirement benefit enhancements.

(4) The amount of the transfer shall be determined by computing the dollar amount required based on the actuarially determined employer rate in the most recent annual actuarial valuation and subtracting from that amount the statutory contribution amount specified in subsection (a) of this section, ~~the court fees provided by Acts 1995, No. 1256,~~ and the driver's license reinstatement fees provided by § 27-16-808.

~~(c)(1) The intent of this section is to provide for funding of any amounts of unfunded accrued actuarial liabilities of the Tier One State Police Retirement Fund existing on June 30, 1997.~~

~~(2)(5)~~ These transfers shall be limited in use solely for the purpose of paying ~~those~~ the unfunded accrued actuarial liabilities and ~~nothing more.~~

~~(3) In the event the transfers under this section exceed eight hundred thousand dollars (\$800,000) per fiscal year, the executive secretary shall notify the Joint Interim Committee on Public Retirement and Social Security Programs which shall then review the use of the funds and the benefit provisions of the systems and the actuarial reports on the retirement systems to ensure compliance with the intended purpose of the funds.~~

SECTION 3. Arkansas Code § 24-6-304 is amended to read as follows:

24-6-304. Benefits - Rate of return.

(a) The member's monthly retirement benefit shall not change unless the Arkansas State Police Officers Deferred Option Plan receives a benefit increase.

(b)(1) Except as provided in subdivision (b)(2) of this section, a member who participates in the plan shall earn interest at a rate of two (2) percentage points below the rate of return of the investment portfolio of the State Police Retirement System, but no less than the actuarially assumed interest rate as certified by the actuary.

(2) Any member participating in the plan for any period of time beyond his or her fifth complete year shall earn interest equal to the actuarially assumed ~~interest rate~~ investment rate of return for that time.

(3) The interest shall be credited to the individual account balance of the member on an annual basis.

(c) Any member who first participates in the plan beginning on the effective date of this act shall earn interest equal to the actuarially assumed investment rate of return only.

SECTION 4. Arkansas Code § 24-6-405 is amended to read as follows:

24-6-405. Eligibility for benefits - Disability retirement.

(a)(1)(A) Upon application filed with the Board of Trustees of the State Police Retirement System by a member or by the Director of the Department of Arkansas State Police on behalf of a member, a member who is in the employ of the Department of Arkansas State Police, who has five (5) or more years of actual service, and who becomes totally and permanently incapacitated for duty in the employ of the department by reason of personal injury or disease may be retired by the ~~board~~ Board of Trustees of the State Police Retirement System, but only after a medical examination of the member.

(B) This examination shall be made by or under the direction of a ~~medical committee consisting of three (3) physicians, one (1) of whom shall be selected by the board, one (1) by the member, and the third by the first two (2) physicians so named if the medical committee reports to the board, by majority opinion in writing, that the member is physically or mentally incapacitated for duty in the employ of the department, that the incapacity will probably be permanent, and that the member should be retired~~ board of medical professionals as defined in the rules of the Board of Trustees of the State Police Retirement System, using the active duty criteria supplied by the department in determining the extent of the disability.

(2) The five (5) years of service requirement contained in this subsection shall not apply to a member whom the ~~board~~ Board of the Trustees of the State Police Retirement System finds to be in receipt of workers' compensation for his or her disability arising solely and exclusively out of and in the course of his or her employment with the department.

(b) Upon his or her retirement upon account of disability as provided in subsection (a) of this section, a member shall receive a disability pension computed ~~according to § 24-6-406~~ according to the contributory provisions of § 24-6-214 or the noncontributory provisions of § 24-6-227, as applicable.

(c)(1) At least ~~once~~ one (1) time each year during the first five (5) years following a member's retirement on account of disability and at least ~~once~~ one (1) time in every three-year period thereafter, the ~~board~~ Board of the Trustees of the State Police Retirement System may, and upon the retirant's application shall, require any disability retirant who has not attained age ~~fifty-five (55)~~ fifty (50) to undergo a medical examination to be made by or under the direction of ~~a physician designated by the board~~ the medical professionals designated by the Board of Trustees of the State Police Retirement System.

(2) If the retirant refuses to submit to a medical examination in any such period, his or her disability pension may be suspended by the ~~board~~ Board of Trustees of the State Police System until his or her withdrawal of his or her refusal.

