

**TWENTY-THIRD DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas

February 1, 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, 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, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, 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.

Total96

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

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Brown, Post.

The House stood and was led in prayer by Reverend John A. 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

	February 1, 2011
EDUCATION	EDDIE L. CHEATHAM
	CHAIRPERSON
HOUSE BILL NO. 1099	DO PASS
BY REPRESENTATIVE LENDERMAN	
HOUSE BILL NO. 1224	DO PASS
BY REPRESENTATIVE STEWART	

COMMITTEE REPORT

	February 1, 2011
JUDICIARY	DARRIN WILLIAMS
	CHAIRPERSON
HOUSE BILL NO. 1009	DO PASS
BY REPRESENTATIVE WOODS	
HOUSE BILL NO. 1243	DO PASS
BY REPRESENTATIVE WOODS	AS AMENDED #1
SENATE BILL NO. 56	DO PASS
BY SENATOR G. JEFFRESS	AS AMENDED #1

COMMITTEE REPORT

	February 1, 2011
PUBLIC HEALTH, WELFARE	LINDA TYLER
AND LABOR	CHAIRPERSON
HOUSE BILL NO. 1248	DO PASS
BY REPRESENTATIVE B. WILKINS	

Upon motion of Representative Dale, **HOUSE RESOLUTION NO. 1007** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE RESOLUTION NO. 1007

Amend **HOUSE RESOLUTION NO. 1007** as originally introduced:
Delete Senators J. Key, Laverty, Rapert as cosponsors of the resolution.

/s/ Robert Dale

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Altes, **HOUSE BILL NO. 1032** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1032

Amend **HOUSE BILL NO. 1032** as originally introduced:

Page 1, delete line 9 and substitute the following language:

"DEVELOP AND ADOPT CURRICULUM STANDARDS AS DIRECTED BY THIS ACT FOR AN"

AND

Page 1, delete line 14 and substitute the following language:

"SCHOOL AS DIRECTED BY THIS ACT; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 21 and substitute the following language:

"BIBLE COURSE AS DIRECTED BY THIS ACT."

AND

Page 1, line 29, delete "develop and adopt curriculum" and substitute "allow"

AND

Page 1, line 30, delete "standards"

AND

Page 1, line 32, delete "and may" and substitute "to"

AND

Page 1, delete line 33 and substitute the following language:

"to students in public school districts, if the academic study of the Bible course meets the standards listed in this section."

AND

/s/ Denny Altes

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Stewart, **HOUSE BILL NO. 1207** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1207

Amend **HOUSE BILL NO. 1207** as engrossed,
H1/27/11 (version: 01/27/2011 09:13:55 AM)

Add Representative J. Edwards as a cosponsor of the bill

AND

Page 1, delete lines 32 through 35 and substitute:

“(ii) Within thirty (30) minutes immediately before the scheduled commencement of the funeral; or

(iii) Within thirty (30) minutes immediately following the completion of the funeral.”

/s/ Randy Stewart

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative H. Wilkins, **HOUSE BILL NO. 1244** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1244

Amend **HOUSE BILL NO. 1244** as originally introduced:

Page 1, delete lines 8 and 9 and substitute:

“AN ACT TO REPEAL ARKANSAS CODE 17-19-304; AND FOR OTHER PURPOSES.”

And

Page 1, delete lines 13 and 14 and substitute:

Page 1, delete lines 8 and 9 and substitute:

“AN ACT TO REPEAL ARKANSAS CODE 17-19-304; AND FOR OTHER PURPOSES.”

And

Page 1, delete lines 13 and 14 and substitute:

“TO REPEAL ARKANSAS CODE 17-19-304.”

/s/ Henry "Hank" Wilkins

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

*/s/ Mrs. Sherri Stacks
Chief Clerk*

Upon motion of Representative Lea, **SENATE BILL NO. 113** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 113

Amend **SENATE BILL NO. 113** as originally introduced:

Delete Representative Fielding as a cosponsor of the bill

AND

Add Representatives Barnett, Hubbard as cosponsors of the bill

/s/ Andrea Lea

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

*/s/ Mrs. Sherri Stacks
Chief Clerk*

Upon motion of Representative Nickels, **HOUSE BILL NO. 1013** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1013

Amend **HOUSE BILL NO. 1013** as engrossed,
H1/12/11 (version: 01/12/2011 10:12:47 AM)

Page 1, line 11, delete "WORKERS" and substitute "A WORKER"

AND

Page 1, line 20, delete "WORKERS" and substitute "A WORKER"

AND

Page 1, line 22, delete "STATES" and substitute "STATES."

