

**SIXTY-FIFTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
March 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, 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, 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.

Total100

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

Total0

A quorum was present.

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

March 17, 2009

EDUCATION

BILL ABERNATHY

CHAIRPERSON

HOUSE BILL NO. 1764

DO PASS

BY REPRESENTATIVE D. HUTCHINSON

HOUSE BILL NO. 1996

DO PASS

BY REPRESENTATIVE J. ROEBUCK

SENATE BILL NO. 843

DO PASS

BY SENATOR G. BAKER

COMMITTEE REPORT

March 17, 2009

JUDICIARY

STEVE HARRELSON

CHAIRPERSON

HOUSE BILL NO. 1473

DO PASS

BY REPRESENTATIVE D. CREEKMORE

HOUSE BILL NO. 1715

DO PASS

BY REPRESENTATIVE D. CREEKMORE

AS AMENDED #1

HOUSE BILL NO. 1853

DO PASS

BY REPRESENTATIVE WILLIAMS

HOUSE BILL NO. 1885

DO PASS

BY REPRESENTATIVE HYDE

AS AMENDED #2

HOUSE BILL NO. 2105

DO PASS

BY REPRESENTATIVE J. ROEBUCK

HOUSE BILL NO. 2264

DO PASS

BY REPRESENTATIVE D. CREEKMORE

SENATE BILL NO. 38

DO PASS

BY SENATOR FARIS

AS AMENDED #1

SENATE BILL NO. 260

DO PASS

BY SENATOR BROADWAY

SENATE BILL NO. 393

DO PASS

BY SENATOR ELLIOTT

SENATE BILL NO. 468

DO PASS

BY SENATOR J. KEY

SENATE BILL NO. 866

DO PASS

BY SENATOR MADISON

COMMITTEE REPORT

	March 17, 2009
PUBLIC HEALTH, WELFARE AND LABOR	GREGG REEP CHAIRPERSON
HOUSE BILL NO. 1633 BY REPRESENTATIVE REEP	DO PASS
HOUSE BILL NO. 1866 BY REPRESENTATIVE J. BURRIS	DO PASS
HOUSE BILL NO. 1985 BY REPRESENTATIVE CLEMMER	DO PASS
HOUSE BILL NO. 2032 BY REPRESENTATIVE ALLEN	DO PASS AS AMENDED #1
HOUSE BILL NO. 2052 BY REPRESENTATIVE DISMANG	DO PASS
HOUSE BILL NO. 2055 BY REPRESENTATIVE DISMANG	DO PASS
SENATE BILL NO. 356 BY SENATOR BROADWAY	DO PASS
SENATE BILL NO. 582 BY SENATOR TEAGUE	DO PASS
SENATE BILL NO. 1002 BY SENATOR STEELE	DO PASS

COMMITTEE REPORT

	March 17, 2009
PUBLIC HEALTH, WELFARE AND LABOR	GENE SHELBY VICE CHAIRPERSON
HOUSE BILL NO. 2257 BY REPRESENTATIVE RAGLAND	DO PASS
SENATE BILL NO. 63 BY SENATOR MADISON	DO PASS
SENATE BILL NO. 64 BY SENATOR MADISON	DO PASS
SENATE BILL NO. 318 BY SENATOR BOOKOUT	DO PASS

COMMITTEE REPORT

March 17, 2009

PUBLIC TRANSPORTATION

BILL SAMPLE

CHAIRPERSON

HOUSE BILL NO. 1860

DO PASS

BY REPRESENTATIVE SAMPLE

AS AMENDED #1

HOUSE BILL NO. 1867

DO PASS

BY REPRESENTATIVE J. EDWARDS

HOUSE BILL NO. 1902

DO PASS

BY REPRESENTATIVE CASH

HOUSE BILL NO. 2020

DO PASS

BY REPRESENTATIVE OVERBEY

HOUSE BILL NO. 2023

DO PASS

BY REPRESENTATIVE OVERBEY

AS AMENDED #1

SENATE BILL NO. 826

DO PASS

BY SENATOR J. KEY

AS AMENDED #1

COMMITTEE REPORT

March 17, 2009

PUBLIC TRANSPORTATION

OTIS DAVIS

VICE CHAIRPERSON

HOUSE BILL NO. 1842

DO PASS

BY REPRESENTATIVE STEWART

HOUSE BILL NO. 1865

DO PASS

BY REPRESENTATIVE DAVENPORT

HOUSE BILL NO. 1904

DO PASS

BY REPRESENTATIVE MCCRARY

HOUSE BILL NO. 1924

DO PASS

BY REPRESENTATIVE MAXWELL

HOUSE RESOLUTION NO. 1026

DO PASS

BY REPRESENTATIVE CARROLL

SENATE BILL NO. 771

DO PASS

BY SENATOR BRYLES

COMMITTEE REPORT

	March 17, 2009
REVENUE AND TAXATION	JOHN LOWERY CHAIRPERSON
HOUSE BILL NO. 2050	DO PASS
BY REPRESENTATIVE MAXWELL	
HOUSE BILL NO. 2081	DO PASS
BY REPRESENTATIVE DUNN	
SENATE BILL NO. 369	DO PASS
BY SENATOR D. JOHNSON	
SENATE BILL NO. 875	DO PASS
BY SENATOR HORN	

COMMITTEE REPORT

	March 17, 2009
RULES	ROBERT MOORE CHAIRPERSON
HOUSE BILL NO. 1002	DO PASS
BY REPRESENTATIVE WILLS	

COMMITTEE REPORT

	March 17, 2009
JOINT BUDGET	KATHY WEBB VICE CHAIRPERSON
HOUSE BILL NO. 1183	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1185	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1523	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1524	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1525	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1526	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT, CONTINUED

HOUSE BILL NO. 1527	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1528	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1529	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1530	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1532	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1533	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1534	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1535	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1536	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1537	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1538	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1539	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1540	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1541	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1542	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 198	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 362	DO PASS
BY SENATOR D. JOHNSON	
SENATE BILL NO. 404	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

ADVANCED COMMUNICATIONS
AND INFORMATION TECHNOLOGY
SENATE BILL NO. 966
BY SENATOR TEAGUE

March 17, 2009
JON WOODS
CHAIRPERSON
DO PASS

Upon motion of Representative Lovell, **HOUSE BILL NO. 2263** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2263

Amend **HOUSE BILL NO. 2263** as engrossed,
H3/13/09 (version: 03-13-2009 09:28):

Page 2, line 10 delete "if" and substitute "it"

AND

Page 2, line 14 delete "because"

/s/ Buddy Lovell

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. 1867** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1867

Amend **HOUSE BILL NO. 1867** as originally introduced:

Page 2, delete line 29 and substitute the following:

"title.

(iii) The notice required under this subdivision (b)(1)(E) shall not apply to a motor vehicle dealer approved by the Department of Finance and Administration."

/s/ John Edwards

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cash **HOUSE BILL NO. 1903** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1903

Amend **HOUSE BILL NO. 1903** as originally introduced:

Add Representatives Blount, Breedlove, Carroll, Harrelson, Kidd, Moore, J. Roebuck, L. Smith, Wagner, and B. Wilkins as cosponsors of the bill

AND

Add Senator Bookout as a cosponsor of the bill

/s/ Joan Cash

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cash, **HOUSE BILL NO. 1902** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1902

Amend **HOUSE BILL NO. 1902** as originally introduced:

Add the following members of the House of Representatives as cosponsors to the bill:

Representatives Blount, Carroll, R. Green, Harrelson, Kidd, Moore, J. Roebuck, L. Smith, Wagner, B. Wilkins

/s/ Joan Cash

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative M. Burriss, **HOUSE BILL NO. 2014** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2014

Amend **HOUSE BILL NO. 2014** as originally introduced:

Page 1, line 27 delete "~~or subcontract, solicitation, or proposal~~" and substitute "or subcontract, solicitation, or proposal"

AND

Page 1, line 31 delete "~~or subcontract~~" and substitute "or subcontract"

AND

Page 2, delete lines 5 and 6 and substitute the following language:

"indirectly in any a matter pertaining to any a contract, or subcontract, or ~~any~~ solicitation, or proposal for any a contract or subcontract between the a state-"

AND

Page 2, delete line 10 and substitute the following language:

"board of a state-supported institution of higher education of a contract, subcontract, solicitation, or proposal"

AND

Page 2, delete line 12 and substitute the following language:

"institution of higher education shall file a summary of the contract, subcontract,

solicitation, or proposal with the"

AND

Page 2, line 13 delete "Department of Finance and Administration" and substitute "president of the state-supported institution of higher education"

AND

Page 2, line 14 delete "contract" and substitute "summary"

AND

Page 2, line 15 delete "department" and substitute "president of the state-supported institution of higher education"

/s/ Mike Burris

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. 1968** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1968

Amend **HOUSE BILL NO. 1968** as originally introduced:

Page 1, delete lines 9 through 13 and substitute the following:

“AN ACT TO PROHIBIT CONFLICT OF INTERST VOTING BY MEMBERS OF STATE BOARDS AND COMMISSIONS; TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE TITLES 7 AND 21 PERTAINING TO CONFLICTS OF INTEREST FOR PUBLIC SERVANTS; TO AMEND A PORTION OF ARKANSAS CODE THAT RESULTED FROM INITIATED ACT 1 OF 1990; TO AMEND A PORTION OF ARKANSAS CODE THAT RESULTED FROM INITIATED ACT 1 OF 1988; AND FOR OTHER PURPOSES.”

AND

Page 1, delete lines 22 through 28 and substitute the following:

"SECTION 1. DO NOT CODIFY. Title. This act shall be known and may be cited as the "Conflict of Interest Prohibition Act of 2009".

