

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

Little Rock, Arkansas
January 25, 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, Hopper, 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.

Total99

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 Reverend John Fleming, Pastor, First United Methodist Church, Sheridan, 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

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|------------------------|------------------|
| | January 25, 2011 |
| JUDICIARY | DARRIN WILLIAMS |
| | CHAIRPERSON |
| HOUSE BILL NO. 1159 | DO PASS |
| BY REPRESENTATIVE WEBB | |

COMMITTEE REPORT

| | |
|-------------------------|------------------|
| | January 25, 2011 |
| PUBLIC TRANSPORTATION | JONATHAN BARNETT |
| | CHAIRPERSON |
| HOUSE BILL NO. 1151 | DO PASS |
| BY REPRESENTATIVE PERRY | |

COMMITTEE REPORT

| | |
|------------------------|----------------------|
| | January 25, 2011 |
| PUBLIC TRANSPORTATION | JOHN CHARLES EDWARDS |
| | VICE CHAIRPERSON |
| HOUSE BILL NO. 1161 | DO PASS |
| BY REPRESENTATIVE WEBB | |

COMMITTEE REPORT

| | |
|------------------------|------------------|
| | January 25, 2011 |
| REVENUE AND TAXATION | DAVY CARTER |
| | CHAIRPERSON |
| HOUSE BILL NO. 1160 | DO PASS |
| BY REPRESENTATIVE WEBB | |

Upon motion of Representative Pennartz, **HOUSE BILL NO. 1137** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1137

Amend **HOUSE BILL NO. 1137** as originally introduced:

Add Representatives Malone, Altes as cosponsors to the bill

AND

Add Senator Files as cosponsor to the bill

/s/ Tracy Pennartz

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Cheatham, **HOUSE BILL NO. 1006** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1006

Amend **HOUSE BILL NO. 1006** as originally introduced:

Page 2, delete lines 3 and 4 and substitute the following:

"(c)(1) If a circuit clerk is appointed as commissioner for a sale of real or personal property under judicial decree, the fee awarded to the circuit clerk under this section shall be paid to the general fund of the county that the circuit clerk was elected to represent.

(2) If an employee of a circuit clerk is appointed as commissioner for a sale of real or personal property under judicial decree, the fee awarded to the employee under this section shall be paid to the general fund of the county that the circuit clerk was elected to represent."

/s/ Eddie Cheatham

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Wilkins, **HOUSE BILL NO. 1098** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1098

Amend **HOUSE BILL NO. 1098** as originally introduced:

Page 1, delete line 26 and substitute the following:

"apply if the owner or operator demonstrates to the Arkansas Department of Environmental Quality that the"

/s/ Butch Wilkins

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Lampkin, **HOUSE BILL NO. 1091** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1091

Amend **HOUSE BILL NO. 1091** as originally introduced:

Page 2, line 26, delete "on November 1 of each year" and substitute "~~on November 1 of each year~~ or is delinquent as of the date set by the quorum court by ordinance"

/s/ Sheilla Lampkin

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

/s/ Mrs. Sherri Stacks
Chief Clerk

The House gave Representative Lovell unanimous leave to withdraw **HOUSE BILL NO. 1208**.

ENGROSSED BILL REPORTS

DENNY ALTES, CHAIRPERSON

January 25, 2011

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1006 BY REPRESENTATIVE CHEATHAM
 HOUSE BILL NO. 1091 BY REPRESENTATIVE LAMPKIN
 HOUSE BILL NO. 1098 BY REPRESENTATIVE B. WILKINS
 HOUSE BILL NO. 1137 – TITLE – BY REPRESENTATIVE PENNARTZ

HOUSE BILL ENGROSSED AS TITLE AMENDED HOUSE BILL NO. 1137

BY: REPRESENTATIVES PENNARTZ, S. MALONE, D. ALTES

BY: SENATOR FILES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX THE ARKANSAS-OKLAHOMA REGIONAL EDUCATION AND PROMOTION ASSOCIATION, INC.; AND FOR OTHER PURPOSES.

Morning Hour Expired.

HOUSE BILL NO. 1007

BY: REPRESENTATIVE HARRIS

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, Hopper, 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.

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|---------------------------------------------|----|
| Total | 98 |
| NEGATIVE: | |
| Total | 0 |
| ABSENT OR NOT VOTING: Mr. Speaker. | |
| Total | 1 |
| 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. 1014

BY: REPRESENTATIVE J. EDWARDS

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, Hopper, 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.

| | |
|----------------------------------------------|----|
| Total | 98 |
| NEGATIVE: | |
| Total | 0 |
| ABSENT OR NOT VOTING: Mr. Speaker. | |
| Total | 1 |
| 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.

There being an Emergency Clause attached to **HOUSE BILL NO. 1014**, 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, Hopper, 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.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Mr. Speaker.

Total1

VOTING PRESENT:

Total0

Total number of votes cast98

Total number voting in the affirmative98

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1007

BY REPRESENTATIVE HARRIS

HOUSE BILL NO. 1014

BY REPRESENTATIVE J. EDWARDS

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1063

BY JOINT BUDGET COMMITTEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 25, 2011

MR. SPEAKER:

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

HOUSE BILL NO. 1063

BY JOINT BUDGET COMMITTEE

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 2:55 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Denny Altes,
Chairperson

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1063

BY JOINT BUDGET COMMITTEE

/s/ Mike Beebe - Governor

TIME: 2:55 p.m.

By: Marc Harrison

HOUSE BILL NO. 1224

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXTEND THE LAW CONCERNING COMMON SPRING BREAK FOR PUBLIC SCHOOLS; TO EXTEND THE TERM AND DUTIES OF THE ADVISORY COMMITTEE ON COMMON SPRING BREAK; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1225

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 HEALTH SERVICES PERMIT AGENCY 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. 1226

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE STATE INSURANCE DEPARTMENT 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. 1227

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SPINAL CORD COMMISSION 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. 1228

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT 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. 1229

BY: REPRESENTATIVE HALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE LAW RELATED TO SPEED LIMITS NEAR SCHOOLS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1230

BY: REPRESENTATIVES WOODS, BAIRD, HARRIS, LEA

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING A FINE ASSESSED PERSONS WHO ARE REQUIRED TO REGISTER AS SEX OFFENDERS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1231

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 DEPARTMENT OF FINANCE AND ADMINISTRATION - MANAGEMENT SERVICES DIVISION 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. 1232

BY: REPRESENTATIVE T. THOMPSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING THE USE OF TEAR GAS OR PEPPER SPRAY; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Fred Allen, the House adjourned at 4:24 p.m. until 1:30 p.m., Wednesday, January 26, 2011.

ATTEST:

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

Sherri Stacks
Chief Clerk