AND

Page 2, line 3, delete "workers" and substitute "a worker"

AND

Page 2, delete lines 5 through 7

AND

Page 2, line 8, delete "(B)" and substitute "(A)"

AND

Page 2, line 9, delete "(C)" and substitute "(B)"

AND

Page 2, line 11, delete "workers" and substitute "a worker"

AND

Page 2, line 13, delete "employment." and substitute "employment by the contractor."

AND

Page 2, delete line 14 and substitute the following:

"affirmative defense under this section.

(c) A contractor shall not be liable through a subcontractor under this section if the contractor and subcontractor agree in writing that the subcontractor shall be responsible for verifying through the federal E-verify system that each worker employed by the subcontractor is legally authorized to work in the United States."

AND

Page 2, line 15, delete "(c)" and substitute "(d)"

/s/ Jim Nickels

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Pennartz, **HOUSE BILL NO. 1118** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1118

Amend **HOUSE BILL NO. 1118** as engrossed,
H1/31/2011 (version: 01/31/2011 09:19:43 AM)

Page 4, line 35, delete "(b)(1)" and substitute "(b)"

AND

Page 5, delete lines 3 through 6

/s/ Tracy Pennartz

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Ingram, **SENATE CONCURRENT RESOLUTION NO. 4** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE CONCURRENT RESOLUTION NO. 4

Amend **SENATE CONCURRENT RESOLUTION NO. 4** as originally introduced:

Page 2, delete lines 22 - 25 and substitute:

"Section 4. No bill or resolution shall be passed by either house containing more than one subject, which shall be expressed in the title. House bills and resolutions shall have at least one House sponsor, and Senate bills and resolutions shall have at least one Senate Sponsor. House bills, House concurrent resolutions, and House joint resolutions may have Senate sponsors, and Senate bills, Senate concurrent resolutions, and Senate joint resolutions may"

/s/ Keith Ingram

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

/s/ Mrs. Sherri Stacks
Chief Clerk

The House gave Representative Baird unanimous leave to withdraw HOUSE BILL NO. 1016.

ENGROSSED BILL REPORTS

DENNY ALTES, CHAIRPERSON

February 1, 2011

The following bill(s) reported correctly engrossed:

- HOUSE BILL NO. 1013 - TITLE - BY REPRESENTATIVE NICKELS
- HOUSE BILL NO. 1032 - TITLE - BY REPRESENTATIVE ALTES
- HOUSE BILL NO. 1207 - TITLE - BY REPRESENTATIVE STEWART
- HOUSE BILL NO. 1244 - TITLE - BY REPRESENTATIVE H. WILKINS
- HOUSE BILL NO. 1118 BY REPRESENTATIVE PENNARTZ
- HOUSE RESOLUTION NO. 1007 - TITLE - BY REPRESENTATIVE DALE
- SENATE BILL NO. 113 - TITLE - BY SENATOR BLEDSOE (LEA)
- SENATE CONCURRENT RESOLUTION NO. 4 BY SENATOR WHITAKER (INGRAM)

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1013

BY: REPRESENTATIVE NICKELS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD TO IMPOSE CIVIL PENALTIES OR SUSPEND OR REVOKE THE CERTIFICATE OF LICENSE FOR A CONTRACTOR WHO IS FOUND TO KNOWINGLY EMPLOY A WORKER WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED STATES EITHER DIRECTLY OR THROUGH A SUBCONTRACTOR; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1032

BY: REPRESENTATIVE D. ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND ADOPT CURRICULUM STANDARDS AS DIRECTED BY THIS ACT FOR AN ACADEMIC STUDY OF THE BIBLE COURSE THAT MAY BE OFFERED AS AN ELECTIVE COURSE IN A PUBLIC SCHOOL DISTRICT; TO SET REQUIREMENTS FOR TEACHING AN ACADEMIC STUDY OF THE BIBLE COURSE IN A PUBLIC SCHOOL AS DIRECTED BY THIS ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1207

BY: REPRESENTATIVES STEWART, HAMMER, T. THOMPSON, *J. EDWARDS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE DISTANCE FROM WHICH AND THE TIME FRAME DURING WHICH A PERSON CAN PROTEST A FUNERAL; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1244

BY: REPRESENTATIVE H. WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL ARKANSAS CODE 17-19-304; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION ENGROSSED AS TITLE AMENDED
HOUSE RESOLUTION NO. 1007

BY: REPRESENTATIVES DALE, J. BURRIS

A BILL FOR AN ACT TO BE ENTITLED COMMENDING SPECIAL AGENT KEVIN BROWN OF VAN BUREN COUNTY, ARKANSAS, ON HIS SELECTION AS THE 2009 ARKANSAS STATE TROOPER OF THE YEAR.