SECTION 2. DO NOT CODIFY. Legislative intent. The General Assembly finds and declares that:

(1) Effective citizen participation in government is an essential element of a working democracy and that effective citizen participation should include

assurances that members of state boards and commissions and board members of entities receiving state funds, before whom citizens appear, will be impartial and untainted by personal or family conflicts of interest;

(2) It is the public policy of the State of Arkansas that members of state boards and commissions and board members of entities receiving state funds shall work for the benefit of the people of Arkansas and not to advance the pecuniary interests of themselves, their employers, or their families;

(3) Under existing state law, members of state boards and commissions and board members of entities receiving state funds are permitted to vote on and participate in official decisions that their employers, their prospective employers, or other organizations with which the members are associated have a pecuniary interest and are permitted to vote on and participate in official decisions in which their close relatives have a pecuniary interest. Members of state boards and commissions and board members of entities receiving state funds are not required to disclose to other board and commission members or to the public the existence of their close relatives' employment and ownership positions in businesses regulated by the state boards and commissions or entities receiving state funds;

(4) Unlike violations of other ethics and conflicts of interest provisions of state law that are treated as misdemeanors or felonies and subject the violator to fines, the only penalty currently attached to violations of existing conflict of interest provisions relating to state board or commission members and board members of entities receiving state funds is removal from office; and

(5) These weaknesses and omissions in existing laws create opportunities for conflicts of interest corrupting the operation of state government and to the detriment of the people of Arkansas.

SECTION 3. Arkansas Code § 7-6-218(b)(4)(B)(i), resulting from Initiated Act 1 of 1990, concerning possible actions of the Arkansas Ethics Commission if there is a violation of campaign practices, is amended to read as follows:

(B)(i) Notwithstanding the provisions of §§ 7-6-202, 7-9-409, 21-8-403, ~~and 21-8-903,~~ and 21-8-1004, impose a fine of not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000) for negligent or intentional violation of this subchapter or § 21-8-301 et seq., § 21-8-401 et seq., § 21-8-601 et seq., § 21-8-701 et seq., § 21-8-801 et seq., ~~and § 21-8-901 et seq.,~~ and 21-8-1001 et seq.

SECTION 4. Arkansas Code § 21-8-701(d), resulting from Initiated Act 1 of 1988, concerning the contents of the statement of financial interest, is amended to read as follows:

(d) The statement of financial interest shall include the following:

(1) The name of the public servant or candidate and his or her ~~spouse~~ family as defined in § 21-8-402(4) and all names under which they do business;

(2) The reasons for filing the statement of financial interest;

(3)(A) Identification of each employer and of each other source of gross income amounting to more than one thousand dollars (\$1,000) annually received by the person or his or her ~~spouse~~ family in their own names, or by any other person for the use or benefit of the public servant or candidate or his or her ~~spouse~~ family; and a brief description of the nature of the services for which the compensation was received, except that this subdivision (d)(3) shall not ~~be construed to~~ require the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the public servant or candidate or his or her ~~spouse~~ family derives income; and

(B) In addition thereto, identification of each source of gross income as described ~~above~~ under subdivision (d)(3)(A) of this section of more than twelve thousand five hundred dollars (\$12,500), except that this shall not ~~be construed to~~ require the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the public servant or candidate or his or her ~~spouse~~ family derives income;

(4)(A) The name of every business in which the public servant or candidate and his or her ~~spouse~~ family, or any other person for the use or benefit of the public servant or candidate or his or her ~~spouse~~ family, have an investment or holdings of over one thousand dollars (\$1,000) at fair market value as of the last day of the previous calendar year; ~~and.~~

(B) In addition thereto, identification of each source as described ~~above~~ under subdivision (d)(4)(A) of this section that has a fair market value of over twelve thousand five hundred dollars (\$12,500) as of the last day of the previous calendar year;

(5) Every office or directorship held by the public servant or candidate or his or her ~~spouse~~ family in any business, corporation, firm, or enterprise subject to jurisdiction of a regulatory agency of this state or of any of its political subdivisions;

(6)(A) The name and address of each creditor to whom the value of five thousand dollars (\$5,000) or more was personally owed or personally obligated and is still outstanding by the public servant or candidate.

(B)(i) Loans made in the ordinary course of business by either a financial institution or a person who regularly and customarily extends credit shall not be required to be disclosed.

(ii) Debts owed by the public servant or candidate to the members of the public servant's or candidate's family need not be included;

(7)(A) The name and address of each guarantor or co-maker, other than a member of the public servant's or candidate's family, who has guaranteed a debt of the public servant or candidate that is still outstanding.

(B)(i) This requirement shall be applicable only to debt guaranties for debts assumed or arising after January 1, 1989.

(ii) Guaranteed debts existing ~~prior to~~ before January 1, 1989, ~~which that~~ are extended or refinanced shall become subject to disclosure in the annual financing statement due to be filed after the conclusion of the year in which ~~such the~~ extension or refinancing occurred;

(8)(A) The source, date, description, and a reasonable estimate of the fair market value of each gift of more than one hundred dollars (\$100) received by the public servant or candidate or his or her spouse family ~~or more than two hundred fifty dollars (\$250) received by his or her dependent children.~~

(B) The information required under subdivision (d)(8)(A) of this section is only required for gifts received by the public servant's or candidate's dependent children if the fair market value of each gift is more than two hundred fifty dollars (\$250);

(9) Each monetary or other award of more than one hundred dollars (\$100) received by the public servant or candidate in his or her capacity as an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Sciences, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of his or her contribution to education;

(10)(A) Each nongovernmental source of payment of the public servant's expenses for food, lodging, or travel that bears a relationship to the public servant's office when the public servant is appearing in his or her official capacity when the expenses incurred exceed one hundred fifty dollars (\$150).

(B) The public servant shall identify the name and business address of the person or organization paying the public servant's expenses and the date, nature, and amount of that expenditure if not compensated by the entity for which the public servant serves;

(11) Any public servant who is employed by ~~any a~~ a business that is under direct regulation or subject to direct control by the governmental body ~~which that~~ he or she serves shall set out this employment and the fact that the business is regulated by or subject to control of the governmental body on the statement of financial interest; and

(12) If a public servant or any business in which he or she or a

member of his or her spouse family is an officer, director, stockholder owning more than ten percent (10%) of the stock of the company, and the owner, trustee, or partner shall sell any goods or services having a total annual value in excess of one thousand dollars (\$1,000) to the governmental body in which the public servant serves or is employed, then the public servant shall set out in detail the:

(A) ~~goods~~ Goods or services sold;

(B) ~~the governmental~~ Governmental body to which they were sold; and

(C) ~~the compensation~~ Compensation paid for each category of goods or services sold.

SECTION 5. Arkansas Code § 21-8-1001 is amended to read as follows:

21-8-1001. Conflicts of interest.

(a)(1) No member of a state board or commission or board member of an entity receiving state funds shall participate in, vote on, influence, or attempt to influence an official decision if ~~the member~~ any of the following persons or organizations has a pecuniary interest or a reasonably foreseeable substantial benefit that is known to the member in the matter under consideration by the board, commission, or entity:

(A) The member;

(B) A person in the member's family, as defined in § 21-8-402(4);

(C) A person from whom or an organization from which the member has received remuneration in an amount greater than one thousand dollars (\$1,000) in the previous calendar year; or

(D) A person or organization with which the member is negotiating or has a current arrangement concerning prospective employment.

(2) A member of a state board or commission or board member of an entity receiving state funds may participate in, vote on, influence, or attempt to influence an official decision if the only pecuniary interest or benefit that may accrue to the member is incidental to his or her position or accrues to him or her as a member of a profession, occupation, or large class to no greater extent than the pecuniary interest or benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

(b) No member of a state board or commission or board member of an entity receiving state funds shall participate in any discussion or vote on a ~~rule or regulation~~ matter that exclusively benefits ~~the member~~ a person or organization listed in subsection (a) of this section.

(c) For purposes of this section, a pecuniary interest or reasonably

foreseeable substantial benefit includes a detriment to a business competitor of the member, the member's family, or an organization with which the member or his or her family is associated as described in subdivisions (a)(3) or (a)(4) of this section.

SECTION 6. Arkansas Code § 21-8-1004 is amended to read as follows:

21-8-1004. Penalties — Investigation by Arkansas Ethics Commission.

(a) In addition to any penalty contained in any other provision of law, any member of a state board or commission or board member of an entity receiving state funds who knowingly and intentionally violates any of the provisions of this subchapter is guilty of a Class A misdemeanor and may also be removed from office by the appointing authority.

(b) The Arkansas Ethics Commission, under the power and authority granted to it by §§ 7-6-217 and 7-6-218, may investigate complaints alleging a violation of this subchapter and may make recommendations to the appointing authority.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the existing conflicts of interest provisions of Arkansas law are inadequate to protect the public from the possibility that members of state boards and commissions and board members of entities receiving state funds will act in furtherance of their private pecuniary interests rather than the public interest; and that there is a discrepancy in existing law in that the penalties to which state board and commission members and members of public entities receiving state funds are subject are not the same penalties as those to which other violators of ethical and conflicts of interest laws are subject. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Kathy Webb

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Davis, **HOUSE BILL NO. 1955** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1955

Amend **HOUSE BILL NO. 1955** as engrossed,

H3/11/09 (version: 03-11-2009 08:49):

Page 1, delete line 34 and substitute "except on:

(1) Christmas Day under § 3-3-211; and

(2)(A) Easter Sunday.

(B) However, the large attendance facility may sell alcoholic beverages on Easter Sunday between the hours of 12:00 midnight and 2:00 a.m."