(3) If his or her refusal continues for one (1) year, all his or her rights in and to a disability pension may be revoked by the ~~board~~ Board of Trustees of the State Police System.

(4) If, upon the medical examination of the retirant, the ~~physician reports~~ medical professionals designated by the Board of Trustees of the State Police System report to the board Board of Trustees of the State Police System that the retirant is physically capable of performing the duties of the rank held by him or her at the time of his or her retirement, the retirant shall be returned to the employ of the department, and his or her disability pension shall be terminated.

(d)(1) Upon a disability retirant's return to the employ of the department as provided in subsection (c) of this section, his or her service at the time of his or her retirement shall be restored to his or her credit.

(2) He or she shall be given service credit for the period he or she was receiving a disability pension if within that period he or she was in receipt of workers' compensation on account of his or her department employment.

(e) In the event a disability retirant who has not attained age fifty-five (55) performs personal services in an occupation, business, or employment, his or her disability pension shall be reduced so that the sum of his or her disability pension and the compensation received by him or her from the occupation, business, or employment shall not exceed his or her annual rate of salary at the time of his or her retirement.

SECTION 5. Arkansas Code § 24-6-415 is repealed.

~~24-6-415. Exclusion from deferred retirement option plan.~~

~~Members of the State Police Retirement System participating in the benefit program provided by this subchapter shall not be eligible for participation in the deferred retirement option plan provided in § 24-6-301 et seq.~~

SECTION 6. Arkansas Code Title 24, Chapter 6, Subchapter 4 is amended to add an additional section to read as follows:

24-6-416. Participation in Arkansas State Police Officers Deferred Option Plan for members hired beginning April 3, 1997.

On the effective date of this act, all members of the State Police Retirement System first hired beginning April 3, 1997, may participate in the Arkansas State Police Officers Deferred Option Plan under § 24-6-301 et seq. upon attainment of eligibility for a retirement benefit under § 24-6-404(a)(2) and (3).

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act makes revisions to benefits received by certain members of the State Police Retirement System and that the ideal time to make revisions to the system is at the beginning of the state's fiscal year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ Mike Burris

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Wells, **HOUSE BILL NO. 1005** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1005

Amend **HOUSE BILL NO. 1005** as originally introduced:

By adding the following Representatives as cosponsors:

“Reynolds, Sample, Saunders, Petrus, Wills”

AND

By adding the following Senator as cosponsor:

Wilkinson, Trusty”

AND

Page 1, line 27, add an additional section to read as follows:

“SECTION 2. Nothing in this act shall be construed to require a state agency or office to republish any publication or brochure in order to list or display the state butterfly. A state agency or office may include the information in future publications or brochures or in any scheduled update to a publication or brochure.

SECTION 3. This act shall not grant a protected status to the Diana Fritillary Butterfly.”

/s/ John Paul Wells

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Webb, **HOUSE BILL NO. 1305** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1305

Amend **HOUSE BILL NO. 1305** as originally introduced:

Page 2, delete lines 10 and 11 and substitute the following:

"(B) "Incapacitated person" includes an impaired adult as defined in the Adult Maltreatment Custody Act, § 9-20-103(8)(A) who is in the custody of the Department of Health and Human Services."

/s/ Kathy Webb

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Edwards, **HOUSE BILL NO. 1224** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1224

Amend **HOUSE BILL NO. 1224** as engrossed,

H2/1/07 (version: 02-01-2007 08:44):

Page 2, delete line 6 in its entirety and substitute the following:

"(B) The liquified petroleum gas provider or the equipment's"

/s/ Marilyn Edwards

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Anderson, **HOUSE BILL NO. 1337** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1337

Amend **HOUSE BILL NO. 1337** as originally introduced:

Add Representatives Greenberg and Wills as cosponsors of the bill

AND

Page 1, line 34, delete "twenty thousand dollars (\$20,000)" and substitute "twenty-five thousand dollars (\$25,000)"

AND

Page 2, line 4, delete "twenty thousand dollars (\$20,000)" and substitute "fifty thousand dollars (\$50,000)"

AND

Page 2, delete lines 8 through 19, and substitute the following:

"(3) A married taxpayer filing separately on a different tax return than the taxpayer's spouse and whose adjusted gross income for the taxable year is twenty-five thousand dollars (\$25,000) or less is entitled to an income tax credit of seventy-five dollars (\$75.00) for the taxpayer and seventy-five dollars (\$75.00) for each dependent that is claimed as a dependent on the taxpayer's income tax return and is not claimed as a dependent by the taxpayer's spouse;

(4) Married taxpayers filing separately on the same return and whose combined adjusted gross income for the taxable year is fifty thousand dollars (\$50,000) or less are entitled to an income tax credit of seventy-five dollars (\$75.00) for the husband, seventy-five dollars (\$75.00) for the wife, and seventy-five dollars (\$75.00) for each dependent claimed on the income tax return;"

AND

Page 2, line 21, delete "forty" and substitute "fifty"

AND

Page 2, line 22, delete "(\$40,000)" and substitute "(\$50,000)"

AND

Page 2, line 26, delete "forty thousand dollars (\$40,000)" and substitute "fifty thousand dollars (\$50,000)"

Add Representatives Greenberg and Wills as cosponsors of the bill

AND

Page 1, line 34, delete "twenty thousand dollars (\$20,000)" and substitute "twenty-five thousand dollars (\$25,000)"

AND

Page 2, line 4, delete "twenty thousand dollars (\$20,000)" and substitute "fifty thousand dollars (\$50,000)"

AND

Page 2, delete lines 8 through 19, and substitute the following:

"(3) A married taxpayer filing separately on a different tax return than the taxpayer's spouse and whose adjusted gross income for the taxable year is twenty-five thousand dollars (\$25,000) or less is entitled to an income tax credit of seventy-five dollars (\$75.00) for the taxpayer and seventy-five dollars (\$75.00) for each dependent that is claimed as a dependent on the taxpayer's income tax return and is not claimed as a dependent by the taxpayer's spouse;

(4) Married taxpayers filing separately on the same return and whose combined adjusted gross income for the taxable year is fifty thousand dollars (\$50,000) or less are entitled to an income tax credit of seventy-five dollars (\$75.00) for the husband, seventy-five dollars (\$75.00) for the wife, and seventy-five dollars (\$75.00) for each dependent claimed on the income tax return;"

AND

Page 2, line 21, delete "forty" and substitute "fifty"

AND

Page 2, line 22, delete "(\$40,000)" and substitute "(\$50,000)"

AND

Page 2, line 26, delete "forty thousand dollars (\$40,000)" and substitute "fifty thousand dollars (\$50,000)"

/s/ Keven Anderson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Blount, **HOUSE BILL NO. 1338** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1338

Amend **HOUSE BILL NO. 1338** as engrossed,

H1/31/07 (version: 01-31-2007 08:38):

Page 3, delete lines 1 through 8 and substitute the following:

"as follows:

(1) One (1) at-large member appointed by the Governor;

(2) Two (2) members who are residents of Regional District I appointed by the Governor;

(3) Two (2) members who are residents of Regional District II appointed by the Speaker of the House of Representatives;

(4) One (1) member who is a resident of Regional District III appointed by the Speaker of the House of Representatives;

(4) One (1) member who is a resident of Regional District III appointed by the President Pro-Tempore of the Senate; and

(6) Two (2) members who are residents of Regional District IV appointed by the President Pro-Tempore of the Senate."

AND

Page 3, line 27, delete "six (6)" and substitute "seven (7)"

AND

Page 3, line 28, delete "six (6)" and substitute "seven (7)"

AND

Page 3, line 31, delete "six (6)" and substitute "seven (7)"

AND

Page 4, delete line 10 and substitute the following:

"(3)(A) Pay an enrollment fee of two dollars (\$2.00) per person per month."

/s/ Nancy Blount

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Sullivan, **HOUSE BILL NO. 1342** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1342

Amend **HOUSE BILL NO. 1342** as originally introduced:

Page 1, delete lines 32 through 34 and substitute the following:

“(iii) Deemed by order of the State Highway Commission to require a reduced desirable speed:

(a) Due to highway characteristics or conditions that require a driver to exercise extra caution; or

(b) For the safety of persons upon or using the highway.”

