

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

Little Rock, Arkansas

February 11, 2013

The House was called to order at 1:30 p.m. by Mr. Carter, the Speaker. The following members answered to the roll call:

Alexander, Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadway, Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, Dickinson, Dotson, C. Douglas, D. Douglas, Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, Smith, Steel, Talley, Thompson, Vines, Wagner, Wardlaw, Westerman, Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright, Mr. Speaker.

Total98

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

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Walker.

The House stood and was led in prayer by House Chaplain, Reverend Greg Addison, Pastor, First Baptist Church, Cabot, 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 11, 2013

JOINT COMMITTEE ON PUBLIC
RETIREMENT AND SOCIAL SECURITY
PROGRAMS

ALLEN KERR
CHAIRPERSON

HOUSE BILL NO. 1188

DO PASS

BY REPRESENTATIVE H. LENDERMAN

Upon motion of Representative Hillman, **HOUSE BILL NO. 1127** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1127Amend **HOUSE BILL NO. 1127** as originally introduced:

Add Senator S. Flowers as a cosponsor of the bill

AND

Page 1, line 22, delete "~~providing to provide~~" and substitute "providing by ordinance, resolution, or otherwise pursuant to law of its governing body to provide"

AND

Page 1, delete lines 27 through 29, and substitute the following:

"(c) ~~Appropriate~~ Following the creation of a trust agreement, other local governments may become parties to the trust agreement with appropriate action taken by ordinance, resolution, or otherwise pursuant to law of its governing body shall be necessary for any local government to become a party to a trust agreement

the local depository board, board of directors of a school district, or other authorized party responsible for decisions related to bank deposits and investments."

/s/ David Hillman

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Linck, **HOUSE BILL NO. 1217** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1217

Amend **HOUSE BILL NO. 1217** as originally introduced:

Delete Section 1 in its entirety

AND

Page 2, delete lines 14 through 20, and substitute the following:

"(d) ~~Nothing contained in this section shall not be construed to~~ This section does not:

(1) ~~relieve~~ Relieve any other person from any liability that he or she would otherwise have, ~~but nothing contained in this section shall not be construed to; or~~

(2) ~~authorize~~ Authorize or permit any recovery in excess of injury or damage actually incurred.

(e) This section does not apply to an outfitter as defined in § 27-101-902."

AND

Page 3, delete line 19, and substitute the following:

"(D) Operator error or equipment failure due to operator error;"

AND

Page 3, line 20, delete "animal; and" and substitute "animal;"

AND

Page 4, delete lines 10 and 11

AND

Page 4, line 12, delete "(10)" and substitute "(9)"

AND

Page 4, line 14, delete "(11)" and substitute "(10)"

AND

Page 4, line 17, delete "(12)" and substitute "(11)"

AND

Page 5, delete lines 7 and 8, and substitute the following:

"(4) Fails to provide a participant with the equipment required by § 27-101-203(a):"

AND

Appropriately renumber the sections of the bill

/s/ Kelley J. Linck

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Hutchison, **HOUSE BILL NO. 1209** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1209

Amend **HOUSE BILL NO. 1209** as originally introduced:

Page 1, line 29, delete "(b)" and substitute "(b)(1)"

AND

Page 1, delete lines 30-33 and substitute the following:

"Laureate of the State of Arkansas shall be a visual, performing, or literary artist who

was nominated by one (1) or more Arkansans.

(2) The Governor may consult with educational institutions, state agencies, and members of the public to facilitate the selection process.

(c) The Artist Laureate shall serve a term of four (4) years or until a successor has been appointed for this honorary designation."

/s/ John K. Hutchison

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Wardlaw, **HOUSE BILL NO. 1237** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1237

Amend **HOUSE BILL NO. 1237** as originally introduced:

Add Representatives Shepherd, D. Altes, C. Armstrong, Baine, Baltz, Catlett, D. Douglas, Hillman, Kizzia, Lenderman, Love, B. Overbey, Ratliff, D. Whitaker, Wren as cosponsors of the bill

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 12-9-104, concerning the powers of the Arkansas Commission on Law Enforcement Standards and Training, is amended to add an additional subdivision to read as follows:

(17)(A) Establish minimum training and certification requirements for law enforcement officers utilizing canines as an aid for performing searches, seizures, and other law enforcement functions.

(B) This requirement shall include certification requirements for:
(i) Officers or other persons who conduct training for law enforcement canines;

(ii) Courses for training law enforcement canines;

- (iii) Minimum requirements for law enforcement canine certifying officials;
- (iv) Record keeping concerning the training of law enforcement canines; and
- (v) Law enforcement canines."