/s/ Otis Davis

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Dunn, **HOUSE BILL NO. 2091** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2091

Amend **HOUSE BILL NO. 2091** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. NOT TO BE CODIFIED. It is found and determined by the General Assembly that it is in the best interest of the citizens of Arkansas that all contracts for the construction of publicly funded buildings, infrastructure, and facilities be awarded to the lowest responsible bidder in a competitive process.

SECTION 2. Arkansas Code § 19-4-1415 is repealed.

~~19-4-1415. Projects exceeding five million dollars.~~

~~(a) In the event funds from any sources are provided to state agencies for projects which exceed five million dollars (\$5,000,000), excluding the cost of land, the provisions of this subchapter and all other provisions of the Arkansas Code governing construction of public facilities, including, but not limited to, the provisions of § 22-9-201 et seq. at the election of state agencies or the institutions of higher education set forth in subdivision (b)(5) of this section shall not be applicable to the projects if the selection and contracting process set forth in this section is followed.~~

~~(b)(1) No contract for projects between the state agency and the construction manager, general contractor, architect, or engineer shall be entered into without first obtaining approval of Arkansas Building Authority and review by the Legislative Council.~~

~~(2) The authority shall have involvement in the selection and contract process from the project inception.~~

~~(3) There shall be separate contracts for design and construction services.~~

~~(4) The authority shall have the authority to promulgate rules and regulations pertaining to the process for awarding and overseeing the contracts.~~

~~(5) The Board of Trustees of the University of Arkansas and the Board of Trustees of Arkansas State University shall be exempt from review and approval by the authority and any regulations promulgated by it, provided that the institutions shall have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services.~~

~~(6) All procedures pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.~~

~~(c)(1) For all projects contemplated or contracted for, the authority shall:~~

~~(A) Review and approve the advertisement as stated in subsection (d) of this section, the scope of work, the site selection, funding review, and, to the extent available, all project drawings, plans, and specifications prior to any solicitation of proposals for the project;~~

~~(B) Conduct on-site observations of the construction project on a regular basis and maintain project records; and~~

~~(C)(i) Review and approve all contract amendments.~~

~~(ii) State agencies shall submit a summary of all contract amendments to the Legislative Council;~~

~~(2)(A) The institutions of higher education stated in subdivision (b)(5) of this section shall perform all duties and responsibilities stated in subdivision (c)(1) of this section under policies and procedures adopted by their governing boards.~~

~~(B) They shall submit a summary of all contract amendments to the Legislative Council.~~

~~(d)(1) The selection procedures for the construction manager, general contractor, architect, or engineer shall provide for solicitation for qualified, licensed professionals to submit proposals.~~

~~(2) The procedures shall assure the design and completion of the project in an expeditious manner while adhering to high standards of design and construction quality.~~

~~(3) The state agency and each institution of higher education stated in subdivision (b)(5) of this section shall:~~

~~(A) Publish notice of its intention to receive written proposals three (3) consecutive days in a newspaper of statewide distribution;~~

~~(B) Allow a minimum of ten (10) working days for the professionals to send letters or resumes in response to newspaper advertisement; and~~

~~(C) Provide additional means of notification, if any, as the state agency or institution of higher education stated in subdivision (b)(5) of this section shall determine is appropriate.~~

~~(e)(1)(A) A preselection committee, which shall be composed of no more than three (3) members from the state agency and two (2) members from the authority shall review the proposals.~~

~~(B) A preselection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions, and the members may be from the authority.~~

~~(C) The preselection committee shall select a maximum of five (5) applicants and schedule interviews.~~

~~(D) The state agency or an institution of higher education as stated in subdivision (b)(5) of this section shall notify the finalists of their status.~~

~~(2)(A) The final selection committee shall be composed of the (3) three members from the state agency on the preselection committee.~~

~~(B) The final interviews shall be held at the time and date as designated by the final selection committee.~~

~~(C) Representatives of the authority may attend the final selection meeting, but shall not vote in the final selection process.~~

~~(D) The final selection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions.~~

~~(E) Members of a preselection committee may also serve as members of the final selection committee of the institutions.~~

~~(F) In selecting a general contractor, construction manager, architect, or engineer, the state agency or institution of higher education as stated in subdivision (b)(5) of this section shall consider their established criteria which shall include, but are not limited to, the following:~~

~~(i) The experience of the professional or professionals in similar projects;~~

~~(ii) The record of the professional or professionals in timely completion of the projects with high quality workmanship; and~~

~~(iii) Other similar matters to determine that the professional or professionals will complete the project within the time and budget and to the specifications set by the state agency or institution of higher education as stated in subdivision (b)(5) of this section.~~

~~(3)(A) The final selection committee shall select or make a formal recommendation to its governing body of the professional or professionals which it determines to be in the best interest of the state.~~

~~(B) Contracts for architectural, engineering, and land surveying professional consultant services shall be negotiated on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices without the use of competitive bidding, and no rule or regulation shall inhibit the agency's authority to negotiate fees for the services.~~

~~(C) The final selection committee for the institutions of higher education as stated in subdivision (b)(5) of this section shall make a recommendation to its governing board or appropriate committee thereof of the professional or professionals which it determines to be in the best interest of the institution, and the governing board shall make the final decision and authorize the contract or contracts to be negotiated and awarded, unless it has delegated the action to a committee of the board.~~

~~(f)(1) Construction contracts for the projects shall not be entered into without a payment and performance bond in the amount of the contract and any amendments thereto and shall provide for the manner in which the construction shall be managed and supervised.~~

~~(2) All project architects and engineers shall be properly licensed in accordance with the Arkansas State Board of Architects and the Arkansas State Board of Engineers.~~

~~(3) The construction manager or general contractor shall be properly licensed by the Arkansas Contractors Licensing Board.~~

~~(4)(A) All subcontractors on the project shall be properly licensed by the Contractors Licensing Board.~~

~~(B) Any person who is not considered a contractor under § 17-25-101 et seq. may continue to perform subcontracting work under the provisions of this subchapter.~~

~~(g)(1) To enable a state agency or an institution of higher education as stated in subdivision (b)(5) of this section to qualify under this section, the funds shall be paid to or for the benefit of the state agency or institution of higher education, or to a fund or foundation for the benefit of the state agency or institution of higher education.~~

~~(2) The funds may be represented in whole or in part by a written pledge or commitment from a donor, provided that the state agency or institution of higher education shall assure itself of the financial stability of the donor to fulfill the pledge or commitment.~~

~~(h) All projects constructed pursuant to this section, to the extent applicable, shall be in accordance and compliance with:~~

~~(1) Section 17-38-101 et seq., regulating plumbers;~~

~~(2) Section 17-33-101 et seq., regulating the heating, ventilation, air conditioning, and refrigeration industry;~~

~~(3) The Fire Prevention Act, § 12-13-101 et seq.;~~

~~(4) Section 12-80-101 et seq., regarding earthquake resistant design for public structure;~~

~~(5) Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A, adopted by the authority; and~~

~~(6)(A) The minimum standards of the authority and criteria pertaining to projects constructed under this section.~~

~~(B)(i) However, institutions of higher education as stated in subdivision (b)(5) of this section shall be exempt from these standards and criteria, provided that the institutions shall have adopted policies and procedures involving the awarding and oversight of contracts for projects under this section.~~

~~(ii) It is the intention of this section that all procedures adopted by these institutions pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.~~

~~(iii) Notwithstanding anything in this subsection to the contrary, the provisions of §§ 19-4-1405(f), 19-4-1413, 19-11-801, 22-9-101, 22-9-103, 22-9-104, 22-9-213, 22-9-301 et seq., 22-9-401 et seq., 22-9-501 et seq., 22-9-601 et seq., and 22-9-701 et seq. shall remain in full force and effect and shall not~~

be affected by this section.

SECTION 3. Arkansas Code § 14-58-1001 is repealed.

~~14-58-1001. Projects exceeding two million dollars.~~

~~(a) In the event funds from any sources for a municipal project other than revenues derived from a performance-based efficiency project exceed two million dollars (\$2,000,000), excluding the cost of land, the provisions of this subchapter and all other provisions of the Arkansas Code of 1987 Annotated governing construction of public facilities, including, but not limited to, the provisions of § 22-9-201 et seq. at the election of municipalities shall not be applicable to the project if the selection and contracting process set forth in this section is followed.~~

~~(b)(1) The selection procedures for the construction manager, general contractor, architect, or engineer shall provide for solicitation for qualified, licensed professionals to submit proposals.~~

~~(2) The procedures shall assure the design and completion of the project in an expeditious manner while adhering to high standards of design and construction quality.~~

~~(3) A municipality shall:~~

~~(A) Publish notice of its intention to receive written proposals three (3) consecutive days in a newspaper of local distribution;~~

~~(B) Allow a minimum of ten (10) working days from the first date of publication for the professionals to send letters or resumes in response to the newspaper advertisement; and~~

~~(C) Provide additional means of notification, if any, as the municipality shall determine is appropriate.~~

~~(c)(1)(A) A preselection committee which shall be composed of at least three (3) members from the municipality shall review the proposals.~~

~~(B) The preselection committee shall select a maximum of five (5) applicants and schedule interviews.~~

~~(C) The municipality shall notify the finalists of their status.~~

~~(2)(A) The final selection committee shall be composed of the members on the preselection committee.~~

~~(B) The final interviews shall be held at the times and dates designated by the final selection committee.~~

~~(C) In selecting a general contractor, construction manager, architect, or engineer, the municipality shall consider established criteria, which shall include, but not be limited to, the following:~~

~~(i) The experience of the professional or professionals in similar projects;~~

~~(ii) The record of the professional or professionals in timely completion of the projects with high quality workmanship; and~~