/s/ Scott Sullivan

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Ragland, **HOUSE BILL NO. 1068** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1068

Amend **HOUSE BILL NO. 1068** as engrossed,

H1/22/07 (version: 01-22-2007 08:43):

Page 1, delete line 31 and substitute "one hundred (100) years old."

AND

Page 2, line 1, delete "one (1) or more" and substitute "a significant amount of"

AND

Page 3, delete lines 2 through 6 and substitute the following:

"~~(b)~~(2) However, no sites shall be so designated without the express written consent of the state agency having jurisdiction over the land in question or, if it is on privately owned land, of the owner thereof."

AND

Page 3, line 9, delete "artifacts" and substitute "one (1) or more artifacts"

AND

Page 3, delete lines 11 and 12 and substitute the following:

"agents agent shall be is a:

(1) ~~misdemeanor~~ Class D felony for the first offense and a Class C felony for a subsequent offense if the value of the artifacts excavated or recovered is greater than one thousand dollars (\$1,000); or

(2) Class B misdemeanor for the first offense and a Class A misdemeanor for a subsequent offense if the value of the artifacts excavated or recovered is one thousand dollars (\$1,000) or less."

AND

Page 3, delete lines 22 and 23 and substitute the following:

"(2) A violation of subdivision (a)(1) of this section is a:

(A) Class D felony for the first offense and a Class C felony for a subsequent offense if the value of all artifacts dug up is greater than one thousand dollars (\$1,000); or

(B) Class B misdemeanor for the first offense and a Class A misdemeanor for a subsequent offense if the value of all artifacts dug up is one thousand dollars (\$1,000) or less."

AND

Page 3, line 35, delete "knowingly" and substitute "knowingly dig up and remove."

AND

Page 4, delete lines 5 and 6 and substitute the following:

"a:

(1) Class D felony for the first offense and a Class C felony for a subsequent offense if the value of all artifacts dug up and removed or damage to the archeological site is greater than one thousand dollars (\$1,000); or

(2) Class B misdemeanor for the first offense and a Class A misdemeanor for a subsequent offense if the value of all artifacts dug up and removed or damage to the archeological site is one thousand dollars (\$1,000) or less."

/s/ Roy Ragland

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Wells, **HOUSE BILL NO. 1039** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1039

Amend **HOUSE BILL NO. 1039** as engrossed,

H1/25/07 (version: 01-25-2007 09:01):

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 6-16-132(b)(1), regarding physical education requirements for public school students, is amended to read as follows:

(b)(1)(A) ~~Every kindergarten through grade eight (K-8) public educational institution shall require no less than a total of~~ The physical education curriculum and physical activity requirements for every public school student who is physically fit and able to participate are:

(i) Except as provided in subdivision (b)(1)(A)(ii) of this section, for students in kindergarten through grade six (K-6):

(a) ~~one (1) hour per week~~ Sixty (60) minutes of physical education training and instruction each calendar week of the school year or an equivalent amount of time in each school year for every student who is physically fit and able to participate; and

(b) Ninety (90) minutes of physical activity that may include without limitation daily recess, scheduled physical education classes, or intramural sports each calendar week of the school year or an equivalent amount of time in each school year;

(ii) For students in grades seven (7) and eight (8) and students in grade six (6) who attend a public school organized to teach grades six through eight (6-8) or higher, sixty (60) minutes of physical education training and instruction each calendar week of the school year or an equivalent amount of time in each school year, with no additional requirement for physical activity; and

(iii) For students in grades nine through twelve (9-12), one-half (1/2) unit of physical education as required for high school graduation, with no additional requirement for physical activity.

(B) Nothing in subdivision (b)(1)(A) of this section prohibits:

(i) A public school student's elective enrollment or voluntary participation in physical activity or physical education as a part of public school curriculum or extra-curricular activities; or

(ii) A school district's decision to require physical education instruction or physical activity in excess of the amounts identified in subdivision (b)(1) of this section."

AND

Add Representatives Walters, Norton, and J. Johnson as cosponsors of the bill.

