

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

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Little Rock, Arkansas

January 19, 2011

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

Allen, Altes, Baird, Baker, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Carter, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hubbard, Hutchinson, Hyde, Ingram, Jean, Johnston, Kerr, King, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, F. Smith, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total .....98

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

Total.....1

A quorum was present.

Unanimous leave was granted for Representative(s) Hopper.

The House stood and was led in prayer by Pastor Tim Forrest, Walnut Valley Baptist Church, Hot Springs Village, Arkansas.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

	January 19, 2011
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	STEPHANIE MALONE CHAIRPERSON
HOUSE BILL NO. 1014 BY REPRESENTATIVE EDWARDS	DO PASS

COMMITTEE REPORT

	January 19, 2011
CITY, COUNTY AND LOCAL AFFAIRS	CHAROLETTE WAGNER CHAIRPERSON
HOUSE BILL NO. 1114 BY REPRESENTATIVE OVERBEY	DO PASS
HOUSE BILL NO. 1115 BY REPRESENTATIVE OVERBEY	DO PASS

COMMITTEE REPORT

	January 19, 2011
STATE AGENCIES AND GOVERNMENTAL AFFAIRS	CLARK HALL CHAIRPERSON
HOUSE BILL NO. 1089 BY REPRESENTATIVE ROGERS	DO PASS
HOUSE BILL NO. 1113 BY REPRESENTATIVE OVERBEY	DO PASS
HOUSE RESOLUTION NO. 1003 BY REPRESENTATIVE PENNARTZ	DO PASS

COMMITTEE REPORT

	January 19, 2011
JOINT BUDGET	KATHY WEBB CHAIRPERSON
HOUSE BILL NO. 1063 BY JOINT BUDGET COMMITTEE	DO PASS, AS AMENDED #1

Upon motion of Representative Lovell, **HOUSE BILL NO. 1062** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1062**

Amend **HOUSE BILL NO. 1062** as originally introduced:

Amend House Bill No. 1062 as originally introduced:

Page 1, line 35, delete "(b)" and substitute "(b)(1)"

AND

Page 2, delete lines 8 through 11 and substitute the following:

"(A) Three-hundredths of a dollar (\$0.03) per subject access line per month; and

(B) Three-hundredths of a dollar (\$0.03) per working subject telephone number per month on all commercial mobile radio service providers.

(2) Surcharges imposed by the commission under subdivisions (b)(1)(A) and (B) of this section shall be identical."

/s/ Buddy Lovell

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

/s/ Mrs. Sherri Stacks  
Chief Clerk

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

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1018**

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

Amend House Bill No. 1018 as originally introduced:

Add Representatives English, Summers, Westerman, J. Edwards, Dale, Linck, D. Hutchinson, Hickerson, Baird, Lindsey, Mayberry, Nickels, J. Roebuck, Wren, Clemmer, Lea, Benedict, Hobbs, Harris, S. Meeks, D. Meeks, Lampkin, Carnine, Eubanks, Hyde as cosponsors of the bill

AND

Add Senators J. Hutchinson and D. Johnson as cosponsors of the bill.

AND

Page 1, line 29, delete "The member" and substitute "Except for providing guidance and answering questions for the transition of the position to other employees, the member"

AND

Page 2, line 1, delete "The member" and substitute "Except for providing guidance and answering questions for the transition of the position to other employees, the member"

AND

Immediately following SECTION 1, add an additional section to read as follows:

"SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that recent reports indicate that some members of the Arkansas Public Employees' Retirement System were merely taking themselves off of the payroll for the specified period of time while continuing to perform their duties so that they could draw retirement in addition to their wages; that clarification is needed to prevent this from happening; and that this clarification is needed immediately. 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/ Allen Kerr

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

/s/ Mrs. Sherri Stacks  
Chief Clerk

Upon motion of Representative Kerr, **HOUSE BILL NO. 1019** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1019**

Amend **HOUSE BILL NO. 1019** as originally introduced:

Add Representatives English, Summers, Westerman, J. Edwards, Dale, D. Hutchinson, Hickerson, Baird, Mayberry, Nickels, Clemmer, Lea, Benedict, Hobbs, Harris, S. Meeks, D. Meeks, Lampkin, Eubanks, Hyde as cosponsors of the bill

AND

Add Senators J. Hutchinson, D. Johnson as cosponsors of the bill

AND

Page 1, delete lines 27 and 28, and substitute the following:

~~"the system~~ covered by the system and:"

AND

Page 1, line 29, delete "Before" and substitute "Who has served in an elected position before"

AND

Page 1, line 31, delete "On or after" and substitute "Who has never served in an elected position before"

/s/ Allen Kerr

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative J. Edwards, **HOUSE BILL NO. 1004** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1004

Amend **HOUSE BILL NO. 1004** as originally introduced:

Page 1, line 27, delete “, except as provided”

AND

Page 1, line 28, delete “under subdivision (a)(2)(B)(ii) of this section,” and substitute “attorney’s fees for”

AND

Page 1, line 30 delete “In limited circumstances,” and substitute “However, in limited circumstances and under the policies and procedures adopted by the commission,”

AND

Page 1, line 31 delete “payment” and substitute “payment of attorney's fees and expenses”

/s/ John Edwards

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

/s/ Mrs. Sherri Stacks  
Chief Clerk

ENGROSSED BILL REPORTS

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DENNY ALTES, CHAIRPERSON

January 19, 2011

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1004 BY REPRESENTATIVE EDWARDS

HOUSE BILL NO. 1018 - TITLE - BY REPRESENTATIVE KERR

HOUSE BILL NO. 1019 - TITLE - BY REPRESENTATIVE KERR

HOUSE BILL NO. 1062 BY REPRESENTATIVE LOVELL

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1018

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BY: REPRESENTATIVES KERR, *ENGLISH, SUMMERS, WESTERMAN, J. EDWARDS, DALE, LINCK, D. HUTCHINSON, HICKERSON, BAIRD, LINDSEY, MAYBERRY, NICKELS, J. ROEBUCK, WREN, CLEMMER, LEA, BENEDICT, HOBBS, HARRIS, S. MEEKS, D. MEEKS, LAMPKIN, CARNINE, EUBANKS, HYDE*  
 BY: *SENATORS J. HUTCHINSON, D. JOHNSON*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DEFINE "TERMINATE" AS THAT TERM APPLIES TO ELIGIBILITY FOR RETIREMENT UNDER THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1019

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BY: REPRESENTATIVES KERR, ENGLISH, SUMMERS, WESTERMAN, J. EDWARDS, DALE, D. HUTCHINSON, HICKERSON, BAIRD, MAYBERRY, NICKELS, CLEMMER, LEA, BENEDICT, HOBBS, HARRIS, S. MEEKS, D. MEEKS, LAMPKIN, EUBANKS, HYDE

BY: SENATORS HUTCHINSON, D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DECLARE AN EMERGENCY; TO RESTRICT THE AMOUNT OF CREDITED SERVICE EARNED BY A LOCAL ELECTED PUBLIC OFFICIAL FIRST ELECTED TO OFFICE ON OR AFTER JULY 1, 2011, TO ONE (1) YEAR OF RETIREMENT CREDIT FOR EVERY YEAR WORKED; AND FOR OTHER PURPOSES.

Morning Hour Expired.

HOUSE BILL NO. 1020

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**BY: REPRESENTATIVE LEA**

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: Allen, Altes, Baird, Baker, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Carter, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hubbard, Hutchinson, Hyde, Ingram, Jean, Johnston, Kerr, King, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, F. Smith, G. Smith, Steel, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hopper, McLean, Steele, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

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. 1020**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Allen, Altes, Baird, Baker, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Carter, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hubbard, Hutchinson, Hyde, Ingram, Jean, Johnston, Kerr, King, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, J. Roebuck, Rogers, Sanders, Shepherd, Slinkard, F. Smith, G. Smith, Steel, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hopper, McLean, Steele, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

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. 1059

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**BY: REPRESENTATIVE WRIGHT**

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

AFFIRMATIVE: Allen, Altes, Baird, Baker, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Carter, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hubbard, Hutchinson, Hyde, Ingram, Jean, Johnston, Kerr, King, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, F. Smith, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....96

NEGATIVE: Mauch.

Total .....1

ABSENT OR NOT VOTING: Hopper, Mr. Speaker.

