

**THIRTY-SEVENTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
February 17, 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, Barnett, 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, Edwards, English, Everett, Flowers, Garner, 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, Pierce, 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.

Total99

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

Total1

A quorum was present.

Unanimous leave was granted for Representative Gaskill.

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

	February 17, 2009
EDUCATION	BILL ABERNATHY
	CHAIRPERSON
HOUSE BILL NO. 1222	DO PASS
BY REPRESENTATIVE HYDE	
SENATE BILL NO. 295	DO PASS
BY SENATOR J. JEFFRESS	

COMMITTEE REPORT

	February 17, 2009
JUDICIARY	STEVE HARRELLSON
	CHAIRPERSON
HOUSE BILL NO. 1008	DO PASS
BY REPRESENTATIVE R. GREEN	
HOUSE BILL NO. 1010	DO PASS
BY REPRESENTATIVE D. HUTCHINSON	
HOUSE BILL NO. 1394	DO PASS
BY REPRESENTATIVE EDWARDS	
HOUSE BILL NO. 1395	DO PASS
BY REPRESENTATIVE EDWARDS	
HOUSE BILL NO. 1396	DO PASS
BY REPRESENTATIVE EDWARDS	
HOUSE BILL NO. 1427	DO PASS
BY REPRESENTATIVE INGRAM	
SENATE BILL NO. 59	DO PASS
BY SENATOR MADISON	AS AMENDED # 1
SENATE BILL NO. 256	DO PASS
BY SENATOR KEY	
SENATE BILL NO. 329	DO PASS
BY SENATOR THOMPSON	
SENATE BILL NO. 339	DO PASS
BY SENATOR LUKER	
SENATE BILL NO. 341	DO PASS
BY SENATOR LUKER	

COMMITTEE REPORT

	February 17, 2009
PUBLIC HEALTH, WELFARE AND LABOR	GREGG REEP
	CHAIRPERSON
HOUSE BILL NO. 1409	DO PASS
BY REPRESENTATIVE MCLEAN	AS AMENDED # 1
SENATE BILL NO. 225	DO PASS
BY SENATOR BLEDSOE	
SENATE BILL NO. 310	DO PASS
BY SENATOR HORN	

COMMITTEE REPORT

	February 17, 2009
PUBLIC TRANSPORTATION	BILL SAMPLE
	CHAIRPERSON
HOUSE BILL NO. 1119	DO PASS, CONCUR IN
BY REPRESENTATIVE KERR	SENATE AMEND # 1 & # 2
HOUSE BILL NO. 1397	DO PASS
BY REPRESENTATIVE EDWARDS	
HOUSE BILL NO. 1438	DO PASS
BY REPRESENTATIVE COWLING	

COMMITTEE REPORT

	February 17, 2009
REVENUE AND TAXATION	JOHN LOWERY
	CHAIRPERSON
SENATE BILL NO. 267	DO PASS
BY SENATOR BRYLES	

COMMITTEE REPORT

	February 17, 2009
JOINT BUDGET	BRUCE MALOCH
	CHAIRPERSON
HOUSE BILL NO. 1090	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1157	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1259	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 274	DO PASS
BY JOINT BUDGET COMMITTEE	AS AMENDED #1

Upon motion of Representative Reep, **HOUSE BILL NO. 1416** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1416

Amend **HOUSE BILL NO. 1416** as originally introduced:

Page 1, delete all the language after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 8-7-801(13) – (14), concerning the definition of a storage tank self-inspection audit, is amended to read as follows:

~~(13)(A) "Storage tank self-inspection audit" means a checklist or form issued by the department addressing the compliance status of a storage tank that the owner or operator completes on an annual basis.~~

~~(B) The storage tank self-inspection audit shall accompany or be a part of other documents the department requires the owner or operator to execute on an annual basis; and~~

~~(14)~~(13) "Underground storage tank" means any one (1) or combination of tanks, including underground pipes connected thereto, which is or has been used to

contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground. Such term does not include any:

