

**NINETY-FIRST DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES**

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Little Rock, Arkansas

April 12, 2011

The House was called to order at 10:25 a.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, Cozart, 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, 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 .....91

The following member(s) was absent and did not answer to the roll call:  
Carter, Gaskill, Hyde, S. Meeks, Pierce, Slinkard, Wagner, Wright.

Total .....8

A quorum was present.

Unanimous leave was granted for Representative(s) Carter, Gaskill, Hyde, S. Meeks, Pierce, Slinkard, Wagner, Wright.

The House stood and was led in prayer by 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.

Morning Hour Expired.

COMMITTEE REPORT

STATE AGENCIES  
AND GOVERNMENTAL AFFAIRS  
SENATE BILL NO. 972  
BY SENATOR MADISON

April 12, 2011  
CLARK HALL  
CHAIRPERSON  
DO PASS  
AS AMENDED #1

ENGROSSED BILL REPORTS

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DENNY ALTES, CHAIRPERSON

April 12, 2011

The following bill(s) reported correctly engrossed

SENATE BILL NO. 972

BY SENATOR MADISON (HALL)

Representative H. Wilkins moved to limit debate on **HOUSE BILL NO. 1836** to five (5) minutes on the side. Motion failed.

**HOUSE BILL NO. 1836**

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**BY: REPRESENTATIVE HALL**

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

AFFIRMATIVE: Allen, Baird, Baker, Bell, Benedict, Biviano, Brown, Burris, Carnine, [Carter], Catlett, Cheatham, Collins, Cowling, Dale, Dickinson, Edwards, English, Fielding, Garner, Gillam, Hall, Hobbs, Hopper, [Hyde], Ingram, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, McCrary, McLean, Murdock, Nickels, Overbey, Patterson, Perry, [Pierce], Powers, Ratliff, Roebuck, Rogers, Sanders, G. Smith, Steel, Steele, Stewart, Summers, Thompson, Tyler, Vines, [Wagner], Walker, Wardlaw, Webb, B. Wilkins, Williams, Woods, Wren, Mr. Speaker.

Total .....64

NEGATIVE: Altes, Barnett, Bradford, Branscum, Clemmer, Collins-Smith, Cozart, Deffenbaugh, Eubanks, [Hammer], Harris, [Hickerson], Hubbard, Hutchinson, [Jean], Johnston, Kerr, [King], Malone, Mauch, Mayberry, D. Meeks, Pennartz, Post, Rice, Shepherd, Stubblefield, Westerman.

Total .....28

ABSENT OR NOT VOTING: Gaskill, S. Meeks, Slinkard, Wright.

Total .....4

VOTING PRESENT: Elliott, H. Wilkins, Word.

Total .....3

Total number of votes cast .....95

Total number voting in the affirmative .....64

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

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

Upon motion by Representative Thompson the Clincher motion prevailed.

**PAIR VOTE**  
**ON**  
**HOUSE BILL NO. 1836**

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AYE:           **REPRESENTATIVE DAVY CARTER**

NAY:           **REPRESENTATIVE KIM HAMMER**

WITNESS:   **REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Davy Carter and Representative Kim Hammer in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....	95
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	64
Total number voting in the negative.....	28
Total number absent or not voting.....	4
Total number voting present.....	3

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

**PAIR VOTE**  
**ON**  
**HOUSE BILL NO. 1836**

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**AYE: REPRESENTATIVE BARRY HYDE**  
**NAY: REPRESENTATIVE BRIAN KING**  
**WITNESS: REPRESENTATIVE THOMAS WREN**

This pair form was signed by Representative Barry Hyde and Representative Brian King in the presence of each other and witnessed by Representative Thomas Wren.

Total number of votes cast.....	95
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	64
Total number voting in the negative.....	28
Total number absent or not voting.....	4
Total number voting present.....	3

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

**PAIR VOTE**  
**ON**  
**HOUSE BILL NO. 1836**

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AYE: REPRESENTATIVE BOBBY PIERCE

NAY: REPRESENTATIVE LANE JEAN

WITNESS: REPRESENTATIVE THOMAS WREN

This pair form was signed by Representative Bobby Pierce and Representative Lane Jean in the presence of each other and witnessed by Representative Thomas Wren.

