

**TWENTY-SECOND DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES**

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Little Rock, Arkansas

March 3, 2014

The House was called to order at 1:32 p.m. by Mr. Carter, the Speaker. The following members answered to the roll call:

Alexander, Altes, C. Armstrong, E. Armstrong, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, Burris, Carnine, Catlett, Collins, Copenhaver, Cozart, Dale, Davis, Dickinson, C. Douglas, D. Douglas, Edwards, Ferguson, Fielding, Gillam, Gossage, Hammer, Hawthorne, Hillman, Hobbs, Hodges, Hopper, Hutchison, Jett, Julian, Kerr, Lampkin, Lea, Leding, Lenderman, Linck, Love, Magie, Malone, Mayberry, McElroy, McLean, D. Meeks, Neal, Nickels, Overbey, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, Talley, Thompson, Vines, Wagner, Walker, Wardlaw, Westerman, Whitaker, Mr. Speaker.

Total .....71

The following member(s) was absent and did not answer to the roll call: Baine, Clemmer, Deffenbaugh, Dotson, Eubanks, Farrer, Fite, Harris, Hickerson, Holcomb, House, Jean, Kizzia, Lowery, McCrary, McGill, S. Meeks, Miller, Murdock, Payton, Smith, Steel, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total .....29

A quorum was present.

Unanimous leave was granted for Representative(s) Baine, Clemmer, Deffenbaugh, Dotson, Eubanks, Farrer, Fite, Harris, Hickerson, Holcomb, House, Jean, Kizzia, Lowery, McCrary, McGill, S. Meeks, Miller, Murdock, Payton, Smith, Steel, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

The House stood and was led in prayer by House Chaplain Greg Addison, Senior Pastor, First Baptist Church, Cabot, 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.

Morning Hour Expired.

Upon motion of Representative Baird, **HOUSE BILL NO. 1040** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1040**

Amend **HOUSE BILL NO. 1040** as engrossed,

(version: 02/11/2014 09:42:38 AM):

Insert an additional SECTION immediately following SECTION 44 to read as follows:

" SECTION 45. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL POST-CLOSURE TRUST FUND.

(a) The General Assembly finds that:

(1) A growing number of regional solid waste management districts within the state are facing difficulty in funding the necessary costs of closure and post-closure care of landfills owned by the districts; and

(2) Without closure and post-closure care of landfills, irreparable harm to human health and the environment will occur.

(b) Notwithstanding § 8-6-1001 et seq. and Acts 2013, No. 1202, § 41, the Arkansas Department of Environmental Quality also may:

(1) Expend monies from the Landfill Post-Closure Trust Fund to a state-approved contractor or the regional solid waste management district to complete all actions necessary to achieve the final closure and post-closure care of a landfill owned by a regional solid waste management district if the department determines that the regional solid waste management district:

(A) Has filed for protection under federal bankruptcy law;

(B) Is unable to meet its debt obligations in the ordinary course of its operations; or

(C) Is otherwise insolvent; and

(2) Institute a civil action against the regional solid waste management district and all of the entities composing the regional solid waste management district

to seek the recovery of any funds expended from the Landfill Post-Closure Trust Fund under subdivision (b)(1) of this section.

(c) This section is in effect only from July 1, 2014, through June 30, 2017."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

/s/ Duncan Baird

The Amendment was read and was not adopted.

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Baird, **HOUSE BILL NO. 1045** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1045**

Amend **HOUSE BILL NO. 1045** as originally introduced:

Page 13, insert a new SECTION immediately following SECTION 19 to read as follows:

" SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. ENTERPRISE FRAUD PILOT PROJECT STUDY.

(a) The Office of Accounting of the Department of Finance and Administration shall conduct an interagency study to determine the most economical and efficient means of implementing an enterprise fraud pilot program that:

(1) Detects and prevents fraud, waste, abuse, improper payments, and employer noncompliance within:

(A) The Unemployment Insurance program of the Department of Workforce Services;

(B) The Temporary Assistance for Needy Families Program;

and

(C) The Supplemental Nutritional Assistance Program (SNAP) of the Department of Human Services; and

(2) Utilizes state-of-the-art enterprise fraud detection technology that further supports detection and prevention across state agencies, programs, and functions.

(b) The office shall compare and contrast both agency-hosted and vender-hosted solutions.

(c)(1) No later than October 24, 2014, the office shall report its findings and recommendations to:

(A) The Legislative Council;

(B) The Chair of the House Committee on State Agencies and Governmental Affairs; and

(C) The Chair of the Senate Committee on State Agencies and Governmental Affairs.

