

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

Little Rock, Arkansas

January 26, 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 Bryan Bowerman, Pastor, Unity Covenant Church, West Fork, 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 26, 2011
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	STEPHANIE MALONE CHAIRPERSON
HOUSE BILL NO. 1141	DO PASS
BY REPRESENTATIVE STEWART	

COMMITTEE REPORT

	January 26, 2011
AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT	JERRY BROWN CHAIRPERSON
HOUSE RESOLUTION NO. 1004	DO PASS
BY REPRESENTATIVE BROWN	

COMMITTEE REPORT

	January 26, 2011
CITY, COUNTY AND LOCAL AFFAIRS	CHAROLETTE WAGNER CHAIRPERSON
HOUSE BILL NO. 1060	DO PASS
BY REPRESENTATIVE LINDSEY	
HOUSE BILL NO. 1088	DO PASS
BY REPRESENTATIVE EDWARDS	
HOUSE BILL NO. 1091	DO PASS
BY REPRESENTATIVE LAMPKIN	AS AMENDED # 2
HOUSE BILL NO. 1136	DO PASS
BY REPRESENTATIVE LOVELL	
SENATE BILL NO. 26	DO PASS
BY SENATOR TEAGUE	

COMMITTEE REPORT

STATE AGENCIES AND	January 26, 2011
GOVERNMENTAL AFFAIRS	CLARK HALL
HOUSE BILL NO. 1157	CHAIRPERSON
BY REPRESENTATIVE WESTERMAN	DO PASS

COMMITTEE REPORT

RULES	January 26, 2011
HOUSE CONCURRENT	KEITH INGRAM
RESOLUTION NO. 1003	CHAIRPERSON
BY REPRESENTATIVE MOORE	DO PASS

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

AMENDMENT NO. 2 TO HOUSE BILL NO. 1004

Amend **HOUSE BILL NO. 1004** as engrossed:

H1/19/11 (version: 01/19/2011 09:40:15 AM)

Page 1, delete lines 8-10 and substitute "AN ACT TO PROHIBIT THE PAYMENT OF ATTORNEY'S FEES OF PRIVATELY RETAINED ATTORNEYS FOR INDIGENT PERSONS; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 13-15 and substitute "TO PROHIBIT THE PAYMENT OF ATTORNEY'S FEES OF PRIVATELY RETAINED ATTORNEYS FOR INDIGENT PERSONS."

Page 1, line 28 delete "person" and substitute "defendant"

AND

Page 1, line 29 delete "person's" and substitute "defendant's"

AND

Page 1 delete lines 30 through 35 and substitute:

" (ii) The commission may authorize the payment of expenses of counsel privately retained for the benefit of an indigent defendant, provided counsel complies with the standards set by the commission under this subchapter governing counsel appointed by the court or employed or contracted by the commission."

AND

Page 2, line 24 delete "doubt on how" and substitute "doubt on how the expenses of

/s/ John Edwards

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Hutchinson, **HOUSE BILL NO. 1045** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1045

Amend **HOUSE BILL NO. 1045** as engrossed:

H1/20/11 (version: 01/20/2011 10:11:28 AM)

Page 1, line 8 delete "INCARCERATED IN A COUNTY"

AND

Page 1, line 9 delete "JAIL OR IN THE DEPARTMENT OF CORRECTION"

AND

Page 1, line 16 delete "INCARCERATED IN A COUNTY"

AND

Page 1, delete line 17

/s/ Donna Hutchinson

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. 2 TO HOUSE BILL NO. 1018

Amend **HOUSE BILL NO. 1018** as engrossed:

H1/19/11 (version: 01/19/2011 10:04:08 AM)

Page 1, delete lines 32, 33, and 34, and substitute the following:

"(C) The member has ceased performing any services for the employer, except for functions related to the transfer of the duties or the transfer of the position itself."

AND

Page 2, delete lines 5, 6, and 7, and substitute the following:

/s/ Allen Kerr

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Allen, **HOUSE BILL NO. 1049** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1049

Amend **HOUSE BILL NO. 1049** as engrossed:

H1/24/11 (version: 01/24/2011 09:11:45 AM)

Page 1, line 32, delete "a call" and substitute "~~a call~~ wireless interactive communication"

AND

Page 2, line 7, delete "text-based" and substitute "~~text-based~~ wireless interactive"

AND

Page 2, delete line 24 and substitute:

"SECTION 2. Arkansas Code § 27-51-1605 is amended to read as follows:

27-51-1605. Enforcement.

A driver of a motor vehicle is not to be stopped or detained solely to determine compliance with this ~~section~~ subchapter.

SECTION 3. Arkansas Code § 27-51-1606 is amended to read as follows:

27-51-1606. Preemption.

This ~~section~~ subchapter supersedes and preempts all county or municipal ordinances regarding wireless telephone use by ~~persons under twenty-one (21) years of age~~ drivers of motor vehicles.

SECTION 4. Arkansas Code § 27-51-1608 is repealed."

AND

Page 2, line 29, delete "SECTION 3." and substitute "SECTION 5."

AND

Page 3, delete lines 4 through 5 entirely

AND

Page 3, line 7, delete "SECTION 4." and substitute "SECTION 6."

AND

Appropriately renumber the remaining sections of the bill.

/s/ Fred Allen

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

/s/ Mrs. Sherri Stacks

Chief Clerk

The House gave Representative Cheatham unanimous leave to withdraw
HOUSE BILL NO. 1022.

ENGROSSED BILL REPORTS

DENNY ALTES, CHAIRPERSON

January 26, 2011

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1004 – TITLE – BY REPRESENTATIVE EDWARDS

HOUSE BILL NO. 1018 BY REPRESENTATIVE KERR

HOUSE BILL NO. 1045 – TITLE – BY REPRESENTATIVE HUTCHINSON

HOUSE BILL NO. 1049 BY REPRESENTATIVE ALLEN

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1004

BY: REPRESENTATIVE EDWARDS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT THE
PAYMENT OF ATTORNEY'S FEES OF PRIVATELY RETAINED ATTORNEYS
FOR INDIGENT PERSONS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1045

BY: REPRESENTATIVE HUTCHINSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING A PERSON
FILING INSTRUMENTS AFFECTING TITLE OR INTEREST IN REAL PROPERTY;
DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

Morning Hour Expired.

HOUSE BILL NO. 1151

BY: REPRESENTATIVE PERRY

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.

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. 1161

BY: REPRESENTATIVE WEBB

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.

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. 1159

BY: REPRESENTATIVE WEBB

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, 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	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Mr. Speaker.	
Total	1
VOTING PRESENT: S. Meeks.	
Total	1
Total number of votes cast	98
Total number voting in the affirmative.....	97
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1160

BY: REPRESENTATIVE WEBB

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.

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 BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1151	BY REPRESENTATIVE PERRY
HOUSE BILL NO. 1159	BY REPRESENTATIVE WEBB
HOUSE BILL NO. 1160	BY REPRESENTATIVE WEBB
HOUSE BILL NO. 1161	BY REPRESENTATIVE WEBB

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1089	BY REPRESENTATIVE T. ROGERS
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ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 5	BY SENATOR D. JOHNSON
SENATE BILL NO. 73	BY SENATOR TEAGUE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 26, 2011

MR. SPEAKER:

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

HOUSE BILL NO. 1089

BY REPRESENTATIVE T. ROGERS

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 3:45 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. 1089

BY REPRESENTATIVE T. ROGERS

/s/ Mike Beebe - Governor

TIME: 3:45 p.m.

By: Rebecca Rains

STATE OF ARKANSAS

MIKE BEEBE

GOVERNOR

January 26, 2011

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on January 26, 2011, I approved the following measures from the Regular Session of the Eighty-eighth General Assembly:

HOUSE BILL NO. 1063 - ACT 3

Sincerely,

/s/ Mike Beebe

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HOUSE BILL NO. 1233

BY: REPRESENTATIVE WESTERMAN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROMOTE SUSTAINABLE ECONOMIC DEVELOPMENT AND DOMESTIC JOB GROWTH; TO CREATE AN EXEMPTION FROM SALES AND USE TAX FOR CERTAIN CONSTRUCTION MATERIALS USED FOR PUBLIC CONSTRUCTION PROJECTS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1234

BY: REPRESENTATIVE CARNINE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY CREDIT FOR CONCURRENT SERVICE FOR PURPOSES OF 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.

HOUSE BILL NO. 1235

BY: REPRESENTATIVE ALLEN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL OBSOLETE ARKANSAS CODE §§ 11-10-323 AND 11-10-324; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE RESOLUTION NO. 1005

BY: REPRESENTATIVE E. ELLIOTT

DESIGNATING SEPTEMBER 2011 AS "GOSPEL MUSIC HERITAGE MONTH" AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES.

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

SENATE BILL NO. 5

BY: SENATOR D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW FOR THE CREATION OF A LOW-PROFIT LIMITED LIABILITY COMPANY; 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. 73

BY: SENATOR TEAGUE

BY: REPRESENTATIVE WILLIAMS

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING EXISTING STAFF EMPLOYED BY THE ATTORNEY GENERAL WHOSE SALARY IS PAID WITH FUNDS BY THE CRIME VICTIMS REPARATIONS REVOLVING FUND; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

Upon motion of Representative Fred Allen, the House adjourned at 4:22 p.m. until 11:00 a.m., Thursday, January 27, 2011.

ATTEST:

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

Sherri Stacks
Chief Clerk