Total number of votes cast.....	95
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	64
Total number voting in the negative.....	28
Total number absent or not voting.....	4
Total number voting present.....	3

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

**PAIR VOTE**  
ON  
HOUSE BILL NO. 1836

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AYE:           **REPRESENTATIVE CHAROLETTE WAGNER**  
 NAY:           **REPRESENTATIVE MARY "PRISSY" HICKERSON**  
 WITNESS:   **REPRESENTATIVE THOMAS WREN**

This pair form was signed by Representative Charolette Wagner and Representative Mary "Prissy" Hickerson in the presence of each other and witnessed by Representative Thomas Wren.

Total number of votes cast.....	95
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	64
Total number voting in the negative.....	28
Total number absent or not voting.....	4
Total number voting present.....	3

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

The House stood in recess at 11:15 a.m. until 11:40 a.m.

The House stood in recess at 11:43 a.m. for the STATE AGENCIES AND GOVERNMENTAL AFFAIRS to meet at 2:00 p.m. and reconvene at 2:43 p.m.

Upon motion of Representative Hall, **SENATE BILL NO. 972** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 972**

Amend **SENATE BILL NO. 972** as engrossed,  
S4/11/11 (version: 04/11/2011 04:36:14 PM)

Page 1, delete lines 33 and 34 and substitute:

"(D) 57 (Villemont) voting district;

(E) P91 (Roberts) voting district;

(F) P851 (Humphrey) voting district; and

(G) P862 (Humphrey) voting district; and"

/s/ Clark Hall

The vote was as follows:

AFFIRMATIVE: Allen, Baird, Baker, Bell, Benedict, Biviano, Bradford, Brown, Burris, Carnine, [Carter], Catlett, Cheatham, Collins, Collins-Smith, Dale, Dickinson, Edwards, English, Fielding, Garner, Gillam, Hall, Hickerson, Hobbs, Hopper, [Hyde], Ingram, Lampkin, Lea, Lenderman, Linck, Lindsey, [Love], [Lovell], McCrary, McLean, Murdock, Nickels, Overbey, Patterson, [Perry], [Pierce], Powers, Ratliff, Roebuck, Rogers, G. Smith, Steel, Steele, Stewart, [Summers], Thompson, Vines, Walker, Webb, B. Wilkins, H. Wilkins, Wren, Mr. Speaker.

Total .....60

NEGATIVE: Altes, Barnett, [Branscum], [Clemmer], Cozart, [Deffenbaugh], Hammer, [Harris], Hubbard, [Jean], Malone, Mauch, Mayberry, D. Meeks, [Pennartz], Post, Rice, [Shepherd], Westerman.

Total .....19

ABSENT OR NOT VOTING: Cowling, Elliott, Eubanks, Gaskill, Johnston, Kerr, King, Leding, S. Meeks, Sanders, Slinkard, Stubblefield, Tyler, Wagner, Wardlaw, Williams, Woods, Word, Wright.

Total .....19

VOTING PRESENT: Hutchinson.

Total .....1

Total number of votes cast .....80

Total number voting in the affirmative .....60

Necessary to the adoption of the amendment.....51

So the Amendment was adopted.

/s/ Mrs. Sherri Stacks  
Chief Clerk

Upon motion of Representative Hall the Clincher motion prevailed.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT #1**  
**TO**  
**SENATE BILL NO. 972**

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AYE:           **REPRESENTATIVE FRED LOVE**  
NAY:           **REPRESENTATIVE ANN CLEMMER**  
WITNESS:   **REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Fred Love and Representative Ann Clemmer in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....80

Necessary to the adoption of the amendment..... 51

Total number voting in the affirmative.....60

Total number voting in the negative.....19

Total number absent or not voting.....19

Total number voting present.....1

So the Amendment was adopted.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT #1**  
**TO**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE BOBBY J. PIERCE**  
**NAY: REPRESENTATIVE LANE JEAN**  
**WITNESS: REPRESENTATIVE JAMES MCLEAN**

This pair form was signed by Representative Bobby J. Pierce and Representative Lane Jean in the presence of each other and witnessed by Representative James McLean.