- (A) Farm or residential tank of one thousand one hundred gallons (1,100 gals.) or less capacity used for storing motor fuel for noncommercial purposes;
- (B) Tank used for storing heating oil for consumptive use on the premises where stored;
- (C) Septic tank;
- (D) Pipeline facility, including gathering lines, regulated under:
 - (i) The Natural Gas Pipeline Safety Act of 1968; and
 - (ii) The Hazardous Liquid Pipeline Safety Act of 1979;
- (E) Surface impoundment, pit, pond, or lagoon;
- (F) Storm water or wastewater collection system;
- (G) Flow-through process tank;
- (H) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;
- (I) Storage tank situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor; or
- (J) Pipes connected to any tank that is described in subdivisions ~~(14)~~(13) (A)-(I) of this section.

SECTION 2. Arkansas Code § 8-7-815 is repealed.

~~8-7-815. Storage tank self-inspection audit.~~

~~(a) All owners and operators of storage tanks shall complete and submit an annual storage tank self-inspection audit in a manner and in accordance with a schedule determined by the Arkansas Department of Environmental Quality.~~

~~(b) The department shall implement the requirements of this section in a manner that allows the storage tank self-inspection audit to accompany or be part of other documents the department requires to be submitted on an annual basis.~~

~~(c) The storage tank self-inspection audit is not encompassed by the environmental audit report privilege provided by §§ 8-1-301 — 8-1-312.~~

SECTION 3. Arkansas Code § 8-7-902(17) - (20), concerning the definition of a storage tank self-inspection audit, is amended to read as follows:

~~(17)(A) "Storage tank self-inspection audit" means a checklist or form issued by the department addressing the compliance status of a storage tank that the owner or operator completes on an annual basis.~~

~~(B) The storage tank self-inspection audit shall accompany or be a~~

~~part of other documents the department requires the owner or operator to execute on an annual basis;~~

~~(18)~~(17)(A) "Supplier" means any person who is customarily in the wholesale business of offering distillate special fuels or liquefied gas special fuels for resale or use to any person in this state and who makes bulk sales of fuel.

(B) The term "supplier" shall include pipeline importers, first receivers, and second receivers;

~~(19)~~(18) "Terminal" means a bulk storage facility for storing petroleum products supplied by pipeline or marine vessels;

~~(20)~~(19)(A) "Underground storage tank" means any one (1) or a combination of tanks, including underground pipes connected thereto, that is or has been used to contain petroleum, and the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground.

(B) The term "underground storage tank" does not include any:

(i) Farm or residential tank of one thousand one hundred gallons (1,100 gals.) or less capacity used for storing motor fuel for noncommercial purposes;

(ii) Tank used for storing heating oil for consumptive use on the premises where stored;

(iii) Septic tank;

(iv) Intrastate and interstate pipeline facilities regulated by the Arkansas Public Service Commission or other applicable state or federal agency and all other pipeline facilities, including gathering lines regulated under:

(a) The Natural Gas Pipeline Safety Act of 1968; or

(b) The Hazardous Liquid Pipeline Safety Act of 1979;

(v) Surface impoundment, pit, pond, or lagoon;

(vi) Storm water or wastewater collection system;

(vii) Flow-through process tank;

(viii) Liquid trap or associated gather lines directly related to oil or gas production and gathering operations;

(ix) Storage tank situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor; or

(x) Any pipes connected to any tank which is described in subdivision ~~(20)~~(19)(B) of this section; and

SECTION 4. Arkansas Code § 8-7-907(c) - (e), concerning payments for corrective action, is amended to read as follows:

(c) All payments for corrective action expenses of the owner or operator shall be made only following proof that:

(1) At the time of discovery of the release, the owner or operator had paid all fees required under state law or regulations applicable to petroleum storage tanks;

(2) The corrective action expenses submitted for reimbursement consist of items and amounts that are in accord and compliant with Arkansas Department of Environmental Quality regulations; and

(3) The owner or operator cooperated fully with the department in corrective action to address the release; ~~and~~

~~(4) The owner or operator submits a storage tank self-inspection audit as required by § 8-7-815.~~

(d) Payment for corrective action may be denied, if the storage tank owner or operator:

~~(1) Fails fails to report a release as required by regulation promulgated by the Arkansas Pollution Control and Ecology Commission, and the failure to report the release causes a delay in the corrective action that contributes to an adverse impact to the environment; or~~

~~(2) Submits an inaccurate storage tank self-inspection audit that results in a delay in the corrective action of a release, and the delay contributes to an adverse impact to the environment.~~

(e)(1) The commission may provide through rule and regulation for interim payments for corrective action.

(2) Interim payments shall be subject to these limitations:

(A) Proof of compliance with the requirements of subdivisions (c)(1)-~~(4)~~(3) of this section must be provided;

(B) Specific assurances must be provided that an approved corrective action plan, department directive, or order is being implemented and followed to date; and

(C)(i) Interim payments shall consist of payment of an amount not to exceed ninety percent (90%) of one million five hundred thousand dollars (\$1,500,000).

ii) The remaining ten percent (10%) shall be released only upon final payment for corrective action concerning the occurrence.

SECTION 5. Arkansas Code § 8-7-907(g)(1), concerning payments for corrective action, is amended to read as follows:

(g)(1) Unknown petroleum storage tanks that have satisfied the requirements of subdivisions (c)(1) and ~~(4)~~ - (3) of this section shall be eligible for reimbursement for corrective action as provided by this section if:"

/s/ Gregg Reep

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Allen, **HOUSE BILL NO. 1327** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1327

Amend **HOUSE BILL NO. 1327** as originally introduced:

Page 2, line 27, delete "other" and substitute "methamphetamine-related"

AND

Page 3, delete line 4 and substitute:

"Administration and the first purchaser of the status of the motor vehicle."

AND

Page 3, delete line 8 and substitute:

"by the Office of Motor Vehicle.

(4)(A) If the first purchaser does not receive written notice before the sale, the sale is voidable at the option of the first purchaser.

(B) If the law enforcement agency or prosecuting attorney that sold the motor vehicle does not agree to return the first purchaser's money in exchange for the return of the car and the first purchaser has to seek relief in a court of competent jurisdiction, the seller shall reimburse the first purchaser for all fees and costs for the matter."

AND

Page 3, delete line 12 and substitute:

"METHAMPHETAMINE-RELATED SEIZURE" before the vehicle is sold to the first purchaser."

AND

Page 3, delete lines 25 through 27 and substitute:

"(d)(1) If any subsequent purchaser of a motor vehicle from a methamphetamine-related seizure discovers the status of the motor vehicle but had not received written notice of the condition, the status was not on the title that he or she received, and there is no decal in the door, the subsequent purchaser shall provide written notice to the Office of Motor Vehicle.

(2) The notice shall include the vehicle identification number of the vehicle.

(3) The notice shall be printed on all subsequent titles issued by the Office of Motor Vehicle."

AND

Page 3, line 30, delete "subsequent purchaser fails" and substitute "subsequent purchaser knows or should have known that the motor vehicle was from a methamphetamine-related seizure and fails"

AND

Page 4, line 11, delete "person" and substitute "aggrieved purchaser"

AND

Page 4, line 16, delete "removes" and substitutes "knowingly or recklessly removes"

AND

Page 4, line 33, delete "4-90-803(b)" and substitute "4-90-803(c)"

AND

Page 5, line 6, delete "A person" and substitute "an aggrieved purchaser"

AND

Page 5, delete line 7 and substitute:

"under this subsection in the county where he or she resides or where the vehicle was purchased."

AND

Page 5, line 28, delete "4-90-803(b)" and substitute "4-90-803(c)"

/s/ Fred Allen

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. 1403** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1403

Amend **HOUSE BILL NO. 1403** as originally introduced:

Page 10, delete lines 4 through 10 and substitute the following:

"(c) The Arkansas Department of Emergency Management shall certify to"

AND

Page 10, line 14, delete "(e)(1)" and substitute "(d)(1)"

AND

Page 10, delete line 29 and substitute the following:

"practitioner is deemed a state employee and shall receive"

AND

Page 10, delete lines 31 and 32 and substitute the following:

"shall receive death benefits in the same manner as a regular state employee for injury or death arising out of and in the course of"

AND

Page 10, delete lines 34 through 36

AND

Page 11, delete lines 1 through 3 and substitute the following:

"(B) If the registered volunteer health practitioner"

AND

Page 11, line 12, delete "local or" from the end of the line

/s/ John Edwards

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. 1330** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1330

Amend **HOUSE BILL NO. 1330** as originally introduced:

Page 1, delete lines 22 through 27 and substitute:

(c)(1)(A) The juvenile may petition the court to review and modify the disposition at any time.

~~(2)(B)~~ If the juvenile's initial petition is denied, the juvenile must wait one (1) year from the date of the denial to file a new petition for modification.

(2)(A) The department may petition the court to review and modify the disposition at any time.

(B) If the department's initial petition for release is denied, the department must wait one (1) year from the date of the denial to file a new petition for modification unless the department has clear and convincing new evidence that the juvenile has been rehabilitated.

AND

Delete Section 2 of the bill.

/s/ John Edwards

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. 1404** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1404

Amend **HOUSE BILL NO. 1404** as engrossed,

H2/12/09 (version: 02-12-2009 09:56):

Page 1, delete line 23 and substitute the following:

"SECTION 1. Arkansas Code 7-9-110(a), concerning the designation of

number and popular name of initiated and referred measures, is amended to read as follows:

~~(a)(1) The Secretary of State shall fix and declare the number by which each amendment to the Arkansas Constitution and each initiated and referred measure shall be designated.~~

~~(2)~~ The Attorney General shall fix and declare the popular name by which each amendment to the Arkansas Constitution and each initiated and referred measure shall be designated.

SECTION 2. Arkansas Code 7-9-116 is amended to read as follows:

7-9-116. Captions and designation of numbered issues.

(a) The Secretary of State shall fix and declare the number of the issue by which state measures shall be designated on the ballot.

(b) Each state measure shall be identified with the issue number designated by the Secretary of State.

~~(a)(c)~~ Measures proposed by initiative petition shall be captioned, "CONSTITUTIONAL AMENDMENT (OR ACT) PROPOSED BY PETITION OF THE PEOPLE".

~~(b)(d)~~ Measures referred to a vote by petition shall be captioned, "MEASURE REFERRED BY ORDER OF THE PEOPLE".

~~(c)(e)~~ Measures referred to a vote by the General Assembly shall be captioned, "CONSTITUTIONAL AMENDMENT (OR OTHER MEASURE) REFERRED TO THE PEOPLE BY THE GENERAL ASSEMBLY".

SECTION 3. Arkansas Code 7-9-117 is amended to read as follows:"

AND

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

~~"FOR PROPOSED INITIATIVE (OR REFERRED) AMENDMENT (OR ACT) ISSUE NO"~~

~~"AGAINST PROPOSED INITIATIVE (OR REFERRED) AMENDMENT (OR ACT) ISSUE NO"~~

/s/ Kathy Webb

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. 1060** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1060

Amend **HOUSE BILL NO. 1060** as engrossed,

H2/5/09 (version: 02-05-2009 09:56):

Add Senators Baker, Wilkinson, and Altes as cosponsors

AND

Add Representatives Patterson, Lindsey, Pyle, Harrelson, Woods, Word, Barnett, Adcock, Hobbs, Hopper, and Cowling as cosponsors

AND

Page 3, line 17, delete "Commission" and substitute "Commission and the governing body of the central business improvement district."

AND

Page 7, delete lines 31 and 32, and substitute the following:

"(3)(A) The investment tax credit may be transferred, sold, or assigned only one (1) time.

AND

Page 8, line 7, delete "(C)" and substitute "(C)(i)"

AND

Page 8, delete lines 11 and 12, and substitute the following:

"by the transferor, seller, or assignor.

(ii) A transferee, purchaser, or assignee may not transfer, sell, or assign the investment tax credit."

AND

Page 8, delete line 35 and substitute the following:

"26-51-2210. Fees.

(a)(1) The governing body of the central business improvement district may charge a fee of one hundred dollars (\$100) for the services it provides under this subchapter.

(2) The fee collected under subdivision (a)(1) of this section by the governing body of the central business improvement district shall be considered cash funds of the central business improvement district and shall be used for the administration of this subchapter.

(b)(1) The Arkansas Economic Development Commission may charge a fee of twenty-five dollars (\$25) for the services it provides under this subchapter.

(2) The fee collected under subdivision (b)(1) of this section by the Arkansas Economic Development Commission shall be considered cash funds of

the commission and shall be used for the administration of this subchapter.

26-51-2211. Enforcement.”

AND

Page 9, line 24, delete “26-51-2211” and substitute “26-51-2212”

/s/ Tracy Pennartz

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. 1418** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1418

Amend **HOUSE BILL NO. 1418** as originally introduced:

Page 1, line 12, delete "EDUCATION" and substitute "SERVICES"

AND

Page 1, line 19, delete "EDUCATION" and substitute "SERVICES"

AND

Page 1, line 29, delete "Education" and substitute "Services"

/s/ Nancy Blount

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

WILHELMINA LEWELLEN, CHAIRPERSON

February 17, 2009

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1060 - TITLE - BY REPRESENTATIVE PENNARTZ
 HOUSE BILL NO. 1130 - TITLE - BY REPRESENTATIVE RAGLAND
 HOUSE BILL NO. 1327 BY REPRESENTATIVE ALLEN
 HOUSE BILL NO. 1330 BY REPRESENTATIVE EDWARDS
 HOUSE BILL NO. 1403 BY REPRESENTATIVE EDWARDS
 HOUSE BILL NO. 1404 BY REPRESENTATIVE WEBB
 HOUSE BILL NO. 1416 BY REPRESENTATIVE REEP
 HOUSE BILL NO. 1418 - TITLE - BY REPRESENTATIVE BLOUNT

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1060

BY: REPRESENTATIVES PENNARTZ, R. GREEN, GLIDEWELL, COOK, TYLER, CASH, J. ROEBUCK, J. BURRIS, L. SMITH, WILLIAMS, DUNN, INGRAM, WEBB, BETTS, BREEDLOVE, CARROLL, CLEMMER, ENGLISH, GASKILL, HOUSE, NIX, PERRY, POWERS, SAUNDERS, SLINKARD, WAGNER, S. MALONE, KIDD, KING, LEA, WELLS, PATTERSON, LINDSEY, PYLE, HARRELSON, WOODS, WORD, BARNETT, ADCOCK, HOBBS, HOPPER, L. COWLING

BY: SENATORS G. BAKER, WILKINSON, ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH AN INVESTMENT TAX CREDIT FOR THE REHABILITATION AND DEVELOPMENT OF CENTRAL BUSINESS IMPROVEMENT DISTRICTS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1130

BY: REPRESENTATIVE RAGLAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE LEGISLATIVE COUNCIL OR THE JOINT BUDGET COMMITTEE TO RECEIVE A MONTHLY REPORT FOR COMMODITIES CONTRACTS *INCLUDING SERVICES* THAT HAVE A *PROJECTED TOTAL COST OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) OR MORE; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1418

BY: REPRESENTATIVES BLOUNT, ALLEN, T. BAKER, M. BURRIS, CARROLL, CASH, CHEATHAM, COOK, DAVIS, J. EDWARDS, HALL, HARDY, HARRELSON, INGRAM, KIDD, W. LEWELLEN, LINDSEY, MOORE, POWERS, PYLE, RAINEY, REEP, L. SMITH, B. WILKINS, WILLIAMS, WILLS, WORD

AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF WORKFORCE *SERVICES* FOR THE SMALL MINORITY CONTRACTORS SURETY BONDING AND MENTOR PROTEGE TRAINING PILOT PROGRAM; AND FOR OTHER PURPOSES.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1132

Amend HOUSE BILL NO. 1132 as engrossed,

H1/29/09 (version: 01/29/2009 08:52):

Add Senator Elliott as a cosponsor of the bill

/s/Joyce Elliott

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burriss, M. Burriss, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, 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, Pierce, 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.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Gaskill, Mr. Speaker.

Total2

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative98

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 1433

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, Barnett, 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, J. Edwards, English, Everett, Garner, George, Glidewell, R. Green, Greenberg, Hall, 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, Pierce, 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	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Gaskill, Hardy.	
Total	2
VOTING PRESENT: Flowers.	
Total	1
Total number of votes cast	98
Total number voting in the affirmative.....	97
Necessary to the passage of the bill.....	51

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

Representative Ragland moved that the record by which **AMENDMENT #2 TO HOUSE BILL NO. 1130** be expunged from the record, which motion prevailed by more than 67 votes.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1130

Page 1, line 11, following the word "CONTRACTS", insert "THAT INCLUDE SERVICES AND";

AND

Page 1, line 19, following the word "CONTRACTS", insert "THAT INCLUDE SERVICES AND";

AND

Page 1, line 33, following the word "that", insert "includes services and";

AND

Page 2, delete line 9 entirely and substitute " (D) The total cost of the contract, the cost of the commodities, and the cost of the services:"

AND

Page 2, line 10, following the word "commodities", insert ", and services"

Representative Ragland moved that the House place **HOUSE BILL NO. 1130** back on second reading for the purpose of amendment. Motion carried.

Upon motion of Representative Ragland, **HOUSE BILL NO. 1130** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1130

Amend **HOUSE BILL NO. 1130** as engrossed,

H1/28/09 (version: 01-28-2009 09:37):

Page 1, line 11, following the word "CONTRACTS", insert "INCLUDING SERVICES";

AND

Page 1, delete the subtitle in its entirety and substitute:

"TO ALLOW THE LEGISLATIVE COUNCIL OR
JOINT BUDGET COMMITTEE TO RECEIVE A
MONTHLY REPORT FOR COMMODITIES CONTRACTS
THAT INCLUDE SERVICES AND THAT HAVE A
PROJECTED TOTAL COST OF \$250,000 OR
MORE.";

AND

Page 1, line 33, following the word "that", insert "includes services and";

AND

Page 2, delete line 9 entirely and substitute " (D) The total cost of the contract, the cost of the commodities, and the cost of the services;";

AND

Page 2, line 10, following the word "commodities", insert ", and services".

/s/ Roy Ragland

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

/s/ Ms. Jo Renshaw
Chief Clerk

SENATE BILL NO. 49

BY: SENATOR J. KEY

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, Barnett, 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, J. Edwards, English, Everett, Flowers, Garner, 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, Pierce, 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.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dunn, Gaskill.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....98

Total number voting in the affirmative98

Necessary to the passage of the bill51

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

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1431 BY REPRESENTATIVE L. COWLING
HOUSE BILL NO. 1433 BY REPRESENTATIVE MALOCH

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 49 BY SENATOR J. KEY

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1018 BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 1039 BY REPRESENTATIVE D. CREEKMORE
AS AMENDED # 1
HOUSE BILL NO. 1263 BY REPRESENTATIVE HOYT
AS AMENDED # 1

ARKANSAS SENATE

HOUSE CONCURRENT RESOLUTIONS CONCURRED IN
AND RETURNED TO THE HOUSE

HOUSE CONCURRENT BY REPRESENTATIVE BLOUNT
RESOLUTION NO. 1015

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 78 BY SENATOR H. WILKINS
SENATE BILL NO 186 BY SENATOR G. JEFFRESS
SENATE BILL NO. 251 BY SENATOR ALTES
SENATE BILL NO. 309 BY J. JEFFRESS

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

February 17, 2009

MR. SPEAKER:

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

HOUSE BILL NO. 1018

BY REPRESENTATIVE GREENBERG

HOUSE BILL NO. 1132

BY REPRESENTATIVE BLOUNT, ET AL

HOUSE CONCURRENT

BY REPRESENTATIVE BLOUNT, ET AL

RESOLUTION NO. 1005

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 4:05 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Wilhelmina Lewellen,
Chairperson

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1018

BY REPRESENTATIVE GREENBERG

HOUSE BILL NO. 1132

BY REPRESENTATIVE BLOUNT, ET AL

HOUSE CONCURRENT

BY REPRESENTATIVE BLOUNT, ET AL

RESOLUTION NO. 1005

/s/ Mike Beebe - Governor

TIME: 4:05 p.m.

By: J. D. Lowery

STATE OF ARKANSAS

MIKE BEEBE

GOVERNOR

February 17, 2009

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 17, 2009, I approved the following measures from the Regular Session of the Eighty-seventh General Assembly:

HOUSE BILL NO. 1099 - ACT 169

HOUSE BILL NO. 1198 - ACT 170

HOUSE BILL NO. 1319 - ACT 171

HOUSE BILL NO. 1332 - ACT 172

HOUSE BILL NO. 1365 - ACT. 173

HOUSE BILL NO. 1366 - ACT 174

HOUSE BILL NO. 1388 - ACT 175

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

STATE OF ARKANSAS

MIKE BEEBE

GOVERNOR

February 17, 2009

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 17, 2009, I approved the following measures from the Regular Session of the Eighty-seventh General Assembly:

HOUSE BILL NO. 1204 - ACT 180

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

HOUSE BILL NO. 1483

BY: REPRESENTATIVE SAMPLE

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE ADMINISTRATION OF UNCLAIMED PROPERTY; PROVIDING AN EXEMPTION FOR AGRICULTURAL FARM SUPPLY COOPERATIVE ASSOCIATIONS; 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. 1484

BY: REPRESENTATIVE TYLER

BY: SENATOR G. BAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX THE FIRST FIVE THOUSAND DOLLARS (\$5,000) OF TOTAL CONSIDERATION OF THE SALE OF A NEW OR USED MOTOR VEHICLE, TRAILER, OR SEMITRAILER; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1485

BY: REPRESENTATIVES SAUNDERS, BARNETT, T. BRADFORD, J. BROWN, CHEATHAM, COLE, L. COWLING, J. EDWARDS, FLOWERS, HALL, HARRELSON, HOYT, SHELBY, SLINKARD, G. SMITH, L. SMITH, SUMMERS, TYLER, WEBB

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS LAW CONCERNING THE POWERS AND DUTIES OF ELECTION OFFICIALS AND ELECTION OFFICERS; 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. 1486

BY: REPRESENTATIVE W. LEWELLEN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF COUNTY OPERATIONS FOR THE EMERGENCY SHELTER VOUCHER PROGRAM; 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. 1487

BY: REPRESENTATIVE L. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE PUBLIC EMPLOYEES' POLITICAL FREEDOM ACT OF 1999; 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. 1488

BY: REPRESENTATIVE CARTER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE RIGHTS AND RESPONSIBILITIES OF PARTIES IN AN ASSET FORFEITURE ACTION; 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. 1489

BY: REPRESENTATIVE CARTER

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING WHICH OFFICIALS ARE NOTIFIED OF CERTAIN DEATHS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1490

BY: REPRESENTATIVE ADCOCK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT HEARING AIDS FROM THE SALES AND USE TAX; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1491

BY: REPRESENTATIVE OVERBEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT FROM EXCISE TAXES MOTOR VEHICLES PROVIDED PURSUANT TO A MANUFACTURER'S VEHICLE WARRANTY OR EXTENDED MOTOR VEHICLE SERVICE CONTRACT; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1492

BY: REPRESENTATIVE OVERBEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND COUNTY SALE, LEASE, AND PROCUREMENT PROCEDURES; 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. 1493

BY: REPRESENTATIVES OVERBEY, T. BAKER, PYLE

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING DISBURSEMENT OF FINES FROM DISTRICT COURTS; 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. 1494

BY: REPRESENTATIVE FLOWERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THAT MOTOR VEHICLES BE INSPECTED BEFORE REGISTRATION; TO ESTABLISH THE FEE FOR THE INSPECTION; TO PROVIDE THAT THE MONEYS FROM THE MOTOR VEHICLE INSPECTIONS BE USED TO FUND THE AUTISM SUPPORT FUND, THE COMMUNITY HEALTH CENTERS FUND, AND THE NON-MEDICARE PRIMARY RETIREE FUND; TO CREATE THE AUTISM SUPPORT FUND, THE COMMUNITY HEALTH CENTERS FUND, AND THE NON-MEDICARE PRIMARY RETIREE FUND; 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. 1495

BY: REPRESENTATIVES CARROLL, ADCOCK, J. ROEBUCK, STEWART, WEBB
BY: SENATORS ELLIOTT, P. MALONE

A BILL FOR AN ACT TO BE ENTITLED AN ACT ESTABLISHING THE SOUNDSTART PROGRAM OF COORDINATED SERVICES TO FACILITATE AND UNITE DIAGNOSTIC, INTERVENTION, AND TRANSITIONAL EFFORTS AIMED AT IMPROVING OUTCOMES FOR INFANTS AND CHILDREN WITH PERMANENT HEARING LOSS, INCLUDING FAMILY SUPPORT AND OTHER RESOURCES FOR FAMILIES ; 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. 1496

BY: REPRESENTATIVE GREENBERG

A BILL FOR AN ACT TO BE ENTITLED TO PROVIDE THAT A SIGNATURE BY MARK IS BINDING AND LEGAL; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1017

BY: REPRESENTATIVE REEP

A BILL FOR AN ACT TO BE ENTITLED COMMENDING THE ARKANSAS AGING INITIATIVE FOR ITS STATEWIDE PROGRAM OF COMPREHENSIVE GERIATRIC HEALTHCARE AND EDUCATION FOR SENIOR CITIZENS LIVING IN RURAL ARKANSAS.

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

HOUSE RESOLUTION NO. 1018

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED COMMENDING MISS CAMMIE YORK OF LANGLEY, ARKANSAS, ON RECEIVING A 2009 PRUDENTIAL SPIRIT OF COMMUNITY AWARD.

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

SENATE BILL NO. 78

BY: SENATORS H. WILKINS, ELLOITT, CRUMBLY, STEELE

BY: REPRESENTATIVES ALLEN, T. BAKER, WORD, RAINEY, DAVIS, W. LEWELLEN, CARROLL, WILLIAMS, BLOUNT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE THE SAFETY OF MOTORISTS ON HIGHWAYS AND ROADS IN THE STATE OF ARKANSAS BY MAKING THE MANDATORY SEAT BELT LAW A PRIMARY LAW FOR ENFORCEMENT PURPOSES; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 186

BY: SENATOR G. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE PREMIUM TAX ALLOCATIONS SO THAT A LOCAL PLAN THAT CONSOLIDATES WITH THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM CONTINUES TO RECEIVE THE SAME PREMIUM TAX DOLLAR AMOUNT AND OTHER INCOME; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 251

BY: SENATOR ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT MOTOR VEHICLE ACCIDENT REPORTS SHALL NOT BE USED FOR COMMERCIAL PURPOSES FOR NINETY (90) DAYS AFTER THE ACCIDENT; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 309

BY: SENATORS J. JEFFRESS, ALTES, BLEDSOE, BRYLES, CRUMBLY, ELLIOTT, GLOVER, HENDREN, G. JEFFRESS, D. JOHNSON, MILLER, R. THOMPSON, TRUSTY, H. WILKINS, WILKINSON, D. WYATT

BY: REPRESENTATIVES SHELBY, ADCOCK, ALLEN, BLOUNT, CHEATHAM, J. EDWARDS, ENGLISH, HARRELSON, HOYT, W. LEWELLEN, MAXWELL, NIX, J. ROEBUCK, SAUNDERS, SUMMERS, TYLER, WEBB, WILLS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE THE SAFETY OF ROADS AND HIGHWAYS IN THE STATE BY ADDRESSING ISSUES RELATED TO THE LICENSING OF YOUTHFUL DRIVERS; TO AMEND THE LAW REGARDING RESTRICTED DRIVER'S LICENSES, LEARNER'S LICENSES, AND INTERMEDIATE LICENSES; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Curren Everett, the House adjourned at 4:04 p.m. until 10:00 a.m. and 1:30 p.m., Wednesday, February 18, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