/s/ John Paul Wells

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Johnson, **HOUSE BILL NO. 1333** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1333

Amend **HOUSE BILL NO. 1333** as originally introduced:

Page 2, line 5, delete "knowingly or"

/s/ David Johnson

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

BENNY C. PETRUS, CHAIRMAN

February 2, 2007

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1005 - TITLE - BY REPRESENTATIVE WELLS, ET AL
HOUSE BILL NO. 1039 - TITLE - BY REPRESENTATIVE WELLS, ET AL
HOUSE BILL NO. 1068 BY REPRESENTATIVE RAGLAND
HOUSE BILL NO. 1195 BY REPRESENTATIVE BURRIS
HOUSE BILL NO. 1224 BY REPRESENTATIVE EDWARDS, ET AL
HOUSE BILL NO. 1305 BY REPRESENTATIVE WEBB
HOUSE BILL NO. 1333 BY REPRESENTATIVE D. JOHNSON, ET AL
HOUSE BILL NO. 1337 - TITLE - BY REPRESENTATIVE ANDERSON, ET AL
HOUSE BILL NO. 1338 BY REPRESENTATIVE BLOUNT
HOSUE BILL NO. 1342 BY REPRESENTATIVE SULLIVAN, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1005

BY: REPRESENTATIVES WELLS, GEORGE, REYNOLDS, SAMPLE,
SAUNDERS, PETRUS, WILLS

BY: SENATORS WILKINSON, TRUSTY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DESIGNATE THE
DIANA FRITILLARY BUTTERFLY AS THE OFFICIAL BUTTERFLY OF THE STATE
OF ARKANSAS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1039

BY: REPRESENTATIVES WELLS, ABERNATHY, WALTERS, NORTON, J.
JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE ACADEMIC
INSTRUCTION TIME IN PUBLIC SCHOOLS; TO LIMIT PHYSICAL ACTIVITY
REQUIREMENTS FOR PUBLIC SCHOOL STUDENTS; AND FOR OTHER
PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1337

BY: REPRESENTATIVES ANDERSON, SULLIVAN, DUNN, PATTERSON, ADCOCK, ALLEN, T. BAKER, BERRY, T. BRADFORD, E. BROWN, BURKES, CASH, CHESTERFIELD, COOPER, CORNWELL, L. COWLING, D. CREEKMORE, DAVIS, DICKINSON, L. EVANS, EVERETT, FLOWERS, GARNER, GASKILL, GEORGE, GLIDEWELL, HALL, HARRIS, HOYT, HYDE, D. HUTCHINSON, JEFFREY, D. JOHNSON, KENNEY, KEY, KIDD, KING, LAMOUREUX, LOVELL, MALOCH, M. MARTIN, MAXWELL, MEDLEY, NORTON, OVERBEY, PACE, PETRUS, PIERCE, PYLE, RAGLAND, ROGERS, ROSENBAUM, SAMPLE, SAUNDERS, THYER, WAGNER, WALTERS, WEBB, WELLS, WOODS, WYATT, WOOD, *GREENBERG, WILLS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR LOW-INCOME TAXPAYERS IN ORDER TO PROVIDE GROCERY TAX RELIEF; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO. 1011

BY: REPRESENTATIVE EVERETT

COMMENDING THE MELBOURNE, SALEM, VALLEY VIEW, SEARCY, BENTONVILLE, LAKESIDE, GREENWOOD, CHARLESTON, BURGMAN, AND VALLEY SPRINGS SCHOOL DISTRICTS ON RECEIVING THE THV GOLDEN APPLE AWARD.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES.

Morning Hour Expired.

Representative Walters moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1041

Amend **HOUSE BILL NO. 1041** as engrossed,

H1/17/07 (version: 01-17-2007 08:49):

Page 1, delete line 17 and substitute the following:

"SCHOOLS AND TO PROVIDE SCHOOLS WITH"

AND

Page 2, delete lines 6 through 8 and substitute the following:

"(C)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

(ii) The local education agency shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

(iii) However, under no circumstances shall the local education agency release, disclose, or make available for inspection to the public, any college, university, institution of higher learning, vocational or trade school, or any past, present, or future employer of the student the court order or safety plan portion of a student record."