Total number of votes cast.....	80
Necessary to the adoption of the amendment.....	51
Total number voting in the affirmative.....	60
Total number voting in the negative.....	19
Total number absent or not voting.....	19
Total number voting present.....	1

So the Amendment was adopted.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT #1**  
**TO**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE DAVY CARTER**  
**NAY: REPRESENTATIVE DAVID L. BRANSCUM**  
**WITNESS: REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Davy Carter and Representative David L. Branscum in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....80

Necessary to the adoption of the amendment .....51

Total number voting in the affirmative.....60

Total number voting in the negative.....19

Total number absent or not voting.....19

Total number voting present.....1

So the Amendment was adopted.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT**  
**TO**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE BARRY HYDE**  
**NAY: REPRESENTATIVE JUSTIN HARRIS**  
**WITNESS: REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Barry Hyde and Representative Justin Harris in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....80  
  
Necessary to the adoption of the amendment.....51  
  
Total number voting in the affirmative.....60  
  
Total number voting in the negative.....19  
  
Total number absent or not voting.....19  
  
Total number voting present.....1

So the Amendment was adopted.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT**  
**TO**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE MARK PERRY**  
**NAY: REPRESENTATIVE MATTHEW SHEPHERD**  
**WITNESS: REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Mark Perry and Representative Matthew Shepherd in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....80  
  
Necessary to the adoption of the amendment.....51  
  
Total number voting in the affirmative.....60  
  
Total number voting in the negative.....19  
  
Total number absent or not voting.....19  
  
Total number voting present.....1

So the Amendment was adopted.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT #1**  
**TO**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE BUDDY LOVELL**  
**NAY: REPRESENTATIVE TRACY PENNARTZ**  
**WITNESS: REPRESENTATIVE ANDY MAYBERRY**

This pair form was signed by Representative Buddy Lovell and Representative Tracy Pennartz in the presence of each other and witnessed by Representative Andy Mayberry.

Total number of votes cast.....80  
  
Necessary to the adoption of the amendment.....51  
  
Total number voting in the affirmative.....60  
  
Total number voting in the negative.....19  
  
Total number absent or not voting.....19  
  
Total number voting present.....1

So the Amendment was adopted.

**PAIR VOTE**  
**ON**  
**HOUSE AMENDMENT #1**  
**TO**  
**SENATE BILL NO. 972**

---

AYE: REPRESENTATIVE TIM SUMMERS  
NAY: REPRESENTATIVE GARY DEFFENBAUGH  
WITNESS: REPRESENTATIVE BUDDY LOVELL

This pair form was signed by Representative Tim Summers and Representative Gary Deffenbaugh in the presence of each other and witnessed by Representative Buddy Lovell.

Total number of votes cast.....80  
  
Necessary to the adoption of the amendment.....51  
  
Total number voting in the affirmative.....60  
  
Total number voting in the negative.....19  
  
Total number absent or not voting.....19  
  
Total number voting present.....1

So the Amendment was adopted.

The House stood in recess at 2:53 p.m. until 3:18 p.m.

SENATE BILL NO. 972

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**BY: SENATOR MADISON**

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

AFFIRMATIVE: Allen, Baird, Baker, Bell, Benedict, Biviano, Bradford, Brown, Burris, Carnine, [Carter], Catlett, Cheatham, Collins, Collins-Smith, Dale, Dickinson, Edwards, English, Fielding, Garner, Gillam, Hall, Hobbs, Hopper, [Hyde], Ingram, Lampkin, Lea, Lenderman, Lindsey, [Love], [Lovell], McCrary, McLean, Murdock, Nickels, Overbey, Patterson, [Perry], [Pierce], Powers, Ratliff, Roebuck, Rogers, G. Smith, Steel, Steele, Stewart, [Summers], Thompson, Vines, Walker, Wardlaw, Webb, B. Wilkins, [Williams], Woods, Word, Wren, Mr. Speaker.

Total .....61

NEGATIVE: [Altes], [Branscum], [Clemmer], Cozart, [Deffenbaugh], Eubanks, Hammer, [Harris], Hickerson, Hubbard, Jean, Malone, [Mauch], Mayberry, D. Meeks, [Pennartz], Rice, [Shepherd], Westerman, H. Wilkins.

Total .....20

ABSENT OR NOT VOTING: Barnett, Cowling, Elliott, Gaskill, Hutchinson, Johnston, Kerr, King, Leding, Linck, S. Meeks, Post, Sanders, Slinkard, Stubblefield, Tyler, Wagner, Wright.

Total .....18

VOTING PRESENT:

Total .....0

Total number of votes cast .....81

Total number voting in the affirmative .....61

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

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

Upon motion of Representative Hall the Clincher motion prevailed.

**PAIR VOTE**  
**ON**  
**SENATE BILL NO. 972**

---

AYE:           **REPRESENTATIVE BUDDY LOVELL**  
NAY:           **REPRESENTATIVE TRACY PENNARTZ**  
WITNESS:   **REPRESENTATIVE ANDY MAYBERRY**

This pair form was signed by Representative Buddy Lovell and Representative Tracy Pennartz in the presence of each other and witnessed by Representative Andy Mayberry.

Total number of votes cast.....81  
  
Necessary to the passage of the bill.....51  
  
Total number voting in the affirmative.....61  
  
Total number voting in the negative.....20  
  
Total number absent or not voting.....18  
  
Total number voting present.....0

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

**PAIR VOTE**  
**ON**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE DARRIN WILLIAMS**

**NAY: REPRESENTATIVE DENNY ALTES**

**WITNESS: REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Darrin Williams and Representative Denny Altes in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....	81
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	61
Total number voting in the negative.....	20
Total number absent or not voting.....	18
Total number voting present.....	0

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

**PAIR VOTE**  
**ON**  
**SENATE BILL NO. 972**

---

AYE:           **REPRESENTATIVE MARK PERRY**  
NAY:           **REPRESENTATIVE MATTHEW SHEPHERD**  
WITNESS:   **REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Mark Perry and Representative Matthew Shepherd in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....81  
  
Necessary to the passage of the bill.....51  
  
Total number voting in the affirmative.....61  
  
Total number voting in the negative.....20  
  
Total number absent or not voting.....18  
  
Total number voting present.....0

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

**PAIR VOTE**  
**ON**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE TIM SUMMERS**  
**NAY: REPRESENTATIVE GARY DEFFENBAUGH**  
**WITNESS: REPRESENTATIVE BUDDY LOVELL**

This pair form was signed by Representative Tim Summers and Representative Gary Deffenbaugh in the presence of each other and witnessed by Representative Buddy Lovell.

Total number of votes cast.....	81
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	61
Total number voting in the negative.....	20
Total number absent or not voting.....	18
Total number voting present.....	0

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

**PAIR VOTE**  
**ON**  
**SENATE BILL NO. 972**

---

AYE:           **REPRESENTATIVE FRED LOVE**  
NAY:           **REPRESENTATIVE ANN CLEMMER**  
WITNESS:   **REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Fred Love and Representative Ann Clemmer in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....81  
  
Necessary to the passage of the bill.....51  
  
Total number voting in the affirmative.....61  
  
Total number voting in the negative.....20  
  
Total number absent or not voting.....18  
  
Total number voting present.....0

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

**PAIR VOTE**  
**ON**  
**SENATE BILL NO. 972**

---

**AYE: REPRESENTATIVE BARRY HYDE**  
**NAY: REPRESENTATIVE JUSTIN HARRIS**  
**WITNESS: REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Barry Hyde and Representative Justin Harris in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....	81
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	61
Total number voting in the negative.....	20
Total number absent or not voting.....	18
Total number voting present.....	0

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

**PAIR VOTE**

**SENATE BILL NO. 972**

---

AYE: **REPRESENTATIVE DAVY CARTER**  
NAY: **REPRESENTATIVE DAVID L. BRANSCUM**  
WITNESS: **REPRESENTATIVE KATHY WEBB**

This pair form was signed by Representative Davy Carter and Representative David L. Branscum in the presence of each other and witnessed by Representative Kathy Webb.

Total number of votes cast.....	81
Necessary to the passage of the bill.....	51
Total number voting in the affirmative.....	61
Total number voting in the negative.....	20
Total number absent or not voting.....	18
Total number voting present.....	0

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

**PAIR VOTE**  
ON  
SENATE BILL NO. 972

---

AYE: REPRESENTATIVE BOBBY J. PIERCE

NAY: REPRESENTATIVE LOY MAUCH

WITNESS: REPRESENTATIVE JAMES MCLEAN

This pair form was signed by Representative Bobby J. Pierce and Representative Loy Mauch in the presence of each other and witnessed by Representative

Total number of votes cast.....81

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

Total number voting in the affirmative.....61

Total number voting in the negative.....20

Total number absent or not voting.....18

Total number voting present.....0

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

HOUSE BILL ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1836

BY REPRESENTATIVE HALL

SENATE BILL ORDERED RETURNED TO THE SENATE AS PASSED

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SENATE BILL NO. 972

AS AMENDED #1

BY SENATOR MADISON

Upon motion of Representative Fred Allen, the House adjourned at 3:28 p.m. until 10:00 a.m., Wednesday, April 13, 2011.

ATTEST:

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

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Sherri Stacks  
Chief Clerk