/s/ Jeff Wardlaw

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Wardlaw, **HOUSE BILL NO. 1237** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1237

Amend **HOUSE BILL NO. 1237** as originally introduced:

Page 2, delete line 31, and substitute:

"law enforcement canine officers utilizing canines as an aid for performing searches."

/s/ Jeff Wardlaw

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

/s/ Mrs. Sherri Stacks
Chief Clerk

Upon motion of Representative Bell, **HOUSE BILL NO. 1043** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1043

Amend **HOUSE BILL NO. 1043** as engrossed,
H1/31/13 (version: 01/31/2013 9:04:59 AM)

Page 1, line 13, delete "REPORT" and substitute "COMMUNICATION"

AND

Page 1, delete lines 19 through 22 and substitute the following:

"TO AMEND ARKANSAS LAW TO PERMIT A REWARD TO A STATE EMPLOYEE WHEN A COMMUNICATION UNDER THE ARKANSAS WHISTLE-BLOWER ACT RESULTS IN A SAVINGS OF STATE FUNDS."

AND

Page 1, line 36, delete "report" and substitute "communication"

AND

Page 2, delete lines 17 through 36 and substitute the following:

"(b) A state employee making a communication under § 21-1-603 shall be eligible to receive a reward in an amount equal to ten percent (10%) of any savings in state funds attributable to changes made based on a communication under § 21-1-603.

(c) Except as provided in subsection (g) of this section, upon the resolution of a matter communicated to an appropriate authority under § 21-1-603, the appropriate authority shall provide a written report detailing the content of the communication and the outcome of the communication to the:

(1) State employee who made the communication; and

(2) State employer that was the subject of the communication.

(d) After receiving a written report under subsection (c) of this section, a state employer shall:

(1) Document the savings in state funds attributable to changes made based on the communication filed under § 21-1-603 for one (1) full fiscal year; and

(2)(A) Within thirty (30) days of the end of the first full fiscal year in which the changes made based on the communication filed under § 21-1-603 were implemented, issue a report containing:

(i) The total savings in state funds resulting from the communication under § 21-1-603 for the first full fiscal year in which the changes were implemented;

(ii) The name of the state employee who made the communication resulting in the savings of state funds; and

(iii) The amount of the reward for which the state employee is eligible. The amount of the reward shall be equal to ten percent (10%) of the total savings in state funds reported under subdivision (d)(2)(A)(i) of this section. If the state employer concludes that the state employee is not eligible for a reward, the state employer shall state the reasons for that determination in the report.

(B) A report under subdivision (d)(2)(A) of this section shall be submitted to the:

(i) Performance Evaluation and Expenditure Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Review/PEER Subcommittee of the Joint Budget Committee;

(ii) State employee who made the communication under § 21-1-603 unless the state employee has elected to maintain confidentiality under subsection (g) of this section. The report to the state employee shall include a notice to the state employee of the right to an appeal under subsection (e) of this section; and

(iii) Clerk of the Arkansas State Claims Commission.

(e)(1) A state employee may appeal to the Arkansas State Claims Commission in the same manner for filing a claim under § 19-10-208 if the state employee believes that:

(A) A report under subdivision (d)(2)(A) of this section does not accurately reflect the savings attributable to the changes made based on the communication under § 21-1-603; or

(B) The state employer did not accurately assess the determination of a reward under this section, including without limitation denying a reward to the state employee.

(2) A state employee who pursues an appeal under subdivision (e)(1) of this section is granted the same protection provided to a public employee under § 21-1-603.

(3)(A) A written request for an appeal under subdivision (e)(1) of this section shall be filed within forty (40) days of the submission of the report under subdivision (d)(2)(A) of this section.

(B) An appeal to the commission under subdivision (e)(1) of this section shall follow the rules and procedures of the commission.

(4) In an appeal to the commission, a state employee shall have the burden of proving by a preponderance of the evidence that the:

(A) Amount of savings reported by the state employer under subdivision (d)(2)(A) of this section does not accurately reflect the savings attributable to the changes made based on the communication under § 21-1-603; or

(B) State employer did not accurately assess the determination of a reward under this section.

(5)(A) The decision of the commission in a matter appealed under this subsection may be appealed only to the Claims Review Subcommittee of the Legislative Council or, if the General Assembly is in session, the Claims Subcommittee of the Joint Budget Committee.

(B)(i) Notice of appeal under subdivision (e)(5)(A) of this section shall be filed with the commission within forty (40) days after the commission renders a decision.

(ii) The commission, in a timely manner, shall notify the Legislative Council or the Joint Budget Committee and all parties to the matter when a notice of appeal to the Claims Review Subcommittee of the Legislative Council or Claims Subcommittee of the Joint Budget Committee is filed with the commission.