~~(iii) Other similar matters to determine that the professional or professionals will complete the project within the time and budget and to the specifications set by the municipality.~~

~~(3)(A) The final selection committee shall make a formal recommendation to its governing body of the professional or professionals whom it determines to be in the best interest of the municipality.~~

~~(B)(i) Contracts for architectural, engineering, and land surveying professional consultant services shall be negotiated on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices without the use of competitive bidding.~~

~~(ii) No rule or regulation shall inhibit a municipality's authority to negotiate fees for the services.~~

~~(d)(1) Construction contracts for the projects shall not be entered into without a payment and performance bond in the amount of the contract and any amendments thereto and shall provide for the manner in which the construction shall be managed and supervised.~~

~~(2) All project architects and engineers shall be properly licensed in accordance with the Arkansas State Board of Architects and the Arkansas State Board of Engineers.~~

~~(3) The construction manager or general contractor shall be properly licensed by the Contractors Licensing Board.~~

~~(4)(A) All subcontractors on the project shall be properly licensed by the Contractors Licensing Board.~~

~~(B) Any person who is not considered a contractor under § 17-25-101 et seq. may continue to perform subcontracting work under the provisions of this subchapter.~~

~~(e) The funds may be represented in whole or in part by a written pledge or commitment from a donor, provided that the municipality shall assure itself of the financial stability of the donor to fulfill the pledge or commitment.~~

~~(f)(1) All projects constructed pursuant to this section, to the extent applicable, shall be in accordance and compliance with:~~

~~(A) Section 17-38-101 et seq., regulating plumbers;~~

~~(B) Section 17-33-101 et seq., regulating the heating, ventilation, air conditioning, and refrigeration industry;~~

~~(C) The Fire Prevention Act, § 12-13-101 et seq.;~~

~~(D) Section 12-80-101 et seq., regarding earthquake resistant~~

design for public structure;

~~(E) Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. pt. 36, App. A, adopted by the authority; and~~

~~(F) The minimum standards of the authority and criteria pertaining to projects constructed under this section.~~

~~(2) Notwithstanding anything in this section to the contrary, the provisions of §§ 19-11-801, 22-9-101, 22-9-103, 22-9-104, and 22-9-213, § 22-9-301 et seq., § 22-9-401 et seq., § 22-9-501 et seq., § 22-9-601 et seq., § 22-9-701 et seq., and all competitive bidding statutes shall remain in full force and effect and not be affected hereby.~~

~~(3) This section shall not authorize a design-build project contract.~~

SECTION 4. Arkansas Code § 19-11-801 is amended to read as follows:

19-11-801. Policy - Definitions.

(a) It is the policy of the State of Arkansas that state agencies shall follow the procedures stated in this section, except that competitive bidding shall not be used for the procurement of the professional services of legal, architectural, engineering, construction management, and land surveying ~~professional consultant services~~ if:

(1) State agencies not exempt from review and approval of the Arkansas Building Authority shall follow procedures established by the authority for the procurement of the professional services of architectural, engineering, land surveying, and construction management services; and

(2) Institutions of higher education exempt from review and approval of the authority shall follow procedures established by their governing boards for the procurement of architectural, engineering, land surveying, and construction management ~~professional consultant~~ services.

(b) It is the policy of the State of Arkansas and its political subdivisions that political subdivisions shall follow the procedures stated in this section, except that competitive bidding shall not be used for the procurement of the professional services of legal, financial advisory, architectural, engineering, construction management, and land surveying ~~professional consultant services~~.

(c) For purposes of this subchapter, a political subdivision of the state may elect to not use competitive bidding for other professional services not listed in subsection (b) of this section with a two-thirds (2/3) vote of the political subdivision's governing body.

(d)(1) As used in this section, "construction management" means a project delivery method based on an agreement in which a state agency, political subdivision, public school district, or institution of higher education acquires from a construction entity a series of services that include, ~~but are not limited to,~~ without

limitation design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, and construction administration.

(2) "Construction management" includes, ~~but is not limited to:~~ without limitation

(A)(i) ~~"Agency "agency construction management", in which a public school district selects a construction manager to serve as an agent for the purpose of providing administration and management services.~~

~~(ii)(3) The construction manager shall not hold subcontracts for the project or provide project bonding for the project, unless publicly advertised and bid;~~

~~(B) "At-risk construction management", in which the construction entity, after providing agency services during the preconstruction period, serves as the general contractor and the following conditions are met:~~

~~(i) The construction manager provides a maximum guaranteed price;~~

~~(ii) The public school district holds all trade contracts and purchase orders; and~~

~~(iii) The portion of the project not covered by the trade contracts is bonded and guaranteed by the construction manager; and~~

~~(C)(i) "General contractor construction management", in which the construction entity, after providing agency services during the preconstruction period, serves as the general contractor.~~

~~(ii) The general contractor shall hold all trade contracts and purchase orders and shall bond and guarantee the project.~~

(4)(A) The construction manager or an affiliated company or business enterprise shall not receive remuneration on the project other than its fee for professional services unless the project is publicly advertised and bid.

(B) As used in this subdivision (d)(4) "affiliated company" includes without limitation a company or business enterprise that has ownership or officers in common with the construction manager.

(e) As used in this subchapter:

~~(1) "Political "political subdivision" means counties, school districts, cities of the first class, cities of the second class, and incorporated towns; and~~

~~(2) "Other professional services" means professional services not listed in subsection (b) of this section as defined by a political subdivision with a two-thirds (2/3) vote of its governing body.~~

SECTION 5. Arkansas Code § 19-11-804 is amended to read as follows:

19-11-804. Selection.

(a) The state agency or political subdivision shall select three (3) qualified firms.

(b) The state agency or political subdivision shall then select the firm considered the best-qualified and capable of performing the desired work and negotiate a contract for the project with the firm selected for the professional services identified in § 19-11-801(a).

SECTION 6. Arkansas Code § 19-11-807 is repealed.

~~19-11-807. Design-build construction.~~

~~(a) As used in this section:~~

~~(1) "Design-build" means a project delivery method in which the school district acquires both design and construction services in the same contract from a single legal entity, referred to as the "design-builder", without competitive bidding;~~

~~(2)(A) "Design-builder" means any individual, partnership, joint venture, corporation, or other legal entity that is appropriately licensed in the State of Arkansas and that furnishes the necessary design services, in addition to the construction of the work, whether by itself or through subcontracts, including, but not limited to, subcontracts for architectural services, landscape architectural services, and engineering services.~~

~~(B) Architectural services, landscape architectural services, and engineering services shall be performed by an architect, landscape architect, or engineer licensed in the State of Arkansas.~~

~~(C) Construction contracting shall be performed by a contractor qualified and licensed under Arkansas law; and~~

~~(3) "Design-build contract" means the contract between the school district and a design-builder to furnish the architecture, engineering, and related services as required and to furnish the labor, materials, and other construction services for the same project.~~

~~(b)(1) Any school district may use design-build construction as a project delivery method for building, altering, repairing, improving, maintaining, or demolishing any structure, or any improvement to real property owned by the school district.~~

~~(2) The design-builder shall contract directly with subcontractors and shall be responsible for the bonding of the project.~~

~~(3) A project using design-build construction shall comply with state and federal law.~~

~~(c) The Division of Public School Academic Facilities and Transportation of the Department of Education shall develop and promulgate rules consistent with the~~

provisions of this section concerning the use of design-build construction by school districts."

/s/ David Dunn

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Overbey, **HOUSE BILL NO. 1160** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1160

Amend **HOUSE BILL NO. 1160** as originally introduced:

Page 1, delete line 24

AND

Page 1, line 25, delete "~~(2)(3)~~" and substitute "(2)"

AND

Page 1, line 27, delete "~~(3)(4)(A)~~" and substitute "(3)(A)"

AND

Page 1, line 31, delete "(a)(4)(A)" and substitute "(a)(3)(A)"

AND

Page 1, line 33, delete "(a)(4)(B)(i)" and substitute "(a)(3)(B)(i)"

AND

Page 2, line 1, delete "(B)(i)" and substitute "(B)"

AND

Page 2, line 2, delete "for a full-time auctioneer"

AND

Page 2, delete lines 3 through 5

AND

Delete SECTION 2 and SECTION 3 of the bill and substitute the following:

"SECTION 2. Arkansas Code § 17-17-405 is amended to read as follows:

17-17-405. Disciplinary hearing — Recovery procedure.

(a)(1) In any disciplinary hearing before the Auctioneer's Licensing Board

which involves ~~any~~ a licensee who has allegedly violated any provision of this chapter, the board shall first determine whether a violation has occurred.

(2) If so, the board shall then determine the amount of damages, if any, suffered by the aggrieved party or parties. However, damages shall be limited to actual damages in accordance with § 17-17-407.

(3) The board shall then direct the licensee to pay that amount to the aggrieved party or parties.

(4)(A) If that amount has not been paid within thirty (30) calendar days following entry of the board's final order in the matter and the order has not been appealed to the circuit court, then upon request the board shall pay from the Auctioneer Education and Recovery Fund to the aggrieved party or parties the amount specified.

(B) However, the board shall not:

(i) Pay in excess of ~~five thousand dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) for any one (1) violation or continuing series of violations regardless of the number of licensees who participated in the violation or continuing series of violations; or

(ii) Pay an amount in excess of the fund balance.

(b) The question of whether certain violations constitute a continuing series of violations shall be a matter solely within the discretion and judgment of the board.

(c) Nothing within this subchapter shall obligate the fund for any amount in excess of a total of ~~five thousand dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) with respect to:

(1) The acts of any one (1) licensee; or

(2) Any group of related claims.

(d) Whether a claim is one (1) of a group of related claims shall be a matter solely within the discretion and judgment of the board.

(e) When unsatisfied or pending claims ~~are such that they~~ exceed the limits payable under subsection (c) of this section, the board shall be the sole determinant of how the available funds shall be allocated among such claims."

/s/ George Overbey

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative M. Martin, **HOUSE BILL NO. 1989** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1989

Amend **HOUSE BILL NO. 1989** as originally introduced:

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

"SECTION 1. Arkansas Code § 6-15-503 is amended to read as follows:

6-15-503. Prerequisites to home schooling.

(a)(1) Parents or guardians desiring to provide a home school for their children must give written notice to the ~~superintendent of their local school district~~ Home School Office of the Department of Education of their intent to provide a home school for their children ~~and sign a waiver acknowledging that the State of Arkansas is not liable for the education of their children during the time that the parents choose to home school:~~

(A) At the beginning of each school year but no later than August 15;

(B) By December 15 for parents who decide to start home schooling at the beginning of the spring semester; or

(C) ~~Subject to the provisions of subsection (d) of this section, fourteen (14) calendar days prior to withdrawing the children from the local school district and at the beginning of each school year thereafter. The superintendent or the local school board of directors may waive the fourteen-day waiting period~~ Within five (5) days after withdrawing from public, private, or parochial school if the withdrawal occurs during the school year.

(2) Within thirty (30) calendar days of establishing residency within ~~the~~ a school district, parents or guardians moving into ~~the~~ a school district during the school year must give written notice to the ~~superintendent of their local school district~~ Home School Office of their intent to provide a home school for their children ~~and sign a waiver acknowledging that the State of Arkansas is not liable for the education of their children during the time that the parents choose to home school.~~

(3) The notice must include:

(A) The name, date of birth, grade level, and name and address of the school last attended, if any, of each student involved; and

(B) The location of the home school; and

~~(C) The basic core curriculum to be offered;~~

~~(D) The proposed schedule of instruction; and~~

~~(E) The qualifications of the parent-teacher.~~

~~(4) Parents or guardians shall deliver written notice in person to the~~

superintendent of their local school district the first time such notice is given.

(b) This information may be used only for statistical purposes and test administration.

~~(c) Each local school district shall report the statistical data required by this section to the Department of Education each year.~~

~~(d) (1) No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy, including, but not limited to, excessive unexcused absences.~~

~~(2) Public school students who are under disciplinary action by the local school district shall be eligible for enrollment in a home school if:~~

~~(A) The superintendent or local school board of directors chooses to allow the child to enroll in a home school;~~

~~(B) The disciplinary action against the student has been completed or the school semester has ended, whichever occurs first; or~~

~~(C) The student has been expelled.~~

SECTION 2. Arkansas Code § 6-15-504 is amended to read as follows:

6-15-504. Home-schooled students — Achievement tests — Enrollment or reenrollment in local schools.

(a) Each student enrolled in a home school program who is considered to be at grade level or no more than two (2) years beyond the normal age for the appropriate grade for which the state mandates norm-referenced tests for public school students shall be tested using a nationally recognized norm-referenced achievement test selected by the State Board of Education.

(b)(1)(A) The administration of the tests required of home-schooled students shall be by the executive directors of the education service cooperatives established under § 6-13-1001 et seq. ~~or as otherwise designated by the Department of Education.~~

~~(B) For the purposes of this section, the superintendents of the Little Rock School District, North Little Rock School District, and Pulaski County Special School District shall act in lieu of an education service cooperative executive director. The directors of the education service cooperatives shall jointly hire one (1) state coordinator of home school testing.~~

(2) ~~The executive directors of the education service cooperatives~~ state coordinator shall establish a common set of procedures approved by the Commissioner of Education for the proper administration of the tests required by this section.

(3) The administration shall include purchasing the test materials, giving the tests, scoring and interpreting the tests, and reporting test results to the

parent or guardian of the home-schooled student.

(c) The cost of testing required by this section shall be the responsibility of the department when the tests are administered ~~by the directors of the education service cooperatives or other department designees~~ under the direction and control of the state coordinator.

(d)(1) Alternate testing procedures may be approved by the ~~executive director of an education service cooperative~~ state coordinator after consultation with the parents of a home-schooled student.

(2) The state coordinator may allow a parent or guardian of a home-schooled student to select a nationally recognized norm-reference test that was not selected by the State Board of Education.

(3) ~~However, any~~ Any costs associated with an alternate testing procedure shall be the responsibility of the parents.

(e)(1)(A) Any student who refuses to participate in the testing program or the alternate testing program required by this section and has not been excused from testing requirements by the state coordinator has not met the statutory prerequisites for home schooling and, as any other student, shall be subject to the applicable Arkansas laws regarding truancy.

(B)(i) Within thirty (30) days after the testing under this section is completed, the state coordinator shall prepare a list of students who are required to test but did not test and were not excused from testing.

(ii) The state coordinator shall prepare and send certified letters to the parent or guardian of the home-schooled student at the address on file with the Home School Office notifying them that:

(a) The home-schooled student has not met the statutory requirements for home schooling and that the parent or guardian must utilize the alternative testing procedures to have the home-schooled student tested; and

(b) Refusal to comply with the testing requirements may subject the home-schooled student to the truancy laws of the state.

(C) After a student corrects any refusal to participate in the testing program or the alternate testing program ~~as determined by the department~~ and required by this subsection, the student shall be restored to home school status after his or her parent or guardian has complied with all requirements of § 6-15-503.

(2) This subsection shall not be applicable to any parent who can present written acknowledgement that the child has been enrolled in a public, private, or parochial school within thirty (30) days of the administration of the state-

mandated achievement test.

~~(f)(1) Each local school district may assess any home-schooled student who enrolls or reenrolls in the school district in order to determine proper educational placement.~~

~~(2) Among other means of assessment, the local school district shall utilize the norm-referenced test approved by the state board to assess the student and shall determine placement in the appropriate grade level as indicated by the test results Within sixty (60) days after the testing under this section is completed, the state coordinator shall prepare a list of home-schooled students who complied with the testing requirements and send a letter to the parent or guardian of the home-schooled student to the address on file with the Home School Office notifying them that the home-schooled student has met the testing requirements required by law.~~

~~(g) A school district shall recognize the credits and courses taken by the home-schooled student in the same manner as credits and courses taken by a student who transfers into the school district from another school district, private school, or parochial school when a home-schooled student transfers to a school district.~~

~~(h) Any home-schooled student who enrolls or reenrolls in a local school district must attend classes for at least nine (9) months immediately before graduation before the student can become eligible to receive a high school diploma from the school district."~~

/s/ Mark Martin

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Davenport, **HOUSE BILL NO. 1991** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1991

Amend **HOUSE BILL NO. 1991** as originally introduced:

Page 2, line 6, delete "thirty (30)" and substitute "twenty (20)"

AND

Page 2, delete lines 16 and 17 and substitute:

"(d) This section does not supersede any publication requirements, diligent efforts, letter mailings, or other requirements under law or rule in effect as of the effective date of this act related to integration of unleased mineral owners.

(e) If documented evidence is not provided to the Oil and Gas Commission as required under subdivision (c)(2)(B) of this section, any elections available before integration shall remain with the unleased mineral owner without penalty."

/s/ Monty Davenport

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. 1734** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1734

Amend **HOUSE BILL NO. 1734** as originally introduced:

Add the following Representatives Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, J. 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, Flowers, 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, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, T. Rogers, J. Rogers, Sample, Saunders, Shelby,

Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Wills, Woods, Word as co-sponsors of the bill

AND

Page 1, line 35, delete "shelters" and substitute "centers"

AND

Page 2, delete lines 20 and 21 in their entirety and substitute the following:

" No less than thirty (30) days prior to the distribution of any funds appropriated by this act, the director of the agency shall notify the Speaker of the House of Representatives of the name and address of each recipient and the amount that is being distributed to each recipient.

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

/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. 1724** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1724

Amend **HOUSE BILL NO. 1724** as originally introduced:

Add the following Representatives Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, J. 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, Flowers, 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, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, T. Rogers, J. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Wills, Woods, Word as co-sponsors of the bill

AND

Page 1, line 35 insert the following:

" No less than thirty (30) days prior to the distribution of any funds appropriated by this act, the director of the agency shall notify the Speaker of the House of Representatives of the name and address of each recipient and the amount that is being distributed to each recipient.

The grant amount authorized for each County Fair by this act shall be \$7,200 and the grant amount authorized for each District Fair by this act shall be \$48,000. A determination shall be made as to whether the actual available funding meets, exceeds or falls below the total authorized grant amount for all County and District Fairs by this act. Next, the Department will determine by what percentage the actual funds available exceed or fall below the total grant amounts authorized by this act. If actual funding is either above or below the total authorized grant amount for all County and District Fairs authorized by this act, each County and District Fair's grant amount will be adjusted by the percentage the actual funds available exceed or fall below the total authorized grant amount."

/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. 1720** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1720

Amend **HOUSE BILL NO. 1720** as originally introduced:

Add the following Representatives Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, J. 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, Flowers, 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, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep,

Reynolds, Rice, J. Roebuck, T. Rogers, J. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Wills, Woods, Word as co-sponsors of the bill

AND

Page 2, line 6 insert the following:

" No less than thirty (30) days prior to the distribution of any funds appropriated by this act, the director of the agency shall notify the Speaker of the House of Representatives of the name and address of each recipient and the amount that is being distributed to each recipient.

The Fire Departments receiving grants authorized by this act are not subject to meeting the requirements or other criteria that may be required of fire departments under the provisions of Act 833 of 1991, as amended, or Arkansas Code 14-284-401 through 14-284-411."

/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. 1723** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1723

Amend **HOUSE BILL NO. 1723** as originally introduced:

Add the following Representatives Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, J. 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, Flowers, 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, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep,

Reynolds, Rice, J. Roebuck, T. Rogers, J. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Wills, Woods, Word as co-sponsors of the bill

AND

Page 1, line 36 insert the following:

“ No less than thirty (30) days prior to the distribution of any funds appropriated by this act, the director of the agency shall notify the Speaker of the House of Representatives of the name and address of each recipient and the amount that is being distributed to each recipient.

The grants to public libraries authorized by this act shall be distributed on a per capita basis and include public libraries that do not meet the guidelines for State Aid to Public Libraries.”

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pyle, **HOUSE BILL NO. 1951** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1951

Amend **HOUSE BILL NO. 1951** as originally introduced:

Page 9, line 26, delete "20.00" and substitute "10.00"

AND

Page 17, delete lines 10 through 14 and substitute the following:

"(c)(1) The department shall revoke the license of a person who engages in the practice of massage of the anus or the genital area of another person.

(2) The department shall revoke the license of a person who engages in the practice of massage of the breasts unless the massage therapist:

(i) Engages in the practice of massage of the breasts for therapeutic and medical purposes including without limitation the reduction of scar

tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow; and

(ii) Has received at least forty-eight (48) hours of continuing education credits in lymphatic massage, myofascial massage, orthopedic massage, or oncology massage.

(3) A revocation of a license under subdivision (c)(1) and (2) of this section shall be for a period of three (3) years."

/s/ Beverly Pyle

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pyle, **HOUSE BILL NO. 1162** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1162

Amend **HOUSE BILL NO. 1162** as engrossed,

H3/6/09 (version: 03-06-2009 08:57):

Page 13, delete lines 4 through 8 and substitute the following:

"(c)(1) The department shall revoke the license of a person who engages in the practice of massage of the anus or the genital area of another person.

(2) The department shall revoke the license of a person who engages in the practice of massage of the breasts unless the massage therapist:

(i) Engages in the practice of massage of the breasts for therapeutic and medical purposes including without limitation the reduction of scar tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow; and

(ii) Has received at least forty-eight (48) hours of continuing education credits in lymphatic massage, myofascial massage, orthopedic massage, or oncology massage.

(3) A revocation of a license under subdivision (c)(1) and (2) of this

section shall be for a period of three (3) years."

/s/ Beverly Pyle

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. 2244** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2244

Amend **HOUSE BILL NO. 2244** as originally introduced:

Page 1, line 34, delete "(4)" and substitute "(4)(A)"

AND

Page 2, delete line 5 and substitute the following:

"21-5-601 et seq.

"(B) Health benefit plan" does not include an accident-only, specified disease, hospital indemnity, long-term care, disability income, or other limited-benefit health insurance policy;

AND

Page 3, line 9, delete "purchases the" and substitute "purchases the, issues, or sponsors a"

AND

Page 3, delete line 34 and substitute the following:

"(a)(1) Subject to subdivision (a)(2) of this section and subsections (b) and (c) of this section, a health benefit plan that is issued for delivery, delivered."

AND

Page 4, line 5, delete "(1)" and substitute "(A)"

AND

Page 4, line 6, delete "(2)" and substitute "(B)"

AND

Page 4, line 7, delete "(3)" and substitute "(C)"

AND

Page 4, delete line 8 and substitute the following:

"(D) A prosthetic service.

(2) This section does not require coverage for an orthotic device, an orthotic service, a prosthetic device, or a prosthetic service for a replacement that occurs more frequently than one (1) time every three (3) years unless medically necessary or indicated by other coverage criteria."

AND

Page 4, line 9, delete "limits of coverage" and substitute "limits of or exclusions from coverage"

AND

Page 5, line 12, delete "podiatry" and substitute "podiatric medicine"

AND

Page 5, delete line 13 and substitute the following:

"and provided by a doctor of medicine, a doctor of osteopathy, a doctor of podiatric medicine, an orthotist, or a prosthetist licensed by the State of"

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1003

BY: REPRESENTATIVE L. SMITH

CELEBRATING THE LIFE AND CONTRIBUTIONS, AND MOURNING THE PASSING OF, JAMES ROYCE JACKSON.

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

HOUSE MEMORIAL RESOLUTION NO. 1004

BY: REPRESENTATIVE L. SMITH

CELEBRATING THE LIFE AND CONTRIBUTIONS, AND MOURNING THE PASSING OF, NICK MASULLO.

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

ENGROSSED BILL REPORTS

WILHELMINA LEWELLEN, CHAIRPERSON

March 17, 2009

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1160	BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1162	BY REPRESENTATIVE PYLE
HOUSE BILL NO. 1720 - TITLE -	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1723 - TITLE -	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1724 - TITLE -	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1734 - TITLE -	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1867	BY REPRESENTATIVE J. EDWARDS
HOUSE BILL NO. 1902 - TITLE -	BY REPRESENTATIVE CASH
HOUSE BILL NO. 1903 - TITLE -	BY REPRESENTATIVE CASH
HOUSE BILL NO. 1951	BY REPRESENTATIVE PYLE
HOUSE BILL NO. 1955	BY REPRESENTATIVE DAVIS
HOUSE BILL NO. 1968 - TITLE -	BY REPRESENTATIVE WEBB
HOUSE BILL NO. 1989	BY REPRESENTATIVE M. MARTIN
HOUSE BILL NO. 1991	BY REPRESENTATIVE DAVENPORT
HOUSE BILL NO. 2014	BY REPRESENTATIVE M. BURRIS
HOUSE BILL NO. 2071 - TITLE -	BY REPRESENTATIVE HYDE
HOUSE BILL NO. 2091	BY REPRESENTATIVE DUNN
HOUSE BILL NO. 2244	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 2263	BY REPRESENTATIVE LOVELL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1720

BY: REPRESENTATIVES MALOCH, ABERNATHY, ADCOCK, ALLEN, BAIRD, T. BAKER, BARNETT, BETTS, BLOUNT, T. BRADFORD, BREEDLOVE, J. BROWN, M. BURRIS, J. 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, FLOWERS, 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, S. MALONE, M. MARTIN, MAXWELL, MCCRARY, MCLEAN, MOORE, NICKELS, NIX, OVERBEY, PATTERSON, PENNARTZ, PERRY, PIERCE, POWERS, PYLE, RAGLAND, RAINEY, REEP, REYNOLDS, RICE, J. ROEBUCK, T. ROGERS, J. ROGERS, SAMPLE, SAUNDERS, SHELBY, SLINKARD, G. SMITH, L. SMITH, STEWART, SUMMERS, TYLER, WAGNER, WEBB, WELLS, B. WILKINS, WILLIAMS, WILLS, WOODS, WORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR GRANTS TO FIRE DEPARTMENTS FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1723

BY: REPRESENTATIVES MALOCH, ABERNATHY, ADCOCK, ALLEN, BAIRD, T. BAKER, BARNETT, BETTS, BLOUNT, T. BRADFORD, BREEDLOVE, J. BROWN, M. BURRIS, J. 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, FLOWERS, 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, S. MALONE, M. MARTIN, MAXWELL, MCCRARY, MCLEAN, MOORE, NICKELS, NIX, OVERBEY, PATTERSON, PENNARTZ, PERRY, PIERCE, POWERS, PYLE, RAGLAND, RAINEY, REEP, REYNOLDS, RICE, J. ROEBUCK, T. ROGERS, J. ROGERS, SAMPLE, SAUNDERS, SHELBY, SLINKARD, G. SMITH, L. SMITH, STEWART, SUMMERS, TYLER, WAGNER, WEBB, WELLS, B. WILKINS, WILLIAMS, WILLS, WOODS, WORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION - ARKANSAS STATE LIBRARY FOR STATEWIDE GRANTS TO PUBLIC LIBRARIES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1724

BY: REPRESENTATIVES MALOCH, ABERNATHY, ADCOCK, ALLEN, BAIRD, T. BAKER, BARNETT, BETTS, BLOUNT, T. BRADFORD, BREEDLOVE, J. BROWN, M. BURRIS, J. 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, FLOWERS, 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, S. MALONE, M. MARTIN, MAXWELL, MCCRARY, MCLEAN, MOORE, NICKELS, NIX, OVERBEY, PATTERSON, PENNARTZ, PERRY, PIERCE, POWERS, PYLE, RAGLAND, RAINEY, REEP, REYNOLDS, RICE, J. ROEBUCK, T. ROGERS, J. ROGERS, SAMPLE, SAUNDERS, SHELBY, SLINKARD, G. SMITH, L. SMITH, STEWART, SUMMERS, TYLER, WAGNER, WEBB, WELLS, B. WILKINS, WILLIAMS, WILLS, WOODS, WORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS AGRICULTURE DEPARTMENT - LIVESTOCK AND POULTRY FOR FAIR GRANTS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1734

BY: REPRESENTATIVES MALOCH, ABERNATHY, ADCOCK, ALLEN, BAIRD, T. BAKER, BARNETT, BETTS, BLOUNT, T. BRADFORD, BREEDLOVE, J. BROWN, M. BURRIS, J. 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, FLOWERS, 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, S. MALONE, M. MARTIN, MAXWELL, MCCRARY, MCLEAN, MOORE, NICKELS, NIX, OVERBEY, PATTERSON, PENNARTZ, PERRY, PIERCE, POWERS, PYLE, RAGLAND, RAINEY, REEP, REYNOLDS, RICE, J. ROEBUCK, T. ROGERS, J. ROGERS, SAMPLE, SAUNDERS, SHELBY, SLINKARD, G. SMITH, L. SMITH, STEWART, SUMMERS, TYLER, WAGNER, WEBB, WELLS, B. WILKINS, WILLIAMS, WILLS, WOODS, WORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES - ARKANSAS CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION FOR STATEWIDE GRANTS TO DOMESTIC VIOLENCE SHELTERS, CRISIS CENTERS AND CHILD ADVOCACY CENTERS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1902