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....97

Total number voting in the affirmative .....96

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

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

Representative Williams moved that the House meet at 11:00 a.m. on Thursday, January 20, 2011 and not meet on Friday, January 21, 2011. Motion carried.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1059

BY REPRESENTATIVE WRIGHT

HOUSE BILL NO. 1020

BY REPRESENTATIVE LEA

**STATE OF ARKANSAS**

MIKE BEEBE

GOVERNOR

January 14, 2011

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 14, 2011, I approved the following measures from the Regular Session of the Eighty-eighth General Assembly:

**HOUSE CONCURRENT RESOLUTION NO. 1001**

Sincerely,

/s/ Mike Beebe

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

**STATE OF ARKANSAS**

MIKE BEEBE

GOVERNOR

January 19, 2011

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 19, 2011, I approved the following measures from the Regular Session of the Eighty-eighth General Assembly:

**HOUSE BILL NO. 1090 - ACT 2**

Sincerely,

/s/ Mike Beebe

STATE CAPITOL, SUITE 250 • LITTLE ROCK, AR 72201  
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## STATE OF ARKANSAS

***HOUSE OF REPRESENTATIVES***

January 19, 2011

To Whom It May Concern:

I inadvertently voted “no” on **HOUSE BILL NO. 1059**. It was, however, my intention to vote “yes”.

Please see that this matter is noted in the journal. Thank you.

Sincerely,

/s/ Loy Mauch  
State Representative  
District 26

**HOUSE BILL NO. 1142**

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**BY: REPRESENTATIVES B. WILKINS, LENDERMAN**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO SPECIFY THAT INTEREST ON A DECEASED ARKANSAS TEACHER RETIREMENT SYSTEM MEMBER'S ACCUMULATED CONTRIBUTIONS WHEN NO SURVIVOR ANNUITY IS PAYABLE CEASES AFTER THE FIRST FULL FISCAL YEAR FOLLOWING THE MEMBER'S DEATH; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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

**HOUSE BILL NO. 1143**

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**BY: REPRESENTATIVES LENDERMAN, B. WILKINS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW A MEMBER TO BE ELIGIBLE FOR DISABILITY BENEFITS, SURVIVOR BENEFITS, AND LUMP-SUM DEATH BENEFITS UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM FOR AN ADDITIONAL FISCAL YEAR AFTER THE LAST FISCAL YEAR OF ACTUAL SERVICE; TO DECLARE AN EMERGENCY; TO AUTHORIZE THE BOARD OF TRUSTEES OF THE ARKANSAS TEACHER RETIREMENT SYSTEM TO PROMULGATE RULES CONCERNING ANNUITY OPTIONS; AND FOR OTHER PURPOSES.

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

**HOUSE BILL NO. 1144**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE RIVERSIDE VOCATIONAL TECHNICAL SCHOOL FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

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

**HOUSE BILL NO. 1145**

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**BY: REPRESENTATIVE HALL**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY WHAT INFORMATION IS SHARED WITH A NONCUSTODIAL PARENT WHO IS AWARDED VISITATION RIGHTS; AND FOR OTHER PURPOSES.

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

**HOUSE BILL NO. 1146**

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**BY: REPRESENTATIVE KERR**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO RESTRICT THE AMOUNT OF CREDITED SERVICE EARNED BY A LOCAL ELECTED PUBLIC OFFICIAL TO ONE (1) YEAR OF RETIREMENT CREDIT FOR EVERY YEAR WORKED UNLESS ADDITIONAL CONTRIBUTIONS ARE PROVIDED; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1147

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**BY: REPRESENTATIVE CARNINE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LIMIT THE NUMBER OF YEARS THAT THE ARKANSAS TEACHER RETIREMENT SYSTEM, A BENEFIT PARTICIPANT, OR AN EMPLOYER MAY LOOK BACK WHEN ADJUSTING RECORDS, CORRECTING OVERPAYMENTS, CORRECTING UNDERPAYMENTS, CORRECTING CONTRIBUTION CALCULATIONS, OR CORRECTING BENEFIT CALCULATIONS TO THE SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1148

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**BY: REPRESENTATIVE B. WILKINS**

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE PERTAINING TO THE ARKANSAS TEACHER 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.

HOUSE BILL NO. 1149

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**BY: REPRESENTATIVE NICKELS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND PORTIONS OF THE ARKANSAS CODE PERTAINING TO THE ARKANSAS JUDICIAL 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.

HOUSE BILL NO. 1150

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**BY: REPRESENTATIVE NICKELS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE TITLE 24, CHAPTER 8 CONCERNING THE ARKANSAS JUDICIAL 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.

Upon motion of Representative Allen, the House adjourned at 4:25 p.m. until 11:00 a.m. Thursday, January 20, 2011.

ATTEST:

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Robert S. Moore, Jr.  
Speaker of the House of Representatives

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