(iii) When the commission notifies parties of a decision of the commission, it shall advise the parties of the right of appeal.

(f)(1)(A) Except as provided in subdivision (f)(2) of this section, within thirty (30) days of the end of the period for appeal under subdivision (e)(3)(A) of this section or the resolution of an appeal under subsection (e) of this section, whichever is later, the clerk of the commission shall notify a state employer of the amount of a reward to be paid to a state employee.

(B) Upon receipt of notification under subdivision (f)(1) of this section, the state employer shall deliver a check to the clerk of the commission who shall deposit the same as a nonrevenue receipt into the Miscellaneous Revolving Fund from which he or she shall disburse the amount of the reward to the state employee.

(2)(A) No reward under this section shall be paid in excess of twelve thousand five hundred dollars (\$12,500).

(B) If the amount of a reward is greater than twelve thousand five hundred dollars (\$12,500), the reward shall be referred to the General Assembly for an appropriation.

(C) If a reward is appropriated to a state employer for the benefit of a state employee, it shall be paid from the funds available to the state employer.

(g)(1) A state employee wishing to maintain confidentiality under § 21-1-607 or who otherwise chooses to forego a reward under this section shall request to the

appropriate authority that the report under subsection (c) of this section not include the state employee's name or identifying information.

(2) A state employee making a request under subdivision (g)(1) of this section shall not receive a reward under this section.

(3) The name and identifying information of a state employee who requests confidentiality under subdivision (g)(1) of this section shall be exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(h)(1) Except as provided in subdivision (h)(2) of this section, a reward under this section shall not be payable for a communication made by a state employee in the normal course of the state employee's job duties.

(2) If a communication in the normal course of a state employee's job duties detailing waste or a violation is not acted upon by the state employer within ninety (90) days, the state employee may make a communication under § 21-1-603 to an appropriate authority and be eligible for a reward under this section."

AND

Page 3, delete lines 1 through 36

AND

Page 4, delete lines 1 through 9

/s/ Nate Bell

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

/s/ Mrs. Sherri Stacks

Chief Clerk

The House gave Representative Carnine unanimous leave to withdraw **HOUSE BILL NO. 1177.**

The House gave Representative Hickerson unanimous leave to withdraw **HOUSE BILL NO. 1273.**

ENGROSSED BILL REPORTS

DAVY CARTER, CHAIRPERSON

February 11, 2013

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1043 – TITLE – BY REPRESENTATIVE BELL
 HOUSE BILL NO. 1127 – TITLE – BY REPRESENTATIVE HILLMAN
 HOUSE BILL NO. 1209 BY REPRESENTATIVE HUTCHISON
 HOUSE BILL NO. 1217 BY REPRESENTATIVE LINCK
 HOUSE BILL NO. 1237 – TITLE – BY REPRESENTATIVE WARDLAW
 SENATE BILL NO. 134 – TITLE – BY SENATOR RAPERT (CLEMMER)

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1043

BY: REPRESENTATIVES BELL, ALEXANDER, D. ALTES, BALLINGER, BIVIANO, BRAGG, BRANSCUM, J. BURRIS, CLEMMER, COLLINS, COZART, DALE, DEFFENBAUGH, C. DOUGLAS, D. DOUGLAS, EUBANKS, FARRER, FITE, GILLAM, GOSSAGE, HAMMER, HARRIS, HICKERSON, HOUSE, HUTCHISON, KERR, LEA, LINCK, LOWERY, MAYBERRY, D. MEEKS, S. MEEKS, NEAL, RICE, SCOTT, SLINKARD, WESTERMAN, WOMACK, DOTSON

BY: SENATORS J. WOODS, J. KEY, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS LAW TO PERMIT A REWARD TO A STATE EMPLOYEE WHEN A COMMUNICATION UNDER THE ARKANSAS WHISTLE-BLOWER ACT RESULTS IN A SAVINGS OF STATE FUNDS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1127

BY: REPRESENTATIVE HILLMAN

BY: *SENATOR S. FLOWERS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE LOCAL GOVERNMENT JOINT INVESTMENT TRUST ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1237

BY: REPRESENTATIVES WARDLAW, *SHEPHERD, D. ALTES, C. ARMSTRONG, BAINE, BALTZ, CATLETT, D. DOUGLAS, HILLMAN, KIZZIA, LENDERMAN, LOVE, B. OVERBEY, RATLIFF, D. WHITAKER, WREN*

BY: SENATOR B. PIERCE

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING TRAINING REQUIREMENTS FOR CANINE LAW ENFORCEMENT UNITS; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 134

BY: SENATORS RAPERT, BLEDSOE, CALDWELL, A. CLARK, J. DISMANG, J. ENGLISH, FILES, J. HENDREN, HESTER, HICKEY, HOLLAND, J. HUTCHINSON, IRVIN, J. KEY, B. KING, D. SANDERS, G. STUBBLEFIELD, E. WILLIAMS, J. WOODS

BY: REPRESENTATIVES CLEMMER, ALEXANDER, D. ALTES, BELL, DALE, DAVIS, DEFFENBAUGH, DOTSON, C. DOUGLAS, FARRER, FITE, HARRIS, HOBBS, HOUSE, HUTCHISON, LEA, MAYBERRY, D. MEEKS, NEAL, SCOTT, WESTERMAN, WOMACK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE ARKANSAS HUMAN HEARTBEAT PROTECTION ACT; TO PROTECT UNBORN CHILDREN; AND FOR OTHER PURPOSES.

Upon motion of Representative Ferguson, **SENATE BILL NO. 134** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO SENATE BILL NO. 134

Amend **SENATE BILL NO. 134** as engrossed,
S1/30/13 (version: 01/30/2013 02:29:42 PM)

Page 1, delete lines 14 and 15 and substitute the following:

"PROTECTION ACT; TO PROTECT UNBORN CHILDREN; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 21 and substitute the following:

"CHILDREN."

AND

Page 4, delete lines 20 through 32

/s/ Deborah Ferguson

The vote was as follows:

AFFIRMATIVE: Alexander, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, Eubanks, Farrer, Ferguson, Fite, Gillam, Gossage, Hammer, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McElroy, McGill, McLean, D. Meeks, S. Meeks, B. Overbey, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Womack, Word, Wren, Wright.

Total86

NEGATIVE: Harris, Miller, Payton.

Total3

ABSENT OR NOT VOTING: D. Altes, J. Edwards, Fielding, Murdock, Neal, Nickels, Walker, Wardlaw, Williams, Mr. Speaker.

Total10

VOTING PRESENT: McCrary.

Total1

Total number of votes cast90

Total number voting in the affirmative86

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

So the Amendment was adopted.

/s/ Mrs. Sherri Stacks
Chief Clerk

The House passed over HOUSE RESOLUTION NO. 1007, HOUSE RESOLUTION NO. 1006, HOUSE RESOLUTION NO. 1008, HOUSE RESOLUTION NO. 1010, and HOUSE CONCURRENT RESOLUTION NO. 1003.

Morning Hour Expired.

HOUSE BILL NO. 1110

BY: REPRESENTATIVE BROADAWAY

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

AFFIRMATIVE: Alexander, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Biviano, Bragg, Branscum, Broadaway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Farrer, Ferguson, Fielding, Fite, Gillam, Hammer, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total90

NEGATIVE: Gossage.

Total1

ABSENT OR NOT VOTING: D. Altes, Bell, Eubanks, Harris, Hopper, Neal, Walker, Westerman, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative.....90

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

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

HOUSE BILL NO. 1241

BY: REPRESENTATIVE STEEL

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Neal, Walker, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
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. 1242

BY: REPRESENTATIVE STEEL

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Neal, Walker, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
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. 1253

BY: REPRESENTATIVE WRIGHT

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Neal, Walker, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
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. 1254

BY: REPRESENTATIVE WRIGHT

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Neal, Walker, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
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. 1230

BY: REPRESENTATIVE RATLIFF

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total	96
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Carnine, Neal, Walker, Mr. Speaker.	
Total	4
VOTING PRESENT:	
Total	0
Total number of votes cast	96
Total number voting in the affirmative	96
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1233

BY: REPRESENTATIVE HICKERSON

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: C. Douglas, House, Neal, Walker, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative.....95

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

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

SENATE BILL NO. 125

BY: SENATOR B. PIERCE

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: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Neal, Walker, B. Wilkins, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative96

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 125**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Barnett, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Carnine, Catlett, Clemmer, Collins, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, J. Edwards, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hobbs, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, S. Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, F. Smith, Steel, Talley, T. Thompson, Vines, W. Wagner, Wardlaw, Westerman, D. Whitaker, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Neal, Walker, B. Wilkins, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative96

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

So the Emergency Clause was adopted.

SENATE BILL NO. 93

BY: SENATOR L. CHESTERFIELD

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

AFFIRMATIVE: Alexander, D. Altes, C. Armstrong, E. Armstrong, Baine, Baird, Ballinger, Baltz, Bell, Biviano, Bragg, Branscum, Broadaway, J. Burris, Catlett, Collins, Copenhaver, Cozart, Deffenbaugh, J. Dickinson, Dotson, C. Douglas, D. Douglas, Eubanks, Farrer, Ferguson, Fielding, Fite, Gillam, Gossage, Hammer, Hawthorne, Hickerson, Hillman, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Julian, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Murdock, Nickels, B. Overbey, Payton, Perry, Ratliff, Richey, Sabin, Scott, Shepherd, F. Smith, Steel, Talley, T. Thompson, Vines, Westerman, D. Whitaker, B. Wilkins, H. Wilkins, Williams, Womack, Word, Wren, Wright.

Total83

NEGATIVE: Davis, Harris, Hobbs, S. Malone, Mayberry, Slinkard.

Total6

ABSENT OR NOT VOTING: Barnett, Carnine, Clemmer, Dale, J. Edwards, Neal, Rice, W. Wagner, Walker, Wardlaw, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative83

Necessary to the passage of the bill51

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

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1110	BY REPRESENTATIVE BROADAWAY
HOUSE BILL NO. 1230	BY REPRESENTATIVE RATLIFF
HOUSE BILL NO. 1233	BY REPRESENTATIVE HICKERSON
HOUSE BILL NO. 1241	BY REPRESENTATIVE STEEL
HOUSE BILL NO. 1242	BY REPRESENTATIVE STEEL
HOUSE BILL NO. 1253	BY REPRESENTATIVE WRIGHT
HOUSE BILL NO. 1254	BY REPRESENTATIVE WRIGHT

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 93 AS AMENDED #1	BY SENATOR L. CHESTERFIELD
SENATE BILL NO. 125 AS AMENDED #1	BY SENATOR B. PIERCE

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1121	BY REPRESENTATIVE HILLMAN
HOUSE BILL NO. 1122	BY REPRESENTATIVE HILLMAN

ARKANSAS SENATE

SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 150	BY SENATOR J. DISMANG
SENATE BILL NO. 154	BY SENATOR BURNETT
SENATE BILL NO. 215	BY SENATOR IRVIN
SENATE BILL NO. 217	BY SENATOR IRVIN

STATE OF ARKANSAS

MIKE BEEBE

GOVERNOR

February 11, 2013

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 11, 2013, I approved the following measures from the Regular Session of the Eighty-ninth General Assembly:

HOUSE BILL NO. 1015 – ACT 71

HOUSE BILL NO. 1100 – ACT 72

HOUSE BILL NO. 1126 – ACT 73

HOUSE BILL NO. 1133 – ACT 74

HOUSE BILL NO. 1134 – ACT 75

HOUSE BILL NO. 1146 – ACT 76

HOUSE BILL NO. 1147 – ACT 77

HOUSE BILL NO. 1148 – ACT 78

HOUSE BILL NO. 1149 – ACT 79

HOUSE BILL NO. 1150 – ACT 80

HOUSE BILL NO. 1162 – ACT 81

HOUSE BILL NO. 1163 – ACT 82

HOUSE BILL NO. 1222 – ACT 83

HOUSE BILL NO. 1020 – ACT 84

Sincerely,

/s/ Mike Beebe

STATE CAPITOL, SUITE 250 • LITTLE ROCK, AR 72201

TELEPHONE (501) 682-2345 • FAX (501) 682-1382

INTERNET WEB SITE • www.governor.arkansas.gov

STATE OF ARKANSAS

HOUSE OF REPRESENTATIVES EIGHTY-NINTH GENERAL ASSEMBLY

350 STATE CAPITOL

500 WOODLANE AVENUE

LITTLE ROCK, ARKANSAS 72201-1037

(501) 682-7771 TDD (501) 682-9148

DAVY CARTER, SPEAKER

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: February 11, 2013
SUBJECT: Amendment #2 to HOUSE BILL NO. 1237

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #2 to HB 1237. Amendment #2, page 1, should read as follows:

Page 1, line 25, delete "law enforcement officers utilizing canines as an aid for"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB 1237.

/s/ Rep. Davy Carter, Chairperson
Speaker of the House

/s/ Justin T. Harris
Rep. Justin T. Harris

/s/ Rep. Stephanie Malone, Chairperson
House Rules

/s/ John W. Catlett
Rep. John W. Catlett

/s/ Rep. Jeremy Gillam, Chairperson
House Management Committee

/s/ Finos "Buddy" Johnson,
Parliamentarian

cc: Sherri Stacks, Chief Clerk

Hall of the House of Representatives

89th General Assembly – Regular Session, 2013

Amendment Form

Subtitle of House Bill No. 1237

CONCERNING TRAINING REQUIREMENTS FOR CANINE LAW
ENFORCEMENT UNITS.

Amendment No. 2 to House Bill No. 1237

Amend House Bill No. 1237 as originally introduced:

[1 25, delete "law enforcement officers utilizing
Page 2, ~~delete~~ line 34, and substitute: canines as an aid for"]

SJS 2-11-13

"law enforcement canine officers utilizing canines as an aid for performing searches,"

STATE OF ARKANSAS

HOUSE OF REPRESENTATIVES EIGHTY-NINTH GENERAL ASSEMBLY

350 STATE CAPITOL

500 WOODLANE AVENUE

LITTLE ROCK, ARKANSAS 72201-1037

(501) 682-7771 TDD (501) 682-9148

DAVY CARTER, SPEAKER

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: February 11, 2013
SUBJECT: Amendment #2 to SENATE BILL NO. 134

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #2 to SB134.

Page 1, paragraph 3 of the amendment should read "Page 4, delete Section 2, lines 32-36"

And, add fourth paragraph to the amendment which reads: Page 5, delete lines 1-8.

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing SB134.

/s/ Rep. Davy Carter, Chairperson
Speaker of the House

/s/ Justin T. Harris
Rep. Justin T. Harris

/s/ Rep. Stephanie Malone, Chairperson
House Rules

/s/ John W. Catlett
Rep. John W. Catlett

/s/ Rep. Jeremy Gillam, Chairperson
House Management Committee

/s/ Finos "Buddy" Johnson,
Parliamentarian

cc: Sherri Stacks, Chief Clerk

Hall of the House of Representatives

89th General Assembly – Regular Session, 2013

Amendment Form

Subtitle of Senate Bill No. 134

TO CREATE THE ARKANSAS HUMAN HEARTBEAT PROTECTION ACT: TO PROTECT UNBORN CHILDREN; AND TO DECLARE AN EMERGENCY.

Amendment No. 2 to Senate Bill No. 134

Amend Senate Bill No. 134 as engrossed, S1/30/13 (version: 01/30/2013 02:29:42 PM)

Page 1, delete lines 14 and 15 and substitute the following:

"PROTECTION ACT; TO PROTECT UNBORN CHILDREN; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 21 and substitute the following:

"CHILDREN."

AND

Page 4, delete lines 20 through 32

[Section 2, lines 32-36

Page 5 Delete lines 1-8] SJS 2-11-13

HOUSE BILL NO. 1285

BY: REPRESENTATIVE LEA

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENCOURAGE DISASTER PREPAREDNESS BY CREATING A SALES AND USE TAX EXEMPTION FOR DISASTER-PREPAREDNESS SUPPLIES FOR A LIMITED PERIOD OF TIME; 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 REVENUE AND TAXATION.

HOUSE BILL NO. 1286

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 NORTHEASTERN COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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. 1287

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 BLACK RIVER TECHNICAL COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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. 1288

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 EAST ARKANSAS COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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. 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 OZARKA COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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 FOR THE RICH MOUNTAIN COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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 NORTHWEST ARKANSAS COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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: 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 NORTH ARKANSAS COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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. 1293

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 PULASKI TECHNICAL COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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. 1294

BY: REPRESENTATIVE HAMMER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PRESERVE THE CONTINUITY OF EDUCATION FOR STUDENTS WHO ATTEND NONRESIDENT SCHOOLS UNDER THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; 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 EDUCATION.

HOUSE BILL NO. 1295

BY: REPRESENTATIVES GILLAM, BALTZ, BIVIANO, BRAGG, BRANSCUM, J. BURRIS, CARNINE, COZART, J. DICKINSON, D. DOUGLAS, EUBANKS, FARRER, FERGUSON, HARRIS, HILLMAN, HOBBS, HODGES, KIZZIA, LINCK, MILLER, PAYTON, RATLIFF, RICHEY, TALLEY, T. THOMPSON, W. WAGNER, WREN

BY: SENATOR J. KEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND PROVISIONS OF THE ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM, PART 2, CONCERNING SCHOLARSHIP AWARDS FROM NET PROCEEDS OF THE LOTTERY; 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 RULES.

HOUSE BILL NO. 1296

BY: REPRESENTATIVE PERRY

BY: SENATOR J. HUTCHINSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FROM THE SALES AND USE TAX FOR COINS, CURRENCY, AND BULLION; 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 JOINT RESOLUTION NO. 1003

BY: REPRESENTATIVE LEA

BY: SENATOR J. HUTCHINSON

HOUSE JOINT RESOLUTION

PROPOSING AN AMENDMENT TO AMENDMENT NO. 42 TO THE CONSTITUTION OF THE STATE OF ARKANSAS TO PROVIDE FOR THE NONPARTISAN ELECTION OF MEMBERS OF THE STATE HIGHWAY COMMISSION BY POPULAR VOTE; TO REQUIRE THE BOARD OF APPORTIONMENT TO ESTABLISH FOUR (4) HIGHWAY COMMISSION ZONES FROM WHICH COMMISSIONERS SHALL BE ELECTED BY PLURALITY VOTE AND PROVIDING FOR ONE (1) ADDITIONAL COMMISSIONER TO BE ELECTED FROM THE STATE AT LARGE; TO PROVIDE FOR THE APPOINTMENT OF THE DIRECTOR OF THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT BY THE GOVERNOR; TO PROVIDE FOR TRANSITION TO THE NEW FORM OF THE ARKANSAS STATE HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.

Subtitle
 PROPOSING AN AMENDMENT TO
 AMENDMENT NO. 42 TO THE
 CONSTITUTION OF THE STATE OF
 ARKANSAS TO PROVIDE FOR
 ELECTION OF MEMBERS OF THE
 STATE HIGHWAY COMMISSION BY
 POPULAR VOTE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Section 1 of Amendment 42 to the Constitution of the State of Arkansas is amended to read as follows:

1. Commission created - Members - Powers.

There is hereby created a State Highway Commission ~~which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the State Highway Department, together with all powers necessary or proper to enable the Commission or any of its officers or employees to carry out fully and effectively the regulations and laws relating to the State Highway Department~~ which shall have the powers and duties as are now or may hereafter be prescribed by the General Assembly.

SECTION 2. Section 2 of Amendment 42 to the Constitution of the State of Arkansas is amended to read as follows:

§ 2. Qualifications and appointment of members - Terms of office ~~of first commission.~~

~~Within ten days after the convening of the General Assembly of the State of Arkansas in the year 1953, the Governor, by and with the advice and consent of the Senate, shall appoint five persons who are qualified electors of the State to constitute the State Highway Commission for terms of two, four, six, eight and ten years respectively. The terms of the persons so appointed shall be determined by lot. The Commissioners to be appointed from the State at large; provided, however,~~

~~that no two Commissioners shall be appointed from any single Congressional District.~~

~~In the event of rejection by the Senate of a person whose name has been so submitted, the Governor shall within five days after receipt of written notice from the Secretary of the Senate of such rejection submit the name of another appointee to fill such vacancy. In the event the Governor should within five days thereafter fail to appoint or fail to submit to the Senate for confirmation the name of any person to be appointed, the Senate shall proceed to make the appointment of its own choice.~~

(a) The State Highway Commission shall be composed of five (5) members who shall be elected by popular vote.

(b)(1)(A)(i) The Board of Apportionment shall divide the state into four (4) highway commission zones which shall be identical to the four (4) congressional districts of the state.

(ii) The board may change the zones only if necessary due to an enactment of the General Assembly revising the congressional districts of the state.

(B) One (1) member of the commission shall be elected from each of the highway commission zones.

(C) Only qualified electors who are residents of their respective zones shall be eligible to be elected to the commission and to serve as commissioners for that zone.

(2)(A) In addition to the four (4) members elected under subdivision (b)(1) of this section, one (1) member of the commission shall be elected from the state at large.

(B) Only a qualified elector who is a resident of the State of Arkansas shall be eligible to be elected to the commission from the state at large.

(C) The member elected from the state at large shall serve as chair of the commission.

(d) The members of the State Highway Commission shall be elected by plurality vote and on a nonpartisan basis at the general election next following the adoption of this amendment.

(e) The General Assembly shall enact laws establishing procedures for the nonpartisan election of commissioners.

(f)(1) The initially elected members shall draw lots for terms so that three (3) members shall serve a four-year term and two (2) members shall serve a two-year term.

(2) Successors shall serve four-year terms.

(g) The elected members of the commission shall take office on the first

Monday of January in the year immediately following the date of their election.

(h)(1) Except as provided in subdivision (h)(2) of this section, no person shall serve as a member of the commission for more than two (2) four-year terms.

(2) Commissioners initially elected to serve a two-year term or appointed to fill a vacancy are eligible to serve two (2) four-year terms.

(i) Vacancies in office shall be filled by appointment by the Governor.

(j) If the number of congressional districts of the state increases or decreases from four (4) districts, the General Assembly shall enact laws:

(1) Revising the membership of the commission to be consistent with the number of congressional districts in the state; and

(2) Providing procedures for the addition or subtraction of commissioners.

SECTION 3. Section 3 of Amendment 42 to the Constitution of the State of Arkansas is amended to read as follows:

~~§ 3. Terms of office of members~~ Compensation and expenses of members.

~~Upon the expiration of the foregoing terms of said Commissioners, a successor shall be appointed by the Governor in the manner provided for in Section 2 for a term of ten years, which term shall thereafter be for each member of the Commission.~~

(a) The General Assembly shall by law determine the amount and method of payment of compensation, if any, and expenses of the members of the State Highway Commission.

(b) The compensation and expenses of commissioners may be increased but not diminished during the term for which they are elected.

(c) The compensation of all commissioners shall be equal.

SECTION 4. Section 4 of Amendment 42 to the Constitution of the State of Arkansas is amended to read as follows:

~~§ 4. Removal of members – Hearing – Review and appeal.~~

~~A Commissioner may be removed by the Governor only for the same causes as apply to other constitutional officers after a hearing which may be reviewed by the Chancery Court for the First District with right of appeal therefrom to the Supreme Court, such review and appeal to be without presumption in favor of any finding by the Governor or the trial court, and provided further, in addition to the right of confirmation hereinabove reserved to the Senate, the Senate may upon the written request of at least Five (5) of its members that a member or members of the Commission should be removed therefrom, proceed, when in session, to hear any and all evidence pertinent to the reasons for removal. The member or members whose removal is so requested shall be entitled to be heard in the matter and to be~~

~~represented before the Senate by legal Counsel. These proceedings conducted by the Senate shall be public and a transcript of the testimony so heard shall be prepared and preserved in the journal of the Senate. The taking of evidence either orally or by deposition shall not be bound by the formal rules of evidence. Upon the conclusion of the hearing, the Senate, sitting as a body in executive session, may remove said member or members of the Commission by a majority vote conducted by secret ballot.~~

(a) No commissioner shall be removed from office during the term for which elected unless:

(1) One (1) or more of the same causes for the removal of a constitutional officer of this state apply to the commissioner; or

(2) The commissioner no longer meets the qualifications provided in this amendment.

(b) Any action for removal shall be brought by the Attorney General at the request of the Governor and shall be heard in the circuit court for the county in which that commissioner resides.

SECTION 5. Section 6 of Amendment 42 to the Constitution of the State of Arkansas is amended to read as follows:

§ 6. Director of ~~Highways~~ Arkansas State Highway and Transportation Department.

~~The Commission shall appoint a Director of Highways who shall have such duties as may be prescribed by the Commission or by statute.~~

(a) There is created the position of Director of the Arkansas State Highway and Transportation Department.

(b) The director shall be appointed by the Governor for a term of four (4) years and may be removed by the Governor during his or her term only with the approval by a majority vote of the total number of commissioners.

(c) The director may be reappointed at the pleasure of the Governor.

SECTION 6. Amendment 42 to the Constitution of the State of Arkansas is amended to add a new Section 7 to read as follows:

§ 7. Officers and Duties.

The General Assembly may by law authorize the State Highway Commission to elect a vice chair and such other officers from the membership of the commission as it deems necessary for the governance of the commission and prescribe its respective duties.

SECTION 7. Effective Date – Transition.

(a) The provisions of this amendment shall be effective immediately upon its adoption by the qualified electors of the state.

(b) The members of the State Highway Commission serving on the effective date of this amendment shall continue to serve in their respective positions and shall have the powers, duties, and obligations prescribed under Amendment 42 of the Arkansas Constitution until the newly elected members of the commission take office under the provisions of this amendment.

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

HOUSE JOINT RESOLUTION NO. 1004

BY: REPRESENTATIVE GILLAM

HOUSE JOINT RESOLUTION
AN AMENDMENT TO THE ARKANSAS
CONSTITUTION CONCERNING THE TERMS OF
MEMBERS OF THE GENERAL ASSEMBLY.

Subtitle
THE ARKANSAS LEGISLATIVE
EQUALIZATION AMENDMENT.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. This amendment shall be known and may be cited as the "Arkansas Legislative Equalization Amendment."

SECTION 2. The purpose of this joint resolution is to amend the Arkansas Constitution concerning the terms of members of the General Assembly.

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

SENATE BILL NO. 150

BY: SENATOR J. DISMANG

BY: REPRESENTATIVES GILLAM, BIVIANO

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND PAROLE ELIGIBILITY FOR PERSONS CONVICTED OF A FELONY SEX OFFENSE; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 154

BY: SENATOR BURNETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE MAXIMUM AMOUNT OF THE DRUG ENFORCEMENT FUND; 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.

SENATE BILL NO. 215

BY: SENATOR IRVIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE FILING FOR A MUNICIPAL OFFICE; 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.

SENATE BILL NO. 217

BY: SENATOR IRVIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE SALARY OF A MUNICIPAL OFFICIAL WHOSE PROFESSIONAL LICENSE OR REGISTRATION IS SUSPENDED; 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.

Upon motion of Representative Duncan Baird, the House adjourned at 4:06 p.m. until 1:30 p.m., Tuesday, February 12, 2013.

ATTEST:

Davy Carter
Speaker of the House of Representatives

Sherri Stacks
Chief Clerk

