

**ELEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 22, 2009

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

Abernathy, Adcock, Allen, Baird, Baker, Betts, Blount, Bradford, Breedlove, Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, Cowling, Creekmore, Dale, Davenport, Davis, Dickinson, Dismang, Dunn, English, Everett, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hutchinson, Hyde, Ingram, Kerr, Kidd, King, Lea, Lewellen, Lindsey, Lovell, Lowery, Maloch, Malone, Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, Roebuck, J. Rogers ,T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, Wilkins, Williams, Woods, Word, Mr. Speaker.

Total96

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

Total4

A quorum was present.

Unanimous leave was granted for Representative(s) Barnett, Edwards, Flowers, Pierce.

The House stood and was led in prayer by House Chaplain Cornell Maltbia, Pastor, True Holiness Saint's Center, Conway, 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

	January 22, 2009
EDUCATION	BILL ABERNATHY
	CHAIRPERSON
HOUSE BILL NO. 1057	DO PASS
BY REPRESENTATIVE HOBBS	
HOUSE CONCURRENT RESOLUTION NO. 1003	DO PASS
BY REPRESENTATIVE INGRAM	

COMMITTEE REPORT

	January 22, 2009
JUDICIARY	STEVE HARRELSON
	CHAIRPERSON
HOUSE BILL NO. 1038	DO PASS
BY REPRESENTATIVE D. CREEKMORE	
HOUSE BILL NO. 1039	DO PASS
BY REPRESENTATIVE D. CREEKMORE	AS AMENDED #1
HOUSE BILL NO. 1040	DO PASS
BY REPRESENTATIVE D. CREEKMORE	AS AMENDED #1
HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001	DO PASS
BY REPRESENTATIVE OVERBEY	

COMMITTEE REPORT

	January 22, 2009
PUBLIC HEALTH, WELFARE AND LABOR	GREGG REEP
	CHAIRPERSON
HOUSE BILL NO. 1114	DO PASS
BY REPRESENTATIVE MARTIN	AS AMENDED #1

COMMITTEE REPORT

	January 22, 2009
REVENUE AND TAXATION	JOHN LOWERY
	CHAIRPERSON
HOUSE BILL NO. 1035	DO PASS
BY REPRESENTATIVE NICKELS	

Upon motion of Representative Greenberg, **HOUSE BILL NO. 1018** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as originally introduced:

Page 1, delete lines 32 and 33 and substitute the following:

"(4) A livestock auction barn auctioneer ~~or any auction held on the premises of a livestock auction barn; or~~"

/s/ Dan Greenberg

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative D. Creekmore, **HOUSE BILL NO. 1058** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1058

Amend **HOUSE BILL NO. 1058** as originally introduced:

Page 1, lines 11 and 12, delete "RAPE AND SEXUAL ASSAULT IN THE FIRST DEGREE" and substitute "RAPE, KIDNAPPING, AND SEXUAL ASSAULT IN THE FIRST DEGREE"

AND

Page 1, lines 16 and 17, delete "OFFENSES OF RAPE AND SEXUAL ASSAULT IN THE FIRST DEGREE" and substitute "OFFENSES OF RAPE, KIDNAPPING, AND SEXUAL ASSAULT IN THE FIRST DEGREE"

AND

Delete Section 1 in its entirety and replace with:

" SECTION 1. Arkansas Code § 5-1-109 is amended to read as follows:
5-1-109. Statute of limitations.

(a) A prosecution for murder, rape, § 5-14-103, kidnapping, § 5-11-102, or sexual assault in the first degree, § 5-14-124, may be commenced at any time.

(b) Except as otherwise provided in this section, a prosecution for another

offense shall be commenced within the following periods of limitation after the offense's commission:

(1)(A) Class Y felony or Class A felony, six (6) years;

~~(B) However, for rape, § 5-14-103, the period of limitation may be extended to fifteen (15) years during which extended time a prosecution for rape may be commenced if based upon forensic deoxyribonucleic acid (DNA) testing or another test that may become available through an advance in technology;~~

(2) Class B felony, Class C felony, Class D felony, or an unclassified felony, three (3) years; and

(3) Misdemeanor or violation, one (1) year.

(c) If the period prescribed in subsection (b) of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense involving either fraud or breach of a fiduciary obligation; within one (1) year after the offense is discovered or should reasonably have been discovered by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense; and

(2)(A) Any offense that is concealed involving felonious conduct in office by a public servant at any time within five (5) years after he or she leaves public office or employment or within five (5) years after the offense is discovered or should reasonably have been discovered, whichever is sooner.

(B) However, in no event does this subdivision (c)(2) extend the period of limitation by more than ten (10) years after the commission of the offense.

(d) A defendant may be convicted of any offense included in the offense charged, notwithstanding that the period of limitation has expired for the included offense, if as to the offense charged the period of limitation has not expired or there is no period of limitation, and there is sufficient evidence to sustain a conviction for the offense charged.

(e)(1) For the purposes of this section, an offense is committed either when:

(A) Every element occurs; or

(B) If a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time the course of conduct or the defendant's complicity in the course of conduct is terminated.

(2) Time starts to run on the day after the offense is committed.

(f) A prosecution is commenced when an arrest warrant or other process is issued based on an indictment, information, or other charging instrument if the arrest warrant or other process is sought to be executed without unreasonable delay.

(g) The period of limitation does not run:

(1)(A) During any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state.

(B) However, in no event does this subdivision (g)(1) extend the period of limitation otherwise applicable by more than three (3) years; or

(2) During any period when a prosecution against the accused for the same conduct is pending in this state.

(h) If the period prescribed in subsection (b) of this section has expired, a prosecution may nevertheless be commenced for a violation of the following offenses if, when the alleged violation occurred, the offense was committed against a minor, the violation has not previously been reported to a law enforcement agency or prosecuting attorney, and the period prescribed in subsection (b) of this section has not expired since the victim has reached eighteen (18) years of age:

(1) Battery in the first degree, § 5-13-201;

(2) Battery in the second degree, § 5-13-202;

(3) Aggravated assault, § 5-13-204;

(4) Terroristic threatening in the first degree, § 5-13-301;

~~(5) Kidnapping, § 5-11-102;~~

~~(6)~~(5) False imprisonment in the first degree, § 5-11-103;

~~(7)~~(6) Permanent detention or restraint, § 5-11-106;

~~(8) Rape, § 5-14-103;~~

~~(9) Sexual assault in the first degree, § 5-14-124;~~

~~(10)~~(7) Sexual assault in the second degree, § 5-14-125;

~~(11)~~(8) Sexual assault in the third degree, § 5-14-126;

~~(12)~~(9) Sexual assault in the fourth degree, § 5-14-127;

~~(13)~~(10) Incest, § 5-26-202;

~~(14)~~(11) Endangering the welfare of a minor in the first degree, § 5-27-205;

~~(15)~~(12) Permitting abuse of a minor, § 5-27-221~~(a)(1) and (3)~~;

~~(16)~~(13) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;

~~(17)~~(14) Transportation of minors for prohibited sexual conduct, § 5-27-305;

~~(18)~~(15) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;

~~(19)~~(16) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;

~~(20)~~(17) Computer child pornography, § 5-27-603;

~~(21)~~(18) Computer exploitation of a child in the first degree, § 5-27-

605; and

~~(22)~~(19) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any offense listed in this subsection, §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401.

(i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be applicable only to the unknown person.

(j) When deoxyribonucleic acid (DNA) testing implicates a person previously identified through a search of the State DNA Data Base or National DNA Index System, no statute of limitation that would otherwise preclude prosecution of the offense precludes the prosecution until a period of time following the implication of the person by deoxyribonucleic acid (DNA) testing has elapsed that is equal to the otherwise applicable limitation period."

/s/ Dawn Creekmore

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pennartz, **HOUSE BILL NO. 1111** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1111

Amend **HOUSE BILL NO. 1111** as originally introduced:

Page 1, delete line 5 in its entirety and substitute the following:

"By: Representatives Pennartz, M. Martin, Glidewell, R. Green, Hoyt, Woods, Pyle, Cook, Breedlove, G. Smith, Wells"

/s/ Tracy Pennartz

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

ROBBIE WILLS, CHAIRMAN

January 22, 2009

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1018	BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 1058 - TITLE -	BY REPRESENTATIVE D. CREEKMORE
HOUSE BILL NO. 1099	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1102	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1104	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1111	BY REPRESENTATIVE PENNARTZ
HOUSE BILL NO. 1128	BY REPRESENTATIVE MALOCH

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1058

BY: REPRESENTATIVE D. CREEKMORE

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REMOVE THE
STATUTE OF LIMITATIONS FOR THE OFFENSES OF *RAPE, KIDNAPPING, AND
SEXUAL ASSAULT IN THE FIRST DEGREE*; AND FOR OTHER PURPOSES.

HOUSE BILL NO. 1023

BY: REPRESENTATIVE PENNARTZ

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, Baird, T. Baker, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hyde, Ingram, Kerr, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Barnett, J. Edwards, Flowers, D. Hutchinson, Pierce.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

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

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

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

Morning Hour Expired.

HOUSE BILL NO. 1117

BY: REPRESENTATIVE MALOCH

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, Baird, T. Baker, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hyde, Ingram, Kerr, Kidd, King, Lea, W. Lewellen, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Barnett, J. Edwards, Flowers, D. Hutchinson, Lindsey, Pierce.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

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

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

HOUSE BILL NO. 1019

BY: REPRESENTATIVE GREENBERG

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, Baird, T. Baker, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, English, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total89

NEGATIVE: Patterson.

Total1

ABSENT OR NOT VOTING: Barnett, M. Burris, Cooper, L. Cowling, J. Edwards, Everett, Flowers, Kidd, Pierce, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative.....89

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

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

HOUSE BILL NO. 1021

BY: REPRESENTATIVE WOODS

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, Baird, T. Baker, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total	96
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Barnett, J. Edwards, Flowers, Pierce.	
Total	4
VOTING PRESENT:	
Total	0
Total number of votes cast	96
Total number voting in the affirmative	96
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1050

BY: REPRESENTATIVE GREENBERG

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

AFFIRMATIVE: Baird, J. Burris, Carnine, Carroll, Carter, Cheatham, Clemmer, Cook, D. Creekmore, Dale, J. Dickinson, Dismang, English, Garner, Gaskill, Glidewell, Greenberg, Harrelson, Hobbs, Hopper, House, D. Hutchinson, Hyde, Ingram, Kerr, King, Lea, Lindsey, S. Malone, M. Martin, Moore, Nickels, Nix, Pennartz, Pyle, Ragland, Rice, J. Rogers, T. Rogers, Shelby, Slinkard, G. Smith, L. Smith, Summers, Tyler, Wagner, Webb, Williams, Woods.

Total49

NEGATIVE: Allen, Betts, Blount, Breedlove, Cooper, Hall, Hardy, Hoyt, Kidd, W. Lewellen, Lovell, McLean, Patterson, Perry, J. Roebuck, Stewart, B. Wilkins.

Total17

ABSENT OR NOT VOTING: Abernathy, T. Baker, Barnett, T. Bradford, J. Brown, M. Burris, Cash, Cole, L. Cowling, Davenport, Davis, Dunn, J. Edwards, Flowers, R. Green, Lowery, Maloch, Maxwell, Overbey, Pierce, Powers, Reynolds, Sample, Saunders, Word, Mr. Speaker.

Total26

VOTING PRESENT: Adcock, Everett, George, Hawkins, McCrary, Rainey, Reep, Wells.

Total8

Total number of votes cast74

Total number voting in the affirmative.....49

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

So the Bill failed.

HOUSE BILL NO. 1086

BY: REPRESENTATIVE L. SMITH

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

AFFIRMATIVE: Abernathy, T. Baker, Betts, Blount, Breedlove, J. Brown, M. Burris, Carroll, Cash, Cheatham, Clemmer, Cole, Cook, D. Creekmore, Dale, Davenport, Davis, English, Everett, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, House, Hoyt, Hyde, Ingram, Kerr, King, W. Lewellen, Lindsey, McCrary, Moore, Nickels, Overbey, Pennartz, Perry, Powers, Pyle, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, B. Wilkins, Woods, Word, Mr. Speaker.

Total66

NEGATIVE: Adcock, Allen, T. Bradford, J. Burris, Carter, Cooper, J. Dickinson, Dismang, Glidewell, Hopper, D. Hutchinson, Lea, Lovell, S. Malone, M. Martin, McLean, Nix, Patterson, Ragland, Sample, Wells.

Total21

ABSENT OR NOT VOTING: Baird, Barnett, L. Cowling, Dunn, J. Edwards, Flowers, Lowery, Maloch, Maxwell, Pierce.

Total10

VOTING PRESENT: Carnine, Kidd, Williams.

Total3

Total number of votes cast90

Total number voting in the affirmative66

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

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

HOUSE BILL NO. 1036

BY: REPRESENTATIVE INGRAM

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, Baird, T. Baker, Blount, J. Brown, J. Burris, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, Dale, Davenport, Davis, Dismang, Dunn, Everett, Garner, Gaskill, George, R. Green, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hyde, Ingram, King, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, McCrary, McLean, Moore, Nickels, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Rainey, Reep, Reynolds, J. Roebuck, T. Rogers, Sample, Saunders, Shelby, Slinkard, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, Williams, Woods, Word, Mr. Speaker.

Total73

NEGATIVE: Betts, T. Bradford, Breedlove, Carnine, D. Creekmore, J. Dickinson, English, Glidewell, D. Hutchinson, Lea, Lindsey, S. Malone, Maxwell, Nix, Rice, G. Smith, B. Wilkins.

Total17

ABSENT OR NOT VOTING: Barnett, M. Burris, J. Edwards, Flowers, Greenberg, Pierce, J. Rogers.

Total7

VOTING PRESENT: Kerr, Kidd, Ragland.

Total3

Total number of votes cast93

Total number voting in the affirmative.....73

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

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

Upon motion of Representative Ingram the Clincher motion prevailed.

Representative Greenberg moved to send **HOUSE BILL NO. 1052** back to Committee. Motion carried.

Upon motion of Representative Maloch, **HOUSE BILL NO. 1099** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1099

Amend **HOUSE BILL NO. 1099** as originally introduced:
Delete Section 6 in its entirety;
and renumber the subsequent bill sections.

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Maloch, **HOUSE BILL NO. 1102** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1102

Amend **HOUSE BILL NO. 1102** as originally introduced:
Delete Section 6 in its entirety;
and renumber the subsequent bill sections.

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Maloch, **HOUSE BILL NO. 1104** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1104

Amend **HOUSE BILL NO. 1104** as originally introduced:

Delete Section 5 in its entirety;

and renumber the subsequent bill sections.

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Maloch, **HOUSE BILL NO. 1128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1128

Amend **HOUSE BILL NO. 1128** as originally introduced:

Immediately following SECTION 4, add an additional section to read as follows:

"SECTION 5. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Any unexpended balance of funds generated by fees and fines pursuant to Arkansas Code 20-8-103 et. seq. deposited into the Miscellaneous Agencies Fund Account which remain at the close of each state fiscal year shall be carried forward to the next state fiscal year to be used for the same intent and purposes as set forth in law.

Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as authorized herein, may be carried forward under the following conditions:

- (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set forth its reason(s) for the need to carry forward said ~~appropriation and/or~~ funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward ~~from the first fiscal year of the biennium to the second fiscal year of the biennium~~ by the September Arkansas Legislative Council or Joint Budget Committee meeting ~~in the second~~

fiscal year of the biennial period which report shall include the name of the Agency, Board, Commission or Institution and the amount of the ~~appropriation and/or~~ funding carried forward ~~from the first fiscal year to the second fiscal year~~, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the ~~biennial~~ budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2009 through June 30, ~~2009~~ 2010."

AND

Appropriately renumber the subsequent sections of the bill.

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1019	BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 1021	BY REPRESENTATIVE WOODS
HOUSE BILL NO. 1031	BY REPRESENTATIVE ALLEN
HOUSE BILL NO. 1036	BY REPRESENTATIVE INGRAM
HOUSE BILL NO. 1086	BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 1117	BY REPRESENTATIVE MALOCH

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1061	BY JOINT BUDGET COMMITTEE
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ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 77	BY SENATOR MADISON
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ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 22, 2008

MR. SPEAKER:

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

HOUSE BILL NO. 1061 **BY JOINT BUDGET COMMITTEE**

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 1:37 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Robbie Wills, Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1061 **BY JOINT BUDGET COMMITTEE**

/s/ Mike Beebe - Governor

TIME: 1:37 p.m.

By: J. D. Lowery

HOUSE BILL NO. 1151

BY: REPRESENTATIVES LINDSEY, BARNETT, HOUSE, M. MARTIN, L. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING A RETIRING COUNTY OFFICIAL'S AND COUNTY EMPLOYEE'S PARTICIPATION IN HEALTH CARE PLANS; 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.

HOUSE BILL NO. 1152

BY: REPRESENTATIVE J. BURRIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE FIREWORK SHOOTER'S LICENSING PERIOD TO START WHEN THE APPLICATION IS APPROVED TO ALLOW FOR A FULL FIVE-YEAR LICENSING PERIOD; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1153

BY: REPRESENTATIVE SAMPLE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW CONFISCATED GOODS TO BE SOLD OVER THE INTERNET FOR THE BENEFIT OF THE CITY'S POLICEMEN'S PENSION AND RELIEF FUND; 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.

HOUSE BILL NO. 1154

BY: REPRESENTATIVE SAMPLE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THE EFFECTIVE DATE FOR THE RECEIPT OF BENEFITS BY SURVIVING SPOUSES OF A DECEASED MEMBER OF THE POLICEMEN'S PENSION AND RELIEF FUND; 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.

HOUSE BILL NO. 1155

BY: REPRESENTATIVE OVERBEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EVALUATE THE EMPLOYER CONTRIBUTIONS TO THE ARKANSAS STATE HIGHWAY EMPLOYEE'S RETIREMENT SYSTEM AND TO ADJUST THE EMPLOYER CONTRIBUTIONS AS NECESSARY; 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.

HOUSE BILL NO. 1156

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 HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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. 1157

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR INVESTMENTS, BENEFITS, REFUNDS AND EXPENSES FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT - ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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. 1158

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 STATE BOARD OF FINANCE FOR THE PURPOSE OF MANAGING AND INVESTING THE TOBACCO SETTLEMENT PROCEEDS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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. 1159

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR INVESTMENTS OF CERTAIN TREASURY BALANCES, DEBT SERVICES, AND PREMIUMS AND DISCOUNTS BY THE STATE BOARD OF FINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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. 1160

BY: REPRESENTATIVE OVERBEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING AUCTIONEERS; 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. 1161

BY: REPRESENTATIVE L. SMITH**BY: SENATOR D. JOHNSON**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF FRAUDULENT FILING OF A UNIFORM COMMERCIAL CODE FINANCING STATEMENT; 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. 1162

BY: REPRESENTATIVES PYLE, WELLS, HOYT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ABOLISH THE ARKANSAS STATE BOARD OF MASSAGE THERAPY AND TO TRANSFER ALL DUTIES TO THE DEPARTMENT OF HEALTH; 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 RESOLUTION NO. 1006

BY: REPRESENTATIVES G. SMITH, CHEATHAM, HOPPER, HOUSE, S. MALONE, WORD

A BILL FOR AN ACT TO BE ENTITLED TO ENCOURAGE THE ARKANSAS CONGRESSIONAL DELEGATION TO SUPPORT PASSAGE OF THE COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT.

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

HOUSE CONCURRENT RESOLUTION NO. 1004

BY: REPRESENTATIVE RAGLAND

A BILL FOR AN ACT TO BE ENTITLED REQUESTING THE ARKANSAS CONGRESSIONAL DELEGATION AND THE CONGRESS OF THE UNITED STATES TO SUPPORT HORSE PROCESSING FACILITIES.

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

SENATE BILL NO. 77

BY: SENATORS MADISON, J. JEFFRESS, SALMON, WHITAKER, R. THOMPSON, D. JOHNSON, BOOKOUT, BROADWAY, BRYLES, CAPPS, CRUMBLY, ELLIOTT, GLOVER, LAVERTY, LUKER, P. MALONE, T. SMITH, TEAGUE, H. WILKINS, D. WYATT

BY: REPRESENTATIVES ADCOCK, WEBB, SAUNDERS, WILLS, L. SMITH, DAVENPORT, ABERNATHY, ALLEN, T. BAKER, BREEDLOVE, J. BROWN, CARROLL, CARTER, CASH, COLE, D. CREEKMORE, J. EDWARDS, GEORGE, HARRELSON, HOUSE, HOYT, D. HUTCHINSON, HYDE, LINDSEY, MOORE, NICKELS, NIX, PENNARTZ, PIERCE, POWERS, J. ROEBUCK, T. ROGERS, G. SMITH, STEWART, TYLER, WAGNER, B. WILKINS, WILLIAMS, *M. BURRIS, CARNINE, CHEATHAM, COOK, DUNN, GASKILL, KERR, KIDD, LOVELL, MALOCH, REEP, SAMPLE, SHELBY*

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING AGGRAVATED CRUELTY TO DOGS, CATS, AND HORSES AND RELATED OFFENSES; CONCERNING ANIMAL MANAGEMENT PRACTICES; 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.

Upon motion of Representative Curren Everett, the House adjourned at 4:19 p.m. until 10:00 a.m., Friday, January 23, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