/s/ Sue Madison

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Flowers, Sumpter, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Allen moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1040

Amend HOUSE BILL NO. 1040 as engrossed,
H1/19/07 (version: 01-19-2007 09:29):

Page 2, delete line 13 and substitute the following:

"shall develop guidelines for businesses in the appropriate"

/s/ Tracy Steele

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, Breedlove, E. Brown, J. Brown, Burkes, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Bradford, Burris, Chesterfield, Flowers, Schulte, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1309

BY: REPRESENTATIVE D. CREEKMORE

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Flowers, Sullivan, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to the passage of the bill.....51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1334

BY: REPRESENTATIVE D. JOHNSON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE: L. Smith.

Total1

ABSENT OR NOT VOTING: Chesterfield, Everett, Flowers, Lamoureux, Maxwell, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative.....93

Necessary to the passage of the bill.....51

So the Bill passed and the title as read was agreed to.

HOUSE BILL NO. 1293

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Berry, Blount, T. Bradford, Breedlove, J. Brown, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, Everett, George, R. Green, Hall, Hardwick, Hardy, Harrelson, Hawkins, House, Hoyt, D. Hutchinson, Hyde, D. Johnson, J. Johnson, Kenney, Kidd, W. Lewellen, Lovell, Lowery, Maloch, Medley, Moore, Overbey, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Saunders, Schulte, Shelby, L. Smith, Stewart, Sumpter, Wagner, Walters, Webb, Wells, Wills, Wood.

Total71

NEGATIVE: Anderson, Bond, E. Brown, Burkes, Burris, Garner, Glidewell, Greenberg, Harris, Jeffrey, King, Lamoureux, M. Martin, Maxwell, Norton, Pate, Sample, Thyer, Woods, Wyatt.

Total20

ABSENT OR NOT VOTING: Chesterfield, Flowers, Gaskill, Key, Pace, Sullivan, Mr. Speaker.

Total7

VOTING PRESENT: L. Evans, Rosenbaum.

Total2

Total number of votes cast93

Total number voting in the affirmative71

Necessary to the passage of the bill.....51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Pickett the Clincher motion prevailed.

HOUSE BILL NO. 1340

BY: REPRESENTATIVE LOVELL

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

AFFIRMATIVE: Adcock, Allen, Anderson, T. Baker, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Hall, Hardwick, Harrelson, Hawkins, House, Hoyt, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Sample, Saunders, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Woods, Wyatt.

Total82

NEGATIVE: Glidewell, R. Green, Greenberg, Hardy, Harris, D. Hutchinson, Lamoureux, Pace, Schulte.

Total9

ABSENT OR NOT VOTING: Abernathy, Berry, Chesterfield, Flowers, Lowery, S. Prater, Wood, Mr. Speaker.

Total8

VOTING PRESENT: Rosenbaum.

Total1

Total number of votes cast92

Total number voting in the affirmative.....82

Necessary to the passage of the bill.....51

So the Bill passed and the title as read was agreed to.

Upon motion of Representative Lovell the Clincher motion prevailed.

HOUSE BILL NO. 1304

BY: REPRESENTATIVE WELLS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Flowers, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

Necessary to the passage of the bill.....51

So the Bill passed and the title as read was agreed to.

SENATE BILL NO. 120

BY: SENATOR T. SMITH

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Flowers, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

Necessary to the passage of the bill51

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **SENATE BILL NO. 120**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Flowers, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1056

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, Greenberg, Hall, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Chesterfield, Flowers, Hardwick, Norton, Mr. Speaker.

Total6

VOTING PRESENT: R. Green.

Total1

Total number of votes cast94

Total number voting in the affirmative93

Necessary to the passage of the bill75

So the Bill passed and the title as read was agreed to.

There being an Emergency Clause attached to **HOUSE BILL NO. 1056**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, Greenberg, Hall, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bond, Chesterfield, Flowers, Hardwick, Norton, Mr. Speaker.

Total6

VOTING PRESENT: R. Green.

Total1

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1018

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Flowers, Hardy, Medley, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative.....95

Necessary to the passage of the bill.....75

So the Bill passed and the title as read was agreed to.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1018	BY REPRESENTATIVE ANDERSON
HOUSE BILL NO. 1056	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1293	BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1304	BY REPRESENTATIVE WELLS
HOUSE BILL NO. 1309	BY REPRESENTATIVE D. CREEKMORE
HOUSE BILL NO. 1334	BY REPRESENTATIVE D. JOHNSON
HOUSE BILL NO. 1340	BY REPRESENTATIVE LOVELL

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 120	BY SENATOR T. SMITH
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ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 2, 2007

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1040 BY REPRESENTATIVE ALLEN

HOUSE BILL NO. 1041 BY REPRESENTATIVES WALTERS, HARDWICK

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 11:22 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Benny C. Petrus, Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1040 BY REPRESENTATIVE ALLEN

HOUSE BILL NO. 1041 BY REPRESENTATIVES WALTERS, HARDWICK

/s/ Mike Beebe - Governor

TIME: 11:22 a.m.

By: Sarah Agee

STATE OF ARKANSAS

MIKE BEEBE

GOVERNOR

February 1, 2007

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 1, 2007, I approved the following measure from the Regular Session of the Eighty-sixth General Assembly:

HOUSE BILL NO. 1140 - ACT 47

Sincerely,

/s/ Mike Beebe

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH GENERAL ASSEMBLY
ROOM 350, THIRD FLOOR, STATE CAPITOL
LITTLE ROCK, ARKANSAS 72201-1089
(501) 682-7771 TDD (501) 682 9148

BENNY C. PETRUS, SPEAKER
TIM MASSANELLI, PARLIAMENTARIAN JO RENSHAW, CHIEF CLERK

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: February 2, 2007
SUBJECT: Amendment #2 to **HOUSE BILL NO. 1338**

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #2 to HB 1338. In the Amendment, page 1, line 10-11 should read as follows:

"(5) One (1) member who is a resident of Regional District III appointed by the President Pro-Tempore of the Senate; and"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB 1338.

/s/ Benny C. Petrus
Speaker of the House

/s/ J R Rogers

/s/ David Dunn
House Rules

/s/ George Overbey, Jr.

/s/ Lenville Evans, Chairman
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

AMENDMENT NO. 2 TO HOUSE BILL NO. 1338

Amend **HOUSE BILL NO. 1338** as engrossed,
H1/31/07 (version: 01-31-2007 08:38):

Page 3, delete lines 1 through 8 and substitute the following:

"as follows:

(1) One (1) at-large member appointed by the Governor;

(2) Two (2) members who are residents of Regional District I appointed by the Governor;

(3) Two (2) members who are residents of Regional District II appointed by the Speaker of the House of Representatives;

(4) One (1) member who is a resident of Regional District III appointed by the Speaker of the House of Representatives;

~~(4)~~ One (1) member who is a resident of Regional District III appointed by the President Pro-Tempore of the Senate; and

(6) Two (2) members who are residents of Regional District IV appointed by the President Pro-Tempore of the Senate."

AND

Page 3, line 27, delete "six (6)" and substitute "seven (7)"

AND

Page 3, line 28, delete "six (6)" and substitute "seven (7)"

AND

Page 3, line 31, delete "six (6)" and substitute "seven (7)"

AND

Page 4, delete line 10 and substitute the following:

"(3)(A) Pay an enrollment fee of two dollars (\$2.00) per person per month."

/s/ Nancy Blount

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1376

BY: REPRESENTATIVES HOUSE, PACE, ANDERSON, BURKES, EDWARDS, HARDWICK, HARRIS, D. HUTCHINSON, KENNEY, KING, M. MARTIN, WAGNER, WOODS

BY: SENATORS HENDREN, MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO PROVIDE THAT CERTAIN COUNTY TAXES ON AVIATION FUEL BE REMITTED DIRECTLY TO THE REGIONAL AIRPORT LOCATED IN THE TAXING COUNTY; 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. 1377

BY: REPRESENTATIVES D. HUTCHINSON, PACE, KING, HOUSE, ANDERSON, BURKES, EDWARDS, HARDWICK, HARRIS, KENNEY, M. MARTIN, L. SMITH, WAGNER, WOODS

BY: SENATORS HENDREN, MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT ALL REAL PROPERTY ACQUIRED BY A REGIONAL AIRPORT AUTHORITY IN FEE SIMPLE TITLE FOR AVIATION PURPOSES IS EXEMPT FROM ANNEXATION AND MUNICIPAL REGULATION; 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. 1378