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 113

BY: SENATORS BLEDSOE, G. BAKER, J. DISMANG, FILES, HENDREN, HOLLAND, J. HUTCHINSON, IRVIN, G. JEFFRESS, J. KEY, M. LAMOUREUX, B. PRITCHARD, RAPERT, B. SAMPLE, J. TAYLOR, WHITAKER, E. WILLIAMS, D. WYATT

BY: REPRESENTATIVES LEA, T. BRADFORD, D. ALTES, BAIRD, BELL, BENEDICT, BIVIANO, BRANSCUM, J. BURRIS, CARNINE, CARTER, CLEMMER, COLLINS, COLLINS-SMITH, DALE, DEFFENBAUGH, J. DICKINSON, ENGLISH, EUBANKS, GARNER, GILLAM, HAMMER, HARRIS, HICKERSON, HOBBS, HOPPER, D. HUTCHINSON, JOHNSTON, KERR, KING, LAMPKIN, S. MALONE, MAUCH, MAYBERRY, D. MEEKS, S. MEEKS, RICE, SANDERS, SHEPHERD, SLINKARD, G. SMITH, STUBBLEFIELD, WESTERMAN, WOODS, *BARNETT, HUBBARD*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT HEALTH INSURANCE EXCHANGE POLICIES FROM OFFERING COVERAGE FOR ABORTIONS EXCEPT THROUGH A SEPARATE RIDER; AND FOR OTHER PURPOSES.

Morning Hour Expired.

Representative B. Wilkins moved to reconsider **HOUSE BILL NO. 1049**.
Motion carried.

HOUSE BILL NO. 1049

BY: REPRESENTATIVE ALLEN

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, Baker, Bradford, Branscum, Catlett, Cheatham, Cowling, Dale, Dickinson, Edwards, Elliott, Fielding, Gillam, Hall, Hammer, Hickerson, Hobbs, Hyde, Ingram, Leding, Lindsey, Love, Lovell, McCrary, McLean, D. Meeks, Murdock, Nickels, Overbey, Pennartz, Perry, Pierce, Powers, Roebuck, Rogers, Shepherd, G. Smith, Steel, Steele, Stewart, Summers, Thompson, Tyler, Vines, Walker, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Word, Wright.

Total53

NEGATIVE: Baird, Barnett, Bell, Benedict, Biviano, Burris, Carnine, Carter, Clemmer, Collins, Collins-Smith, Deffenbaugh, English, Eubanks, Garner, Gaskill, Harris, Hopper, Hubbard, Jean, Johnston, Kerr, King, Lampkin, Lea, Lenderman, Linck, Malone, Mauch, Mayberry, S. Meeks, Patterson, Ratliff, Rice, Sanders, Slinkard, Stubblefield, Wagner, Wardlaw, Woods, Wren.

Total41

ABSENT OR NOT VOTING: Brown, Hutchinson, Post, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative53

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. 1049

BY REPRESENTATIVE ALLEN

The Chair requested that SENATE BILL NO. 134 be transferred from REVENUE AND TAXATION to PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1286

BY: REPRESENTATIVE T. BRADFORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING MUNICIPAL PLANNING COMMISSIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1287

BY: REPRESENTATIVE T. BRADFORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE CONSISTENCY IN NOMINATING PETITIONS IN CERTAIN MUNICIPAL ELECTIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1288

BY: REPRESENTATIVE T. BRADFORD

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE ABILITY OF A MUNICIPALITY TO CREATE A DEPARTMENT OF PUBLIC SAFETY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1289

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 CAREER EDUCATION - ARKANSAS REHABILITATION SERVICES 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. 1290

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES AND FOR GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF CAREER EDUCATION 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. 1291

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 MILITARY 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. 1292

BY: REPRESENTATIVES HUBBARD, DEFFENBAUGH, EUBANKS, HARRIS, STUBBLEFIELD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT ILLEGAL ALIENS FROM RECEIVING ANY STATE BENEFIT EXCEPT IN INSTANCES OF EMERGENCY OR WHEN LIFE-SAVING MEASURES ARE REQUIRED; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1293

BY: REPRESENTATIVE LINCK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THAT PRESCRIPTION DRUGS DELIVERED BY MAIL OR PRIVATE DELIVERY SERVICE BE SIGNED FOR BY THE INDIVIDUAL FOR WHOM THE PRESCRIPTION WAS WRITTEN; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE RESOLUTION NO. 1009

BY: REPRESENTATIVE INGRAM

A BILL FOR AN ACT TO BE ENTITLED COMMENDING DR. TRENT P. PIERCE OF WEST MEMPHIS, ARKANSAS, FOR HIS SERVICE TO THE STATE OF ARKANSAS.

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

Upon motion of Representative Allen, the House adjourned at 4:43 p.m. until 1:30 p.m., Wednesday, February 2, 2011.

ATTEST:

Robert S. Moore, Jr.

Speaker of the House of Representatives

Sherri Stacks

Chief Clerk

