

**FIRST DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES
FIRST EXTRAORDINARY SESSION**

Little Rock, Arkansas
October 17, 2013

The House was called to order at 3:02 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, Biviano, Bragg, Branscum, Broadway, Burris, Carnine, Catlett, Clemmer, Copenhaver, Cozart, Dale, Davis, Deffenbaugh, Dickinson, C. Douglas, D. Douglas, Edwards, Eubanks, Farrer, Fielding, Fite, Gillam, Hammer, Harris, Hawthorne, Hickerson, Hillman, Hodges, Holcomb, Hopper, House, Hutchison, Jean, Jett, Kerr, Kizzia, Lampkin, Lea, Leding, Lenderman, Linck, Love, Lowery, Magie, Malone, Mayberry, McCrary, McElroy, McGill, McLean, D. Meeks, S. Meeks, Miller, Neal, Nickels, Overbey, Payton, Perry, Ratliff, Rice, Richey, Sabin, Scott, Shepherd, Slinkard, Smith, Steel, Talley, Thompson, Vines, Wagner, Walker, Wardlaw, Westerman, Whitaker, H. Wilkins, Womack, Word, Wren, Mr. Speaker.

Total89

The following member(s) was absent and did not answer to the roll call: Bell, Collins, Dotson, Ferguson, Gossage, Hobbs, Julian, Murdock, B. Wilkins, Williams, Wright.

Total11

A quorum was present.

Unanimous leave was granted for Representative(s) Bell, Gossage, Ferguson, B. Wilkins, Wright.

The House stood and was led in prayer by Representative Kim Hammer.

The House stood and gave the Pledge of Allegiance to the Flag.

Speaker Carter recognized John Ahlen, House Reading Clerk to read the Governor's Proclamation.

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT
PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS: An extraordinary occasion has arisen, making it necessary to convene the 89th General Assembly into extraordinary session; and

WHEREAS: There is an immediate and pressing need to secure and appropriate additional funds to mitigate the imposition of large increases in the premiums to be charged to public-school employees who choose to participate in the Public School Employee Health Insurance Program; and

WHEREAS: There is also an immediate and pressing need to establish a continuing revenue stream that would be available to support the Public School Employee Health Insurance Program, to adopt structural reforms to the Program, and to establish a framework for a thorough study of the Public School Employee Health Insurance Program; and

WHEREAS: A small number of school districts, solely by virtue of their relatively high property assessments and low student enrollment, currently receive net revenue from the State Uniform Rate of Tax that exceeds the per-student funding amount determined by the General Assembly to be sufficient to provide an adequate education; this wealth disparity, which is unrelated to educational need and is not the result of revenue from constitutionally permissible local tax levies, creates inequity and potentially exposes the State to litigation.

NOW THEREFORE, I, MIKE BEEBE, Governor of the State of Arkansas, by virtue of the power and authority vested in me by Article 6, Section 19 of the Arkansas Constitution, do hereby call an Extraordinary Session of the General Assembly to convene at the seat of government in the State Capitol on Thursday, October 17, 2013, at 3:00 p.m., and I do hereby specify that the General Assembly is convened in such Session to consider, and, if so advised, enact laws for the following purposes:

1. To provide for the payment of expenses and *per diem* of the House of Representatives and the Senate for this Extraordinary Session.
2. To appropriate and provide for the distribution of funds for the purpose of reducing premium increases for public-school employees who will participate in the Public School Employee Health Insurance Program during calendar year 2014.
3. To enact legislation to redirect future savings from the General Facilities Funding and Supplemental Millage Incentive Funding programs to the Employee Benefits Division of the Department of Finance and Administration to be used for the exclusive benefit of public-school employees participating in the Public School Employee Health Insurance Program.
4. To enact legislation to modify the requirements for Teacher Professional Development so as to increase the amount of state revenue available to support the Public School Employee Health Insurance Program.
5. To enact legislation concerning the plans offered through and the administration of the Public School Employee Health Insurance Program, and to establish a framework for a study of the Program that will provide recommendations for any necessary future reforms of the system.
6. To enact legislation transferring excess revenue from the Uniform Rate of Tax to the Educational Facilities Partnership Fund, so that it can be distributed to school districts for the funding of qualifying educational facilities projects.
7. To confirm gubernatorial appointees.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 16th day of October, in the year of our Lord 2013.

/s/ MIKE BEEBE, GOVERNOR

/s/ MARK MARTIN, SECRETARY OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS: An extraordinary occasion has arisen, making it necessary to convene the 89th General Assembly into extraordinary session; and

WHEREAS: By proclamation issued October 16, 2013, and pursuant to Article 6, Section 19 of the Arkansas Constitution, I convened an Extraordinary Session of the 89th General Assembly to convene on October 17, 2013 at 3:00 p.m., to address seven separate items for consideration during such Extraordinary Session; and

WHEREAS: In response to the General Assembly's adoption of Act 954 of 2013, the United States Environmental Protection Agency (EPA) has taken adverse action with respect to the Arkansas Department of Environmental Quality's ability to issue permits under the National Pollutant Discharge Elimination System Program, and an immediate repeal of Act 954 is necessary to alleviate such adverse action by the EPA.

NOW THEREFORE, I, MIKE BEEBE, Governor of the State of Arkansas, by virtue of the power and authority vested in me by Article 6, Section 19 of the Arkansas Constitution, do hereby amend my call for an Extraordinary Session of the General Assembly to specify that the General Assembly is convened in such Session to consider, and, if so advised, enact laws for the following additional purpose:

8. To immediately repeal, in full, the provisions of Act 954 of 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 16th day of October, in the year of our Lord 2013.

/s/ MIKE BEEBE, GOVERNOR

/s/ MARK MARTIN, SECRETARY OF STATE

Speaker Carter announced:

In accordance with the provisions of Article VI, Section 19 of the Arkansas Constitution, no business other than that which is germane to the items in the Call of the Governor will be considered until all items in the Call have been disposed of.

Speaker Carter appointed the following named Representatives as the Committee to notify the Senate that the House in session and ready for business:

Representative Andy Davis, Chairman

Representative James McLean

Speaker Carter appointed the following named Representatives as the Committee to notify Governor Beebe that the House in session and ready for business:

Representative Tommy Wren, Chairman

Representative Micah S. Neal

Representative Lea moved we suspend for the duration of this special session the portion of **HOUSE RULE 41** that requires bills to be calendared for two days prior to final action. Motion carried.

COMMITTEE REPORT

	October 17, 2013
PUBLIC HEALTH, WELFARE AND LABOR	JOHN BURRIS
	CHAIRPERSON
HOUSE BILL NO. 1002	DO PASS
BY REPRESENTATIVE DAVIS	

COMMITTEE REPORT

	October 17, 2013
INSURANCE AND COMMERCE	ROBERT DALE
	VICE CHAIRPERSON
HOUSE BILL NO. 1011	DO PASS
BY REPRESENTATIVE WREN	

COMMITTEE REPORT

	October 17, 2013
PUBLIC HEALTH, WELFARE AND LABOR	DUNCAN BAIRD
	CHAIRPERSON
HOUSE BILL NO. 1003	DO PASS
BY REPRESENTATIVES MCLEAN, WREN	AS AMENDED #1

HOUSE BILL NO. 1001

BY: REPRESENTATIVE NICKELS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH A UNIFIED HEALTH CARE BENEFIT PROGRAM FOR ALL PUBLICLY FUNDED EMPLOYEES AND RETIRED EMPLOYEES; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1002

BY: REPRESENTATIVE DAVIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO WATER QUALITY STANDARDS; TO REPEAL ACT 954 OF 2013; 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 PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1003

BY: REPRESENTATIVES MCLEAN, WREN

BY: SENATORS RAPERT, J. KEY

AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1309 OF 2013; 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. 1004

BY: REPRESENTATIVE WESTERMAN

BY: SENATOR B. SAMPLE

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE UNIFORM RATE OF TAX; TO AMEND THE PROVISIONS REGARDING THE USE AND DISTRIBUTION OF THE REVENUES GENERATED BY THE UNIFORM RATE OF TAX; TO CREATE A PROPERTY TAX CREDIT FUNDED BY EXCESS REVENUE RECEIVED FROM THE UNIFORM RATE OF TAX; AND FOR OTHER PURPOSES.

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

Representative Ballinger moved the House re-refer **HOUSE BILL NO. 1004** from the House Committee on EDUCATION to the House Committee on REVENUE AND TAXATION. The vote was as follows:

AFFIRMATIVE: Alexander, D. Altes, Ballinger, Barnett, Biviano, Bragg, Branscum, Catlett, Clemmer, Davis, Deffenbaugh, C. Douglas, D. Douglas, Eubanks, Farrer, Fite, Gillam, Gossage, Hammer, Harris, Hickerson, Hodges, Hopper, House, Hutchison, Jean, Kerr, Lea, Linck, Lowery, Magie, Mayberry, McElroy, D. Meeks, S. Meeks, Miller, Payton, Perry, Rice, Scott, T. Thompson, Westerman, Womack.

Total43

NEGATIVE: Baine, Baird, Baltz, Broadaway, Copenhaver, Cozart, Dale, J. Edwards, Fielding, Hawthorne, Hillman, Holcomb, Jett, Kizzia, Leding, Lenderman, Love, S. Malone, McCrary, McLean, Neal, Ratliff, Richey, Shepherd, Steel, Talley, Vines, W. Wagner, D. Whitaker, H. Wilkins, Word, Wren, Mr. Speaker.

Total33

ABSENT OR NOT VOTING: C. Armstrong, E. Armstrong, Bell, J. Burris, Collins, J. Dickinson, Dotson, Ferguson, Hobbs, Julian, Lampkin, McGill, Murdock, Nickels, B. Overbey, Sabin, Slinkard, F. Smith, Walker, Wardlaw, B. Wilkins, Williams, Wright.

Total23

VOTING PRESENT: Carnine.

Total1

Total number of votes cast77

Total number voting in the affirmative.....43

Necessary to the adoption of the motion52

So the Motion was not adopted.

/s/ Ms. Sherri Stacks

Chief Clerk

HOUSE BILL NO. 1005

BY: REPRESENTATIVE MCLEAN

BY: SENATORS J. DISMANG, J. KEY, BLEDSOE, CALDWELL, E. CHEATHAM, J. ENGLISH, J. HENDREN, HICKEY, HOLLAND, J. HUTCHINSON, K. INGRAM, B. PIERCE, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR TEACHER PROFESSIONAL DEVELOPMENT; 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. 1006

BY: REPRESENTATIVE WREN

BY: SENATORS J. KEY, RAPERT, BLEDSOE, CALDWELL, E. CHEATHAM, L. CHESTERFIELD, J. DISMANG, ELLIOTT, J. ENGLISH, S. FLOWERS, J. HENDREN, HICKEY, HOLLAND, J. HUTCHINSON, K. INGRAM, U. LINDSEY, B. PIERCE, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A MORE SUSTAINABLE SYSTEM OF HEALTH INSURANCE BENEFITS FOR PUBLIC SCHOOL EMPLOYEES; TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE STATE AND PUBLIC SCHOOL LIFE AND HEALTH INSURANCE BOARD; 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 INSURANCE AND COMMERCE.

HOUSE BILL NO. 1007

BY: REPRESENTATIVE JETT

BY: SENATORS MALOCH, J. KEY, CALDWELL, E. CHEATHAM, L. CHESTERFIELD, J. DISMANG, ELLIOTT, S. FLOWERS, HICKEY, HOLLAND, K. INGRAM, U. LINDSEY, B. PIERCE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE EXCESS REVENUE FROM THE UNIFORM RATE OF TAX TO BE CREDITED TO THE PUBLIC SCHOOL FUND; TO PROVIDE STABILITY FOR SCHOOL DISTRICTS THAT RECEIVED EXCESS REVENUE FROM THE UNIFORM RATE OF TAX IN THE 2014-2015 SCHOOL YEAR TO HAVE A GRADUAL PHASE-OUT; 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. 1008

BY: REPRESENTATIVE CLEMMER

BY: SENATORS RAPERT, J. KEY, BLEDSOE, CALDWELL, E. CHEATHAM, L. CHESTERFIELD, J. DISMANG, ELLIOTT, J. ENGLISH, S. FLOWERS, J. HENDREN, HICKEY, HOLLAND, J. HUTCHINSON, K. INGRAM, U. LINDSEY, B. PIERCE, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO SUPPORT PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE; TO ALLOW SAVINGS FROM THE GENERAL FACILITIES FUNDING AND SUPPLEMENTAL MILLAGE INCENTIVE FUNDING TO BE USED FOR PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE; 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. 1009

BY: REPRESENTATIVES MCLEAN, ALEXANDER, E. ARMSTRONG, BALTZ, BRAGG, CARNINE, CLEMMER, COPENHAVER, DALE, J. EDWARDS, HILLMAN, HODGES, HOUSE, JETT, LAMPKIN, LEA, LEDING, LENDERMAN, LOVE, MAGIE, NICKELS, B. OVERBEY, RATLIFF, RICHEY, SABIN, SCOTT, W. WAGNER

BY: SENATORS J. DISMANG, J. KEY, BLEDSOE, CALDWELL, E. CHEATHAM, J. ENGLISH, J. HENDREN, HICKEY, HOLLAND, J. HUTCHINSON, K. INGRAM, B. PIERCE, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR TEACHER PROFESSIONAL DEVELOPMENT; 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. 1010

BY: REPRESENTATIVES JETT, BALTZ, CARNINE, HILLMAN, KIZZIA, LEDING, LOVE, NICKELS, RATLIFF, RICHEY

BY: SENATORS MALOCH, J. KEY, CALDWELL, E. CHEATHAM, L. CHESTERFIELD, J. DISMANG, ELLIOTT, S. FLOWERS, HICKEY, HOLLAND, K. INGRAM, U. LINDSEY, B. PIERCE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE EXCESS REVENUE FROM THE UNIFORM RATE OF TAX TO BE CREDITED TO THE PUBLIC SCHOOL FUND; TO PROVIDE STABILITY FOR SCHOOL DISTRICTS THAT RECEIVED EXCESS REVENUE FROM THE UNIFORM RATE OF TAX IN THE 2014-2015 SCHOOL YEAR TO HAVE A GRADUAL PHASE-OUT; 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.

Representative Ballinger moved to re-refer **HOUSE BILL NO. 1010** from the House Committee on EDUCATION to the House Committee on REVENUE AND TAXATION. Motion failed.

HOUSE BILL NO. 1011

BY: REPRESENTATIVES WREN, ALEXANDER, BALTZ, BRAGG, BROADAWAY, CARNINE, COPENHAVER, DALE, J. EDWARDS, GILLAM, HILLMAN, HODGES, HOUSE, JETT, KIZZIA, LAMPKIN, LEDING, LOVE, MAGIE, MCCRARY, B. OVERBEY, RATLIFF, RICHEY, SABIN, SCOTT, T. THOMPSON, W. WAGNER

BY: SENATORS J. KEY, RAPERT, BLEDSOE, CALDWELL, E. CHEATHAM, L. CHESTERFIELD, J. DISMANG, ELLIOTT, J. ENGLISH, S. FLOWERS, J. HENDREN, HICKEY, HOLLAND, J. HUTCHINSON, K. INGRAM, U. LINDSEY, B. PIERCE, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A MORE SUSTAINABLE SYSTEM OF HEALTH INSURANCE BENEFITS FOR PUBLIC SCHOOL EMPLOYEES; TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE STATE AND PUBLIC SCHOOL LIFE AND HEALTH INSURANCE BOARD; 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 INSURANCE AND COMMERCE.

HOUSE BILL NO. 1012

BY: REPRESENTATIVES CLEMMER, BALTZ, BRAGG, BROADWAY, CARNINE, COPENHAVER, DALE, J. EDWARDS, GILLAM, HAWTHORNE, HILLMAN, HODGES, JETT, KIZZIA, LAMPKIN, LEA, LEDING, LENDERMAN, LOVE, MAGIE, NICKELS, RATLIFF, RICHEY, SABIN, SCOTT, T. THOMPSON, W. WAGNER

BY: SENATORS RAPERT, J. KEY, BLEDSOE, CALDWELL, E. CHEATHAM, L. CHESTERFIELD, J. DISMANG, ELLIOTT, J. ENGLISH, S. FLOWERS, J. HENDREN, HICKEY, HOLLAND, J. HUCHINSON, K. INGRAM, U. LINDSEY, B. PIERCE, D. SANDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO SUPPORT PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE; TO ALLOW SAVINGS FROM THE GENERAL FACILITIES FUNDING AND SUPPLEMENTAL MILLAGE INCENTIVE FUNDING TO BE USED FOR PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE; 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. 1013

BY: REPRESENTATIVE WESTERMAN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR REPAYMENT OF THE DISTRIBUTION OF FUNDS FOR THE PURPOSE OF REDUCING PREMIUM INCREASES FOR PUBLIC-SCHOOL EMPLOYEES WHO WILL PARTICIPATE IN THE PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE PROGRAM DURING CALENDAR YEAR 2014.

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

Upon motion of Representative Baird, the House adjourned at 3:48 p.m. until 11:00 a.m., Thursday, October 18, 2013.

ATTEST:

Davy Carter
Speaker of the House of Representatives

Sherri Stacks
Chief Clerk