BY: REPRESENTATIVE MALOCH

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING COUNTY CONTINUING EDUCATION FUNDS; 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. 1379

BY: REPRESENTATIVES PETRUS, SULLIVAN, THYER, STEWART, SHELBY, ABERNATHY, ADCOCK, ALLEN, ANDERSON, T. BAKER, BERRY, BLOUNT, BOND, T. BRADFORD, BREEDLOVE, E. BROWN. J. BROWN. BURRIS, CASH, CHEATHAM, CHESTERFIELD, COOK, COOPER, CORNWELL, L. COWLING, D. CREEKMORE, DAVENPORT, DAVIS, DICKINSON, S. DOBBINS, DUNN, EDWARDS, L. EVANS, D. EVANS, EVERETT, GARNER, GASKILL, GEORGE, GLIDEWELL, R. GREEN, HALL, HARDWICK, HARDY, HARRELSON, HARRIS, HAWKINS, HOUSE, HOYT, D. HUTCHINSON, HYDE, JEFFREY, J. JOHNSON, KENNEY, KEY, KIDD, KING, LAMOUREUX, W. LEWELLEN, LOVELL, LOWERY, MALOCH, M. MARTIN, MAXWELL, MEDLEY, MOORE, NORTON, OVERBEY, PACE, PATE, PATTERSON, PENNARTZ, PICKETT, PIERCE, POWERS, S. PRATER, PYLE, RAGLAND, RAINEY, REEP, REYNOLDS, J. ROEBUCK, ROGERS, ROSENBAUM, SAMPLE, SAUNDERS, SUMPTER, WAGNER, WALTERS, WEBB, WELLS, WILLS, WOOD, WOODS, WYATT

BY: SENATORS R. THOMPSON, BROADWAY, G. JEFFRESS, J. JEFFRESS, STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE ARKANSAS ALTERNATIVE FUELS DEVELOPMENT PROGRAM; TO CREATE THE ARKANSAS ALTERNATIVE FUELS DEVELOPMENT FUND; TO REPEAL OBSOLETE SECTIONS OF THE ARKANSAS CODE RELATED TO ALTERNATIVE FUELS INCLUDING THE ALTERNATIVE FUELS COMMISSION, THE ALTERNATIVE FUELS FUND, THE ARKANSAS WEATHERIZATION ASSISTANCE FUND, AND SECTIONS RELATED TO WEATHERIZATION; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1380

BY: REPRESENTATIVES ROSENBAUM, GARNER, GEORGE, HARRIS, HOYT,
D. JOHNSON, RAGLAND, REYNOLDS, WOOD

BY: SENATORS FARIS, J. TAYLOR

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND PROVISIONS OF ARKANSAS ELECTION LAW CONCERNING EARLY VOTING; 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. 1381

BY: REPRESENTATIVES WYATT, MALOCH, THYER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE INSURANCE COMMISSIONER TO ORDER THE REMOVAL OF A DIRECTOR OR AN OFFICER FOR MISCONDUCT; TO REQUIRE A HEARING AND WRITTEN FINDINGS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1382

BY: REPRESENTATIVES BOND, S. PRATER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT ASSISTED LIVING FACILITIES OBTAIN PERMITS OF APPROVAL; 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. 1383

BY: REPRESENTATIVES WOOD, WALTERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENSURE THAT VETERANS OF OPERATION ENDURING FREEDOM ARE ELIGIBLE FOR A SPECIAL LICENSE PLATE AND RENEWAL FOR A NOMINAL FEE LIKE OTHER VETERANS; TO INCORPORATE THE LAW REGARDING OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM INTO THE SPECIAL LICENSE PLATE ACT OF 2005, § 27-24-101 ET SEQ.; TO ALLOW A PERSON WHO PAID THE FEE FOR THE OPERATION ENDURING FREEDOM SPECIAL LICENSE PLATE TO BE REFUNDED THAT FEE; 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. 1384

BY: REPRESENTATIVE LAMOUREUX

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PERMIT CONCURRENT JURISDICTION OF EVICTION PROCEEDINGS IN DISTRICT COURT; 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 David Evans, the House adjourned at 10:48 a.m. until 1:30 p.m., Monday, February 5, 2007.

ATTEST:

Benny C. Petrus
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk