

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

Little Rock, Arkansas
January 18, 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 House Chaplain 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

	January 18, 2011
JUDICIARY	DARRIN WILLIAMS
	CHAIRPERSON
HOUSE BILL NO. 1020	DO PASS
BY REPRESENTATIVE LEA	
HOUSE BILL NO. 1059	DO PASS
BY REPRESENTATIVE WRIGHT	

Upon motion of Representative Sanders, **HOUSE BILL NO. 1005** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1005

Amend **HOUSE BILL NO. 1005** as originally introduced:

Add Representative Lampkin as a cosponsor of the bill

AND

Add Senator J. Dismang as a cosponsor of the bill

AND

Page 1, delete line 19 and substitute:

"SECTION 1. Arkansas Code § 1-4-106 is amended to read as follows:

1-4-106. State nickname."

/s/ David Sanders

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

/s/ Mrs. Sherri Stacks

Chief Clerk

ENGROSSED BILL REPORTS

DENNY ALTES, CHAIRPERSON

January 18, 2011

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1005 – TITLE – BY REPRESENTATIVE SANDERS

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1005

BY: REPRESENTATIVES SANDERS, *LAMPKIN*BY: *SENATOR J. DISMANG*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE STATE NICKNAME BACK TO "THE LAND OF OPPORTUNITY"; AND FOR OTHER PURPOSES.

Morning Hour Expired.

SENATE BILL NO. 1

BY: SENATE EFFICIENCY

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, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Carter, Catlett, Cheatham, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Edwards, Elliott, English, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Hickerson, Hobbs, Hopper, Hyde, Ingram, Jean, Johnston, Kerr, King, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, McCrary, 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, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total86

NEGATIVE: Eubanks, Harris, Hubbard, Mayberry, D. Meeks, Westerman.

Total6

ABSENT OR NOT VOTING: Dickinson, Stubblefield.

Total2

VOTING PRESENT: Bell, Clemmer, Hutchinson, Lea, McLean.

Total5

Total number of votes cast97

Total number voting in the affirmative86

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 1**, 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, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Carter, Catlett, Cheatham, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Edwards, Elliott, English, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Hickerson, Hobbs, Hopper, Hyde, Ingram, Jean, Johnston, Kerr, King, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, McCrary, 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, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total86

NEGATIVE: Eubanks, Harris, Hubbard, Mayberry, D. Meeks, Westerman.

Total6

ABSENT OR NOT VOTING: Dickinson, Stubblefield.

Total2

VOTING PRESENT: Bell, Clemmer, Hutchinson, Lea, McLean.

Total5

Total number of votes cast.....97

Total number voting in the affirmative86

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

So the Emergency Clause was adopted.

Speaker Moore announced the following appointments:

2011-2012 Joint Budget Sub-Committees
Representative Kathy Webb, Co-Chairperson
Representative Uvalde Lindsey, Co-Vice Chairperson
(1/17/11)

HOUSE SUBCOMMITTEES

PERSONNEL

Rep. Uvalde Lindsey, Chair
 Rep. Bryan B. King
 Rep. Fred Allen
 Rep. Andrea Lea
 Rep. Jerry R. Brown
 Rep. Bobby J. Pierce
 Rep. Charolette Wagner
 Rep. Robert S. Moore, Jr., Ex-officio
 Rep. Kathy Webb, Ex-officio

REVIEW

Rep. Barry Hyde, Chair
 Rep. Donna Hutchinson
 Rep. Buddy Lovell
 Rep. Stephanie Malone
 Rep. Ed Garner
 Rep. Fred Allen
 Rep. Garry L. Smith
 Rep. Robert S. Moore, Jr., Ex-officio
 Rep. Kathy Webb, Ex-officio

SPECIAL LANGUAGE

Rep. Tracy Pennartz, Chair
 Rep. David "Bubba" Powers
 Rep. Clark Hall
 Rep. Tim Summers
 Rep. Keith M. Ingram
 Rep. Duncan Baird
 Rep. Henry "Hank" Wilkins IV
 Rep. Robert S. Moore, Jr., Ex-officio
 Rep. Kathy Webb, Ex-officio

CLAIMS

Rep. Buddy Lovell, Chair
 Rep. Denny Altes
 Rep. Nate Steel
 Rep. Mark Perry
 Rep. John Catlett
 Rep. James McLean
 Rep. Donna Hutchinson
 Rep. Robert S. Moore, Jr., Ex-officio
 Rep. Kathy Webb, Ex-officio

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 1

BY SENATE EFFICIENCY

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1090

BY REPRESENTATIVE WEBB

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

January 18, 2011

MR. SPEAKER:

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

HOUSE BILL NO. 1090 BY REPRESENTATIVE WEBB

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 3:10 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. 1090 BY REPRESENTATIVE WEBB

/s/ Mike Beebe - Governor

TIME: 3:10 p.m.

By: Sarah Agee

HOUSE BILL NO. 1117

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PERMIT THE ARKANSAS TEACHER RETIREMENT SYSTEM TO CREATE APPROPRIATE ACCOUNTS TO PROPERLY MANAGE THE SYSTEM; TO ACCURATELY REFLECT THE ACCOUNTING OF THE ASSETS OF THE SYSTEM; TO ALLOW THE BOARD OF TRUSTEES OF THE ARKANSAS TEACHER RETIREMENT SYSTEM TO CREATE ADDITIONAL ACCOUNTS AS NEEDED; 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. 1118

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

BY: SENATOR FILES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH AN INVESTMENT TAX CREDIT FOR THE REHABILITATION AND DEVELOPMENT OF CENTRAL BUSINESS IMPROVEMENT DISTRICTS; TO ESTABLISH AN EMERGENCY; 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. 1119

BY: REPRESENTATIVES PENNARTZ, SUMMERS, SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PREVENT STATE EMPLOYEES CONVICTED OF THEFT OF PROPERTY AGAINST THE EMPLOYER FROM DRAWING STATE RETIREMENT BENEFITS BASED ON THE MONTHS IN WHICH THE THEFT OCCURRED; 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. 1120

BY: REPRESENTATIVE INGRAM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN SERVICES DIVISION OF VOLUNTEERISM TO THE DEPARTMENT OF HUMAN SERVICES DIVISION OF COMMUNITY SERVICE AND NONPROFIT SUPPORT; 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. 1121

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 PUBLIC EMPLOYEES RETIREMENT SYSTEM 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. 1122

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 WORKFORCE 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. 1123

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 LAND DEPARTMENT AND FOR DISTRIBUTING PROCEEDS FROM THE SALE OR REDEMPTION OF TAX DELINQUENT LAND 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. 1124

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 BOARD OF BARBER EXAMINERS 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. 1125

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 OIL AND GAS 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. 1126

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 OFFICE OF ATTORNEY GENERAL 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. 1127

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 DISABLED VETERANS' SERVICES OFFICE 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. 1128

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 CONTRACTORS LICENSING BOARD 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. 1129

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 STATE BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, AND INTERIOR DESIGNERS 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. 1130

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 BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS 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. 1131

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 DEVELOPMENT FINANCE AUTHORITY 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. 1132

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 CROWLEY'S RIDGE TECHNICAL INSTITUTE 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. 1133

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 WAR MEMORIAL STADIUM 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. 1134

BY: REPRESENTATIVE LEA

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENCOURAGE DISASTER-PREPAREDNESS BY EXEMPTING DISASTER-PREPAREDNESS SUPPLIES FROM SALES AND USE TAX FOR A LIMITED PERIOD OF TIME; 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. 1135

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL THE CHOICE TO RESCIND RETIREMENT; TO MAKE THE ARKANSAS TEACHER RETIREMENT SYSTEM STATUTES CONSISTENT WITH OTHER STATE PENSION PLANS; 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. 1136

BY: REPRESENTATIVE LOVELL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH A SHERIFF'S OFFICE RECORDS RETENTION SCHEDULE; 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. 1137

BY: REPRESENTATIVE PENNARTZ

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.

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

HOUSE BILL NO. 1138

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 - ALCOHOLIC BEVERAGE CONTROL 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. 1139

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 DIVISION OF LEGISLATIVE AUDIT OF THE LEGISLATIVE JOINT AUDITING COMMITTEE 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. 1140

BY: REPRESENTATIVE NICKELS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PREVENT INEQUITY IN THE CALCULATION OF FINAL AVERAGE SALARY BY REMOVING THE ANTISPIKING PROVISIONS FOR A MAJOR GAP OF EMPLOYMENT UNDER THE ARKANSAS TEACHER RETIREMENT 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. 1141

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE ARKANSAS FINAL DISPOSITION RIGHTS ACT OF 2009 REGARDING MEMBERS OF THE UNITED STATES ARMED FORCES, THE NATIONAL GUARD, AND RESERVE COMPONENTS; 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.

Upon motion of Representative Fred Allen, the House adjourned at 5:00 p.m. until 1:30 p.m., Wednesday, January 19, 2011.

ATTEST:

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

Sherri Stacks
Chief Clerk