(2) The report shall include without limitation funding requirements and possible substantive law changes that would be necessary to implement agency-hosted and vender-hosted solutions."

AND

Appropriately renumber the SECTIONS of the bill.

/s/ Duncan Baird

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

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Baird, **HOUSE BILL NO. 1076** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 3 TO HOUSE BILL NO. 1076**

Amend **HOUSE BILL NO. 1076** as engrossed,  
H2/25/14 (version: 02/25/2014 02:36:46 PM):

Page 2, delete line 8 and insert therefor:

"(3) Deputy Director & Chief Operating Officer 1 \$156,764"

AND

Page 2, following line 11, insert a new line:

"(6.1) Assistant Chief - Administration 1 \$140,489"

AND

Page 2, line 17, delete "13" and insert therefor "14"

AND

Page 2, line 19, delete "3" and insert therefor "2"

AND

Page 2, following line 19, insert a new line:

"(13.1) ASHERS Executive Secretary 1"

AND

Page 4, line 27, delete "6" and insert therefor "5"

AND

Page 4, line 35, delete "6" and insert therefor "5".

/s/ Duncan Baird

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

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Duncan Baird, **HOUSE BILL NO. 1093** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1093**

Amend **HOUSE BILL NO. 1093** as originally introduced:

Page 10, insert and additional SECTION immediately following SECTION 21 to read as follows:

" SECTION 22. APPROPRIATION - CAREER COACHES PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Public School Fund Account, for personal services, operating expenses, and Career Coaches grants and aid by the Department of Career Education - Career Coaches Program for the fiscal year ending June 30, 2015, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2014-2015</u>
(01) REGULAR SALARIES	\$105,000
(02) PERSONAL SERVICES MATCHING	37,000
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	50,000
(B) CONF. & TRAVEL	15,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) CAREER COACHES GRANTS AND AID	<u>800,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$1,007,000"</u>

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

/s/ Duncan Baird

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

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Duncan Baird, **HOUSE BILL NO. 1094** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1094**

Amend **HOUSE BILL NO. 1094** as originally introduced:

Page 15, insert an additional SECTION immediately following SECTION 22 to read as follows:

" SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRAINING TRUST FUND TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum of two million five hundred thousand dollars (\$2,500,000) from the Department of Workforce Services Training Trust Fund to the Arkansas Economic Development Commission Fund Account."

AND

Appropriately renumber the subsequent SECTION numbers of the bill.

/s/ Duncan Baird

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

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Baird, **HOUSE BILL NO. 1129** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1129**

Amend **HOUSE BILL NO. 1129** as originally introduced:

Insert the additional SECTIONS immediately following SECTION 19 of the bill to read as follows:

" SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL

AND TEMPORARY LAW. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES AND DIVISION OF BEHAVIORAL HEALTH SERVICES — REGULATORY MORATORIUM.

The Department of Human Services:

(1) Shall continue implementation of the Attention Deficient Hyperactivity Disorder episode of care, commonly referred to as the “ADHD episode of care”, and the Oppositional Defiant Disorder episode of care, commonly referred to as the “ODD episode of care”.

(2) Shall not implement a new behavioral health episode of care until June 30, 2015; and

(3) Will implement system changes, including only behavioral health care tiers, Section 1915(i) option programs, and health homes, at the later of:

(A) Ninety (90) days after the publication of proposed program rates; or

(B) January 1, 2015.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES AND DIVISION OF BEHAVIORAL HEALTH SERVICES — OUTCOME MEASURES TESTING MORATORIUM.

The Department of Human Services shall:

(1) Complete and submit by May 31, 2014, a report to the House Committee on Public Health, Welfare, and Labor and to the Senate Committee on Public Health, Welfare, and Labor providing facts and information regarding:

(A) The cost to the state and to the affected providers of requiring the administration of the outcomes-based system mandated by Arkansas Code § 20-47-705, commonly referred to as the “Youth Outcome Questionnaire”;

(B) The benefits realized as a result of requiring the administration of the Youth Outcome Questionnaire; and

(C) The clinical rationale for requiring the Youth Outcome Questionnaire for all clients receiving behavioral health services;

(2) Require all behavioral health providers that are required to complete the Youth Outcome Questionnaire to additionally submit the cost data for program administration by April 1, 2014; and

(3) Make recommendations concerning continued implementation of the Youth Outcome Questionnaire to the House Committee on Public Health,

Welfare, and Labor and to the Senate Committee on Public Health, Welfare, and Labor based on communication with the behavioral health providers and other interested parties.

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES AND DIVISION OF BEHAVIORAL HEALTH SERVICES - SCOPE.

Sections 20 and 21 of this act are effective until June 30, 2015.

SECTION 23. SPECIAL LANGUAGE — CODE AMENDMENT. Arkansas Code § 23-61-803(c), concerning the Arkansas Health Insurance Marketplace Board of Directors, is amended to read as follows:

(c) The Arkansas Health Insurance Marketplace shall operate subject to the supervision and control of the Board of Directors of the Arkansas Health Insurance Marketplace. The board shall consist of the following members to be appointed on or before July 1, 2013:

(1)(A) Three (3) members appointed by the Governor.

(B) One (1) member appointed by the Governor shall be a representative of insurance agents or brokers licensed to sell health insurance in the State of Arkansas.

(C) Two (2) members appointed by the Governor shall be consumer representatives;

(2)(A) Three (3) members appointed by the President Pro Tempore of the Senate.

(B) One (1) of the members appointed by the President Pro Tempore of the Senate shall be a representative of a health insurer.

(C) One (1) of the members appointed by the President Pro Tempore of the Senate shall be a representative of small employers;

(3)(A) Three (3) members appointed by the Speaker of the House of Representatives.

(B) One (1) of the members appointed by the Speaker of the House of Representatives shall be a representative of a health insurer.

(C) One (1) member appointed by the Speaker of the House of Representatives shall be a member of a health-related profession licensed in the State of Arkansas;

(4) The Insurance Commissioner or his or her designee as an ex officio nonvoting member; and

(5) The Director of the Department of Human Services or his or her designee as an ex officio nonvoting member."

AND

Delete SECTION 22 of the bill in its entirety and substitute the following:

" SECTION 22. EMERGENCY CLAUSE. (a) It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2014, is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2014, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and Sections 1 through 19 and 24 through 25 of this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2014.

(b) It is found and determined by the General Assembly of the State of Arkansas that a clarification of voting procedures is necessary to implement the intent of the General Assembly in establishing the Arkansas Health Insurance Marketplace Board of Directors; the maintenance of an appropriate balance to determine the proper course for the Arkansas Health Insurance Marketplace is immediately necessary; that the citizens of this state will be best served by the change in voting procedures of the board required by this act; that the reporting provisions of this act are essential for the assessment and administration of the outcomes-based system mandated by Arkansas Code § 20-47-705 and episodes of care; that in order to meet the deadlines established by this act, the affected providers and state agencies need as much time as possible to assemble and report the required information; and that Sections 20 through 23 of this act are immediately necessary for the administration of important programs and to provide information necessary to make reasoned and prudent decisions concerning the provision of health care for the citizens of this state. Therefore, an emergency is declared to exist, and Sections 20 through 23 of this act, being immediately necessary for the preservation of the public peace, health, and safety, shall become effective on:

(1) The date of this act's 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."

AND

Appropriately renumber all SECTION numbers of the bill.

/s/ Duncan Baird

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

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Duncan Baird, **HOUSE BILL NO. 1149** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 3 TO HOUSE BILL NO. 1149**

Amend **HOUSE BILL NO. 1149** as engrossed,  
H2/19/14 (version: 02/19/2014 02:55:43 PM):

Page 35, delete line 6 in its entirety and substitute the following:

"been determined as set out in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents"

And

Page 35, delete lines 21 and 22 in their entirety and substitute the following:

" The Arkansas Higher Education Coordinating Board shall submit a report for review to the Arkansas Economic Development Commission prior to July 1, 2014 of the proposed distribution of the increase in the amount of funds in the Work Force 2000 Development Fund as set out in Arkansas Code 26-51-205(d)(2)(C) in excess of those amounts collected and distributed prior to June 30, 2014. The funds distributed under Arkansas Code 26-51-205(d)(2)(C) in excess of those amounts collected and distributed prior to June 30, 2014 shall be used only for the operation, support, and improvement of occupational, vocational, technical, and workforce development programs. The distributions of funds under Arkansas Code 21-51-205(d)(2)(C) in excess of those amounts collected and distributed prior to June 30,

2014 shall not apply to proceeds allocated to schools, colleges and educational institutions under Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B).

The provisions of this section shall be in effect only from July 1, ~~2013~~ 2014 through June 30, ~~2014~~ 2015."

/s/ Duncan Baird

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

/s/ Sherri Stacks  
Chief Clerk

Upon motion of Representative Baird, **HOUSE BILL NO. 1158** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1158**

Amend **HOUSE BILL NO. 1158** as originally introduced:

Immediately following SECTION 2, insert a new section to read as follows:

" SECTION 3. Section 18 of uncodified Act 1207 of 2013 is amended to read as follows:

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HOLIDAY COMPENSATION. The Department of Correction is ~~authorized to~~ shall pay employees for ~~up to one hundred fifty (150) hours of unused holidays~~ compensation exceeding a balance in the employee's holiday account of ninety-six (96) hours ~~following the end of the calendar year~~. Payments of unused Holiday hours must be processed on or before June 1st in each fiscal year. Employees terminating employment from the Department of Correction will be eligible for all holiday pay accrued during the years of service. ~~This request is contingent on approval by the Chief Fiscal Officer of the State after the Director of the Department of Correction has verified that sufficient revenues are available to~~

~~make such payments~~ These payments shall be available to employees who have served in the following classifications:

Class

<u>Code</u>	<u>Title</u>	<u>Grade</u>
T033C	ADC/DCC MAJOR	GRADE C120
T048C	ADC/DCC CAPTAIN	GRADE C118
T054C	ADC/DCC LIEUTENANT	GRADE C117
TO65C	ADC/DCC CORRECTIONAL SERGEANT	GRADE C115
S044C	FOOD PREPARATION MANAGER	GRADE C114
T075C	ADC/DCC CORPORAL	GRADE C113
T083C	ADC/DCC CORRECTIONAL OFFICER I	GRADE C112
S056C	FOOD PREPARATION SUPERVISOR	GRADE C111

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014."

AND

Appropriately renumber subsequent sections.

/s/ Duncan Baird

The Amendment was read and was not adopted.

/s/ Sherri Stacks  
Chief Clerk

### ENGROSSED BILL REPORTS

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DAVY CARTER, CHAIRPERSON

March 3, 2014

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1045	BY JOINT BUDGET COMMITTEE (BAIRD)
HOUSE BILL NO. 1076	BY JOINT BUDGET COMMITTEE (BAIRD)
HOUSE BILL NO. 1093	BY JOINT BUDGET COMMITTEE (BAIRD)
HOUSE BILL NO. 1094	BY JOINT BUDGET COMMITTEE (BAIRD)
HOUSE BILL NO. 1129	BY JOINT BUDGET COMMITTEE (BAIRD)
HOUSE BILL NO. 1149	BY JOINT BUDGET COMMITTEE (BAIRD)

STATE OF ARKANSAS

MIKE BEEBE

GOVERNOR

February 28, 2014

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 28, 2014, I approved the following measures from the Fiscal Session of the Eighty-ninth General Assembly:

HOUSE CONCURRENT RESOLUTION NO. 1001

- HOUSE BILL NO. 1003 - ACT 211    HOUSE BILL NO. 1118 - ACT 221
- HOUSE BILL NO. 1008 - ACT 212    HOUSE BILL NO. 1125 - ACT 222
- HOUSE BILL NO. 1014 - ACT 213    HOUSE BILL NO. 1132 - ACT 223
- HOUSE BILL NO. 1020 - ACT 214    HOUSE BILL NO. 1134 - ACT 224
- HOUSE BILL NO. 1049 - ACT 215    HOUSE BILL NO. 1135 - ACT 225
- HOUSE BILL NO. 1052 - ACT 216    HOUSE BILL NO. 1143 - ACT 226
- HOUSE BILL NO. 1074 - ACT 217    HOUSE BILL NO. 1145 - ACT 227
- HOUSE BILL NO. 1102 - ACT 218    HOUSE BILL NO. 1146 - ACT 228
- HOUSE BILL NO. 1116 - ACT 219    HOUSE BILL NO. 1152 - ACT 229
- HOUSE BILL NO. 1117 - ACT 220    HOUSE BILL NO. 1153 - ACT 230

Sincerely,

/s/ Mike Beebe

STATE CAPITOL, SUITE 250 • LITTLE ROCK, AR 72201  
 TELEPHONE (501) 682-2345 • FAX (501) 682-1382  
 INTERNET WEB SITE • [www.governor.arkansas.gov](http://www.governor.arkansas.gov)

Upon motion of Representative Duncan Baird, the House adjourned at 1:48 p.m. until 1:30 p.m., Tuesday, March 4, 2014.

ATTEST:

\_\_\_\_\_  
Davy Carter  
Speaker of the House of Representatives

\_\_\_\_\_  
Sherri Stacks  
Chief Clerk