BY: REPRESENTATIVES CASH, WEBB, *BLOUNT*, *CARROLL*, *R. GREEN*,
HARRELSON, *KIDD*, *MOORE*, *J. ROEBUCK*, *L. SMITH*, *WAGNER*, *B. WILKINS*
BY: SENATOR BOOKOUT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE ELECTRIC AUTOCYCLES TO BE LICENSED AND REGISTERED AS MOTORCYCLES; TO PROVIDE STANDARDS FOR AUTOCYCLES; TO CREATE THE ELECTRIC AUTOCYCLE ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1903

BY: REPRESENTATIVES CASH, *BLOUNT*, *BREEDLOVE*, *CARROLL*,
HARRELSON, *KIDD*, *MOORE*, *J. ROEBUCK*, *L. SMITH*, *WAGNER*, *B. WILKINS*
BY: *SENATOR BOOKOUT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO SET ENERGY EFFICIENCY PERFORMANCE STANDARDS FOR AN ELECTRIC PUBLIC UTILITY REGULATED BY THE ARKANSAS PUBLIC SERVICE COMMISSION; TO REQUIRE THE ELECTRIC PUBLIC UTILITY TO DEVELOP AN ENERGY EFFICIENCY PLAN; TO PROVIDE FOR MONITORING OF THE PLAN; TO ALLOW FOR THE RECOVERY OF COSTS; TO REQUIRE REVIEW BY THE COMMISSION; TO ALLOW THE COMMISSION TO AWARD INCENTIVES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1968

BY: REPRESENTATIVES WEBB, DISMANG, GREENBERG

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO PROHIBIT CONFLICT OF INTERST VOTING BY MEMBERS OF STATE BOARDS AND COMMISSIONS; TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE TITLES 7 AND 21 PERTAINING TO CONFLICTS OF INTEREST FOR PUBLIC SERVANTS; TO AMEND A PORTION OF ARKANSAS CODE THAT RESULTED FROM INITIATED ACT 1 OF 1990; TO AMEND A PORTION OF ARKANSAS CODE THAT RESULTED FROM INITIATED ACT 1 OF 1988; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2071

BY: REPRESENTATIVE HYDE

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO CLARIFY THAT A CONTRACT FOR THE SALE OF REAL PROPERTY DOES NOT CONVEY TO THE BUYER AN INTEREST IN THE MINERAL DEVELOPMENT OF THE REAL PROPERTY UNTIL THE REAL PROPERTY IS CONVEYED BY DEED OR UNLESS AGREED OTHERWISE IN WRITING; AND FOR OTHER PURPOSES.*

HOUSE RESOLUTION NO. 1020

BY: REPRESENTATIVE STEWART

TO HONOR THE KIRKSEY FAMILY FOR BEING CHOSEN AS THE 2007 CLARK COUNTY FARM FAMILY OF THE YEAR, THE 2007 ARKANSAS FARM FAMILY OF THE YEAR, AND *THE 2008 SWISHER SWEETS/SUNBELT EXPO* SOUTHEASTERN FARMER OF THE YEAR.

THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY.

Morning Hour Expired.

HOUSE BILL NO. 1578

BY: REPRESENTATIVE D. CREEKMORE

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

AFFIRMATIVE: Abernathy, Adcock, Allen, 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, 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, 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	98
NEGATIVE: Flowers.	
Total	1
ABSENT OR NOT VOTING: Lowery.	
Total	1
VOTING PRESENT:	
Total	0
Total number of votes cast	99
Total number voting in the affirmative	98
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1979

BY: REPRESENTATIVE J. EDWARDS

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, Flowers, 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, 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	98
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Garner, Lowery.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	98
Total number voting in the affirmative.....	98
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1712

BY: REPRESENTATIVE WILLIAMS

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

AFFIRMATIVE: Abernathy, 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, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, 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, 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.

Total95

NEGATIVE: Flowers.

Total1

ABSENT OR NOT VOTING: Adcock, D. Creekmore, Hall, D. Hutchinson.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1712**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, 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, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, 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, 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	95
NEGATIVE: Flowers.	
Total	1
ABSENT OR NOT VOTING: Adcock, D. Creekmore, Hall, D. Hutchinson.	
Total	4
VOTING PRESENT:	
Total	0
Total number of votes cast	96
Total number voting in the affirmative	95
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1653

BY: REPRESENTATIVE HYDE

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Cole, Cook, Cooper, L. Cowling, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, 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, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total	95
NEGATIVE: Clemmer.	
Total	1
ABSENT OR NOT VOTING: D. Creekmore, Saunders.	
Total	2
VOTING PRESENT: Dale, Flowers.	
Total	2
Total number of votes cast.....	98
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.

There being an Emergency Clause attached to **HOUSE BILL NO. 1653**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Cole, Cook, Cooper, L. Cowling, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, 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, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total	95
NEGATIVE: Clemmer.	
Total	1
ABSENT OR NOT VOTING: D. Creekmore, Saunders.	
Total	2
VOTING PRESENT: Dale, Flowers.	
Total	2
Total number of votes cast	98
Total number voting in the affirmative	95
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2200

BY: REPRESENTATIVE PATTERSON

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, Flowers, 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, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Saunders, Mr. Speaker.

Total2

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative98

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

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

HOUSE BILL NO. 2095

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, Baird, Barnett, J. Burris, Carnine, Carter, Dismang, Dunn, English, Garner, Glidewell, R. Green, Greenberg, Hall, Hobbs, Hopper, D. Hutchinson, Hyde, Kerr, King, Lea, M. Martin, Maxwell, Moore, Nickels, Pyle, Ragland, J. Roebuck, J. Rogers, Sample, Shelby, Slinkard, L. Smith, Stewart, Summers, Tyler, B. Wilkins, Williams, Woods, Mr. Speaker.

Total41

NEGATIVE: Allen, T. Baker, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, Carroll, Cash, Clemmer, Cole, Cook, Cooper, Dale, Davis, J. Dickinson, Everett, Flowers, Gaskill, Hardy, Harrelson, Hawkins, House, Hoyt, Ingram, Kidd, W. Lewellen, Lindsey, Lovell, S. Malone, McCrary, McLean, Nix, Patterson, Pennartz, Perry, Pierce, Powers, Rainey, Reep, Reynolds, Rice, T. Rogers, G. Smith, Wagner, Webb, Wells, Word.

Total49

ABSENT OR NOT VOTING: Cheatham, L. Cowling, D. Creekmore, Davenport, J. Edwards, George, Lowery, Maloch, Overbey, Saunders.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative.....41

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

So the Bill failed.

HOUSE BILL NO. 1588

BY: REPRESENTATIVE KING

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, Baird, Barnett, Betts, J. Burris, Carnine, Carroll, Carter, Clemmer, D. Creekmore, Dale, J. Dickinson, Dismang, English, Flowers, Garner, Gaskill, Glidewell, R. Green, Greenberg, Hobbs, Hopper, D. Hutchinson, Hyde, Kerr, King, Lea, Lowery, S. Malone, M. Martin, McLean, Moore, Pyle, Ragland, Rice, J. Roebuck, J. Rogers, Sample, Slinkard, L. Smith, Stewart, Wells, B. Wilkins, Woods.

Total45

NEGATIVE: Allen, T. Baker, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, Cheatham, Cole, Cook, Cooper, Davis, J. Edwards, Everett, Hall, Hardy, Harrelson, Hawkins, House, Hoyt, Ingram, Kidd, W. Lewellen, Lindsey, Lovell, McCrary, Nickels, Nix, Patterson, Pennartz, Perry, Pierce, Powers, Rainey, Reep, Reynolds, T. Rogers, Saunders, Shelby, G. Smith, Tyler, Wagner, Webb, Williams, Word.

Total45

ABSENT OR NOT VOTING: Cash, L. Cowling, Davenport, Dunn, George, Maloch, Maxwell, Overbey, Summers, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative45

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

So the Bill failed.

HOUSE BILL NO. 1047

BY: REPRESENTATIVE KING

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

AFFIRMATIVE: Adcock, Baird, Barnett, J. Burris, Carnine, Carter, Clemmer, D. Creekmore, Dale, Dismang, English, Flowers, Garner, Glidewell, Greenberg, Hobbs, Hopper, D. Hutchinson, Hyde, Kerr, King, Lea, S. Malone, M. Martin, Moore, Perry, Pyle, Ragland, Rice, J. Rogers, Sample, Slinkard, L. Smith, Stewart, Summers, Woods.

Total36

NEGATIVE: Allen, T. Baker, Betts, Blount, Breedlove, J. Brown, M. Burris, Cheatham, Cole, Cook, Cooper, Davis, J. Dickinson, J. Edwards, Everett, Gaskill, R. Green, Hall, Hardy, Harrelson, Hawkins, House, Hoyt, Ingram, Kidd, W. Lewellen, Lindsey, Lovell, Nickels, Nix, Patterson, Pennartz, Pierce, Powers, Rainey, Reep, J. Roebuck, T. Rogers, Saunders, Shelby, G. Smith, Tyler, Wagner, B. Wilkins, Williams, Word.

Total46

ABSENT OR NOT VOTING: Abernathy, T. Bradford, Cash, L. Cowling, Davenport, Dunn, George, Lowery, Maloch, Maxwell, McCrary, McLean, Overbey, Reynolds, Webb, Wells, Mr. Speaker.

Total17

VOTING PRESENT: Carroll.

Total1

Total number of votes cast83

Total number voting in the affirmative.....36

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

So the Bill failed.

HOUSE BILL NO. 1646

BY: REPRESENTATIVE RAINEY

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, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, D. Creekmore, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, Everett, Garner, Gaskill, 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, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, B. Wilkins, Williams, Woods, Word.

Total89

NEGATIVE: J. Burris, Dale, English, Flowers, Rice.

Total5

ABSENT OR NOT VOTING: L. Cowling, George, Maloch, Sample, Wells, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative89

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

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

HOUSE BILL NO. 2009

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, 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, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Har*/*dy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, 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.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: L. Cowling, King, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
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.

HOUSE BILL NO. 2073

BY: REPRESENTATIVE HAWKINS

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, Flowers, 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, 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, Williams, Woods, Word.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: B. Wilkins, Mr. Speaker.

Total2

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative98

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

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

Representative Hyde moved that the record by which **HOUSE BILL NO. 2071 AMENDMENT #1** passed be expunged from the record, which motion prevailed by more than 67 votes.

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, Flowers, 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, 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, Williams, Woods, Word, Mr. Speaker.

Total	99
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: B. Wilkins.	
Total	1
VOTING PRESENT:	
Total	0
Total number of votes cast	99
Total number voting in the affirmative	99
Necessary to the adoption of the motion	67

So the Motion was adopted.

Upon motion of Representative Hyde, **HOUSE BILL NO. 2071** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2071

Amend **HOUSE BILL NO. 2071** as originally introduced:

Delete the title in its entirety and substitute:

"AN ACT TO CLARIFY THAT A CONTRACT FOR THE SALE OF REAL PROPERTY DOES NOT CONVEY TO THE BUYER AN INTEREST IN THE MINERAL DEVELOPMENT OF THE REAL PROPERTY UNTIL THE REAL PROPERTY IS CONVEYED BY DEED OR UNLESS AGREED OTHERWISE IN WRITING; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO CLARIFY THAT A CONTRACT FOR THE SALE OF REAL PROPERTY DOES NOT CONVEY AN INTEREST IN THE MINERAL DEVELOPMENT OF THE REAL PROPERTY UNTIL THE REAL PROPERTY IS CONVEYED BY DEED OR UNLESS AGREED OTHERWISE IN WRITING."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 18, Chapter 12, Subchapter 1 is amended to add an additional section to read as follows:

18-12-107. Effect of a contract for the sale of real estate.

A contract for the sale of real property, including without limitation mineral rights, does not convey to the buyer an interest in the mineral rights or mineral development of the real property:

(1) Until the real property is conveyed by deed to the buyer upon final payment; or

(2) Unless the seller and the buyer agree otherwise in writing."

/s/ Barry Hyde

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

/s/ Ms. Jo Renshaw

Chief Clerk

SENATE BILL NO. 815

BY: SENATOR P. MALONE

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, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, 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.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Blount, Carter, Everett, Hoyt, Word, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

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. 1578	BY REPRESENTATIVE D. CREEKMORE
HOUSE BILL NO. 1646	BY REPRESENTATIVE RAINEY
HOUSE BILL NO. 1653	BY HOUSE MANAGEMENT
HOUSE BILL NO. 1712	BY REPRESENTATIVE WILLIAMS
HOUSE BILL NO. 1979	BY REPRESENTATIVE J. EDWARDS
HOUSE BILL NO. 2009	BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 2073	BY REPRESENTATIVE HAWKINS
HOUSE BILL NO. 2200	BY REPRESENTATIVE PATTERSON

HOUSE CONCURRENT MEMORIAL RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1003	BY REPRESENTATIVE L. SMITH
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SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 815	BY SENATOR P. MALONE
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ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1177	BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1438	BY REPRESENTATIVE L. COWLING
HOUSE BILL NO. 1445	BY REPRESENTATIVE PYLE
HOUSE BILL NO. 1475	BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 1476	BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 1518	BY REPRESENTATIVE REEP
HOUSE BILL NO. 1587	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1602	BY REPRESENTATIVE WILLIAMS
HOUSE BILL NO. 1612	BY REPRESENTATIVE BARNETT
HOUSE BILL NO. 1668	BY REPRESENTATIVE WELLS
HOUSE BILL NO. 1716	BY REPRESENTATIVE DAVENPORT
HOUSE BILL NO. 1837	BY REPRESENTATIVE J. ROGERS
HOUSE BILL NO. 1962	BY REPRESENTATIVE WILLS

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 72	BY SENATOR MADISON
SENATE BILL NO. 140	BY SENATOR FARIS
SENATE BILL NO. 163	BY SENATOR G. JEFFRESS
SENATE BILL NO. 663	BY SENATOR HORN
SENATE BILL NO. 780	BY SENATOR B. PRITCHARD
SENATE BILL NO. 961	BY SENATOR BLEDSOE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 13, 2009

MR. SPEAKER:

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

HOUSE BILL NO. 1177	BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1438	BY REPRESENTATIVE L. COWLING
HOUSE BILL NO. 1445	BY REPRESENTATIVE PYLE, ET AL
HOUSE BILL NO. 1475	BY REPRESENTATIVE L. SMITH, ET AL
HOUSE BILL NO. 1476	BY REPRESENTATIVE L. SMITH, ET AL
HOUSE BILL NO. 1518	BY REPRESENTATIVE REEP
HOUSE BILL NO. 1587	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1602	BY REPRESENTATIVE WILLIAMS
HOUSE BILL NO. 1612	BY REPRESENTATIVE WILLIAMS
HOUSE BILL NO. 1668	BY REPRESENTATIVE WELLS
HOUSE BILL NO. 1716	BY REPRESENTATIVE DAVENPORT
HOUSE BILL NO. 1837	BY REPRESENTATIVE J. ROGERS, ET AL
HOUSE BILL NO. 1962	BY REPRESENTATIVE WILLS, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 4:15 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. 1177	BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1438	BY REPRESENTATIVE L. COWLING
HOUSE BILL NO. 1445	BY REPRESENTATIVE PYLE, ET AL
HOUSE BILL NO. 1475	BY REPRESENTATIVE L. SMITH, ET AL
HOUSE BILL NO. 1476	BY REPRESENTATIVE L. SMITH, ET AL
HOUSE BILL NO. 1518	BY REPRESENTATIVE REEP
HOUSE BILL NO. 1587	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1602	BY REPRESENTATIVE WILLIAMS
HOUSE BILL NO. 1612	BY REPRESENTATIVE WILLIAMS
HOUSE BILL NO. 1668	BY REPRESENTATIVE WELLS
HOUSE BILL NO. 1716	BY REPRESENTATIVE DAVENPORT
HOUSE BILL NO. 1837	BY REPRESENTATIVE J. ROGERS, ET AL
HOUSE BILL NO. 1962	BY REPRESENTATIVE WILLS, ET AL

/s/ Mike Beebe - Governor

TIME: 4:15 p.m.

By: Pamela Hayes

SENATE BILL NO. 72

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 24 OF THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 140

BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF TIME A MEMBER OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM MUST TERMINATE EMPLOYMENT IN ORDER TO QUALIFY FOR RETIREMENT BENEFITS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 163

BY: SENATOR G. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CALCULATION OF DEFERRED ANNUITIES; TO ALLOW ADDITIONAL TIME FOR MEMBERS OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO SELECT CONTRIBUTORY SERVICE; TO INCREASE THE AMOUNT OF REDUCED ANNUITY UNDER OPTION B75; TO AMEND THE RETIREMENT MEMBERSHIP OF DISTRICT COURT CLERKS IN THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 663

BY: SENATOR HORN

BY: REPRESENTATIVE RAINEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE PROCEDURE FOR MODIFYING THE RATES AND CHARGES OF A GENERATION AND TRANSMISSION COOPERATIVE; TO PROVIDE AN ALTERNATIVE PROCEDURE FOR MODIFYING THE RATES AND CHARGES OF A MEMBER COOPERATIVE; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 780

BY: SENATORS B. PRITCHARD, ALTES, G. BAKER, BLEDSOE, BOOKOUT, FARIS, GLOVER, HORN, J. JEFFRESS, D. JOHNSON, J. KEY, T. SMITH, J. TAYLOR, R. THOMPSON, TRUSTY, WILKINSON, D. WYATT

BY: REPRESENTATIVES SAMPLE, M. MARTIN, J. ROGERS, J. BURRIS, M. BURRIS, CARTER, CLEMMER, DALE, DISMANG, DUNN, EVERETT, GASKILL, GLIDEWELL, R. GREEN, HOYT, KING, LOWERY, NICKELS, PYLE, RAGLAND, J. ROEBUCK, T. ROGERS, WELLS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FORFEITURE OF OR DISQUALIFICATION FROM PUBLIC EMPLOYMENT ON CONVICTION OF AN OFFENSE RELATED TO PUBLIC EMPLOYMENT; 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.

SENATE BILL NO. 961

BY: SENATOR BLEDSOE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT PERSONS SUSCEPTIBLE TO SEVERE ALLERGIC REACTIONS; TO PROVIDE FOR CERTIFICATION OF PERSONS TRAINED TO ADMINISTER EMERGENCY TREATMENT FOR SEVERE ALLERGIC REACTIONS; 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.

Upon motion of Representative Curren Everett, the House adjourned at 4:03 until 1:30 p.m., Wednesday, March 18, 2007.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk