

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

---



---

Little Rock, Arkansas  
January 26, 2007

The House was called to order at 10:03 a.m. by Mr. Petrus, the Speaker. The following members answered to the roll call:

Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total .....100

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

Total .....0

A quorum was present.

The House stood and was led in prayer by Representative Sid Rosenbaum.

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 26, 2007
INSURANCE AND COMMERCE	SID ROSENBAUM
	CHAIRPERSON
SENATE BILL NO. 82	DO PASS
BY SENATOR BAKER	
SENATE BILL NO. 99	DO PASS
BY SENATOR WILKINSON	

COMMITTEE REPORT

	January 26, 2007
STATE AGENCIES	JEFF WOOD
AND GOVERNMENTAL AFFAIRS	CHAIRPERSON
HOUSE BILL NO. 1287	DO PASS
BY REPRESENTATIVE REYNOLDS	

COMMITTEE REPORT

	January 26, 2007
JOINT BUDGET	CHRIS THYER
	CHAIRPERSON
SENATE BILL NO. 151	DO PASS
BY SENATORS WOMACK, FARIS	

Upon motion of Representative Hardy, **HOUSE BILL NO. 1026** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1026**

Amend **HOUSE BILL NO. 1026** as originally introduced:

Add Representatives Blount, Davenport, Davis, Garner, J. Johnson, Moore, Overbey, and Rainey as cosponsors of the bill

AND

Add Senator J. Jeffress as a cosponsor of the bill

AND

Page 2, delete lines 6 and 7 and substitute the following:

"other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section, shall promptly notify the State Medical Examiner if the firefighter or police officer, or other eligible person dies in the line of duty, as a result of injuries sustained in"

AND

Page 2, delete line 11 and substitute the following:

"firefighter or police officer, or other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section who dies in the line of duty, as a result of"

AND

Page 2, delete lines 19 through 24 and substitute the following:

"firefighter's or police officer's commanding officer or the supervisor of another person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section.

(2)(A) If the firefighter or police officer, or other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section has agreed in writing to allow an autopsy under this section, that directive shall be followed unless the firefighter's or police officer's spouse or the spouse of any other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) dictates otherwise after being notified of the prospective autopsy.

(B) If the firefighter or police officer, or other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section has not agreed in writing to allow an autopsy under this section, the firefighter's or police officer's spouse or the spouse of any other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section may decide whether or not an autopsy will be performed.

(C) If the firefighter's or police officer's spouse or the spouse of

any other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section chooses not to allow the autopsy:"

AND

Page 2, delete lines 28 and 29 and substitute the following:

"section, he or she shall provide to the firefighter's or police officer's commanding officer or the supervisor of any other person with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section written notice stating the reason why no autopsy was"

AND

Page 2, delete lines 32 through 36

AND

Page 3, delete lines 1 through 3

AND

Page 3, delete line 7 and substitute the following:

"police officers, or other persons with a similar eligibility under the two (2) acts specified in subdivision (c)(1)(B) of this section who have died as a result of performing emergency services"

/s/ Willie Hardy

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Reep, **HOUSE BILL NO. 1101** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1101**

Amend **HOUSE BILL NO. 1101** as originally introduced:

Page 1, delete lines 23 and 24 and substitute the following:

"accreditation or certification to hospitals or managed care organizations and has been recognized by the U.S. Centers"

AND

Page 1, delete lines 26 and 27 and substitute the following:

"limitation the Joint Commission;"

/s/ Gregg Reep

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 1235** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1235**

Amend **HOUSE BILL NO. 1235** as originally introduced:

Add Representatives E. Brown, D. Johnson, Thyer, and Wells as cosponsors of the bill

AND

Page 1, delete lines 11 through 14, and substitute the following:

"AN ACT TO REPEAL ARKANSAS CODE § 5-73-121 CONCERNING THE OFFENSE OF CARRYING A KNIFE AS A WEAPON; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 17 through 20, and substitute the following:

"TO REPEAL ARKANSAS CODE § 5-73-121 CONCERNING THE OFFENSE OF CARRYING A KNIFE AS A WEAPON."

AND

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 5-73-121 is repealed.

~~5-73-121. Carrying a knife as a weapon.~~

~~(a) A person who carries a knife as a weapon, except when upon a journey or upon his or her own premises, shall be punished as provided by § 5-73-123(b) [repealed].~~

~~(b) If a person carries a knife with a blade three and one-half inches (3 1/2") long or longer, this fact is prima facie proof that the knife is carried as a weapon.~~

~~(c) This section does not apply to:~~

~~(1) An officer whose duties include making an arrest or keeping and guarding a prisoner; or~~

~~(2) A person summoned by the officer to aid in the discharge of the officer's duties while actually engaged in the discharge of the officer's duties."~~

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Anderson, **HOUSE BILL NO. 1173** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1173**

Amend **HOUSE BILL NO. 1173** as engrossed,

H1/24/07 (version: 01-24-2007 08:58):

Add Representatives Breedlove, Harris, Kenney, and Sullivan as cosponsors of the bill.

/s/ Keven Anderson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Prater, **HOUSE BILL NO. 1196** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1196**

Amend **HOUSE BILL NO. 1196** as originally introduced:

Add the following Representatives as cosponsors of the bill: Abernathy, Bradford, Cheatham, Cook, Dickinson, Everett, Hardy, J. Johnson, Lamoureux, Martin, Rainey, Reynolds, Rosenbaum, Saunders, Wood

/s/ Sandra Prater

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

---

BENNY C. PETRUS, CHAIRMAN

January 26, 2007

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1026 - TITLE - BY REPRESENTATIVE HARDY, ET AL

HOUSE BILL NO. 1101 BY REPRESENTATIVE REEP

HOUSE BILL NO. 1173 - TITLE - BY REPRESENTATIVE ANDERSON, ET AL

HOUSE BILL NO. 1196 - TITLE - BY REPRESENTATIVE S. PRATER, ET AL

HOUSE BILL NO. 1235 - TITLE - BY REPRESENTATIVE MEDLEY

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1026

---

BY: REPRESENTATIVES HARDY, S. PRATER, *BLOUNT, DAVENPORT, DAVIS, GARNER, J. JOHNSON, MOORE, OVERBEY, RAINEY*

BY: SENATORS FARIS, *J. JEFFRESS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT THE FAMILIES OF FIREFIGHTERS AND POLICE OFFICERS; TO ENSURE THAT FIREFIGHTERS AND POLICE OFFICERS WHO LOSE THEIR LIVES AS THE RESULT OF THEIR DUTIES RECEIVE BENEFITS UNDER FEDERAL LAW; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1173

---

BY: REPRESENTATIVES ANDERSON, ADCOCK, J. BROWN, COOK, COOPER, CORNWELL, S. DOBBINS, DUNN, L. EVANS, GEORGE, R. GREEN, D. HUTCHINSON, KING, LOVELL, LOWERY, MEDLEY, NORTON, PENNARTZ, PETRUS, PYLE, RAGLAND, J. ROEBUCK, SAMPLE, STEWART, THYER, BREEDLOVE, HARRIS, KENNEY, SULLIVAN

BY: SENATORS BISBEE, BAKER, HENDREN, G. JEFFRESS, MILLER, SALMON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT SCHOOL DISTRICTS MUST REQUIRE SCHOOLS IN THE SCHOOL DISTRICT TO PROVIDE TO PARENTS AN ANNUAL BODY MASS INDEX REPORT ON EACH STUDENT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1196

---

BY: REPRESENTATIVES S. PRATER, ABERNATHY, T. BRADFORD, CHEATHAM, COOK, DICKINSON, EVERETT, HARDY, J. JOHNSON, LAMOUREUX, M. MARTIN, RAINEY, REYNOLDS, ROSENBAUM, SAUNDERS, WOOD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CONTINUE THE ARKANSAS COMMISSION ON EYE AND VISION CARE OF SCHOOL AGE CHILDREN; TO CREATE THE SCHOOL-AGE CHILDREN EYE AND VISION CARE FUND; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1235

---

BY: REPRESENTATIVES MEDLEY, JEFFREY, PACE, BLOUNT, T. BRADFORD,  
BURKES, COOPER, CORNWELL, GLIDEWELL, KING, RAGLAND, ROSENBAUM,  
WALTERS, WOOD, *E. BROWN, D. JOHNSON, THYER, WELLS*

BY: SENATORS J. TAYLOR, ALTES

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO REPEAL ARKANSAS  
CODE § 5-73-121 CONCERNING THE OFFENSE OF CARRYING A KNIFE AS A  
WEAPON; AND FOR OTHER PURPOSES.*

Morning Hour Expired.

HOUSE BILL NO. 1007

---

**BY: REPRESENTATIVE THYER**

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....	98
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Sumpter, Mr. Speaker.	
Total .....	2
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	98
Total number voting in the affirmative .....	98
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1284

---

BY: REPRESENTATIVE WILLS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....	96
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Chesterfield, Sumpter, Mr. Speaker.	
Total .....	3
VOTING PRESENT: T. Baker.	
Total .....	1
Total number of votes cast .....	97
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.

Motion was made by Representative Kenney for reconsideration of **HOUSE BILL NO. 1146**. Motion Carried.

**HOUSE BILL NO. 1146**

---

**BY: REPRESENTATIVE WALTERS**

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

AFFIRMATIVE: Abernathy, Anderson, Blount, Bond, Breedlove, E. Brown, Cheatham, Chesterfield, Cook, Cornwell, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Edwards, D. Evans, Flowers, R. Green, Hardwick, Harrelson, Hoyt, D. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kidd, King, Lamoureux, W. Lewellen, Norton, Overbey, Pate, Pennartz, Pickett, Pierce, Powers, Pyle, Reynolds, Rogers, Schulte, Shelby, L. Smith, Thyer, Wagner, Walters, Webb, Wills, Wyatt.

Total .....49

NEGATIVE: Allen, T. Baker, Berry, T. Bradford, J. Brown, Burkes, Burris, Cooper, L. Cowling, Dunn, L. Evans, Everett, Garner, Gaskill, Glidewell, Greenberg, Hall, Hardy, Hawkins, House, Hyde, Kenney, Key, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Pace, Patterson, Ragland, Rainey, Reep, J. Roebuck, Rosenbaum, Sample, Saunders, Stewart, Sullivan, Sumpter, Wells, Woods.

Total .....43

ABSENT OR NOT VOTING: Adcock, Cash, George, Harris, S. Prater, Wood, Mr. Speaker.

Total .....7

VOTING PRESENT: Moore.

Total .....1

Total number of votes cast .....93

Total number voting in the affirmative .....49

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

So the Bill failed.

HOUSE BILL NO. 1241

---

BY: REPRESENTATIVE WEBB

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Greenberg, Kenney, Pace, Reep, Sumpter, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....94

Total number voting in the affirmative.....94

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

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

HOUSE BILL NO. 1216

---

**BY: REPRESENTATIVE S. PRATER**

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....96

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hardwick, Hardy, Reep, 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. 1069

BY: REPRESENTATIVE BOND

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpster, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....	98
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Lowery, Mr. Speaker.	
Total .....	2
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	98
Total number voting in the affirmative.....	98
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 PATTERSON**

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, Berry, Blount, Bond, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....90

NEGATIVE: T. Baker, S. Dobbins, Greenberg, Maloch, Reep.

Total .....5

ABSENT OR NOT VOTING: T. Bradford, Kenney, Pace, Mr. Speaker.

Total .....4

VOTING PRESENT: Moore.

Total .....1

Total number of votes cast .....96

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. 1130

---

BY: REPRESENTATIVE HARRELSON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Kidd, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Wyatt.

Total .....90

NEGATIVE: Burkes, R. Green, Greenberg, Key, King, Lamoureux, Woods.

Total .....7

ABSENT OR NOT VOTING: Glidewell, Medley, Mr. Speaker.

Total .....3

VOTING PRESENT:

Total .....0

Total number of votes cast .....97

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. 1197

---

**BY: REPRESENTATIVE COOK**

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wood, Woods, Wyatt.

Total .....96

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Glidewell, Lamoureux, Wills, 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. 1206

BY: REPRESENTATIVE DUNN

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpster, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total .....	99
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Mr. Speaker.	
Total .....	1
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	99
Total number voting in the affirmative.....	99
Necessary to the passage of the bill.....	51

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

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

---

HOUSE BILL NO. 1007 BY REPRESENTATIVE THYER  
HOUSE BILL NO. 1069 BY REPRESENTATIVE BOND  
HOUSE BILL NO. 1130 BY REPRESENTATIVE HARRELSON  
HOUSE BILL NO. 1157 BY REPRESENTATIVE WYATT  
EMERGENCY CLAUSE FAILED OF ADOPTION  
HOUSE BILL NO. 1197 BY REPRESENTATIVE COOK  
HOUSE BILL NO. 1206 BY REPRESENTATIVE DUNN  
HOUSE BILL NO. 1216 BY REPRESENTATIVE S. PRATER  
HOUSE BILL NO. 1230 BY REPRESENTATIVE PATTERSON  
HOUSE BILL NO. 1241 BY REPRESENTATIVE WEBB  
HOUSE BILL NO. 1284 BY REPRESENTATIVE WILLS

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

---

Little Rock, Arkansas

January 26, 2007

MR. SPEAKER:

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

HOUSE BILL NO. 1009	BY REPRESENTATIVES THYER, D. JOHNSON
HOUSE BILL NO. 1028	BY REPRESENTATIVE GEORGE, ET AL
HOUSE BILL NO. 1043	BY REPRESENTATIVE WILLS
HOUSE BILL NO. 1044	BY REPRESENTATIVES SULLIVAN, THYER
HOUSE BILL NO. 1045	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1046	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1047	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1048	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1049	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1050	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1051	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1052	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1053	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1055	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1058	BY JOINT BUDGET COMMITTEE

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 8:37 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Benny C. Petrus, Chairman

## RECEIPT FROM THE GOVERNOR

## RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1009 BY REPRESENTATIVES THYER, D. JOHNSON  
HOUSE BILL NO. 1028 BY REPRESENTATIVE GEORGE, ET AL  
HOUSE BILL NO. 1043 BY REPRESENTATIVE WILLS  
HOUSE BILL NO. 1044 BY REPRESENTATIVES SULLIVAN, THYER  
HOUSE BILL NO. 1045 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1046 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1047 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1048 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1049 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1050 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1051 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1052 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1053 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1055 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1058 BY JOINT BUDGET COMMITTEE

/s/ Mike Beebe - Governor

TIME: 8:37 a.m.

By: Sarah Agee

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH GENERAL ASSEMBLY  
ROOM 350, THIRD FLOOR, STATE CAPITOL  
LITTLE ROCK, ARKANSAS 72201-1089  
(501) 682-7771 TDD (501) 682 9148

BENNY C. PETRUS, SPEAKER  
TIM MASSANELLI, PARLIAMENTARIAN JO RENSHAW, CHIEF CLERK

**MEMORANDUM**

**TO:** Whom It May Concern  
**FROM:** House Committee on the Journal; Engrossed and Enrolled Bills  
**DATE:** January 26, 2007  
**SUBJECT:** HOUSE BILL NO. 1069

\*\*\*\*\*

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in the caption of HB 1069. The period at the end of the caption was missing.

"AN ACT TO ESTABLISH THE ARKANSAS LONG-TERM CARE PARTNERSHIP PROGRAM; AND FOR OTHER PURPOSES."

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB 1069.

/s/ Benny C. Petrus  
Speaker of the House

/s/ J R Rogers

/s/ David Dunn  
House Rules

/s/ George Overbey, Jr.

/s/ Lenville Evans, Chairman  
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

## Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

### For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS LONG-TERM CARE PARTNERSHIP PROGRAM; AND FOR OTHER PURPOSES.

### Subtitle

ACT TO ESTABLISH THE ARKANSAS LONG-TERM CARE PARTNERSHIP PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18

SECTION 1. Arkansas Code Title 20, Chapter 77 is amended to add an additional subchapter to read as follows:

20-77-1801. Findings.

The General Assembly finds that in order to alleviate the financial burden on the state's Medicaid program, the state must encourage better access to and utilization of affordable long-term care insurance that will pay for some or all of the cost of long-term care services.

20-77-1802. Definitions.

As used in this subchapter:

- (1) "Long-term care facility" means a facility required to be licensed under § 20-10-224;
- (2) "Long-term care insurance" means the same as in 8 23-97-304;
- (3) "Long-term care services" means the following necessary services that originate in a setting other than an acute care hospital and that are provided to individuals whose functional capacities are chronically impaired:
  - (A) Physician's services;
  - (B) Nursing services;
  - (C) Diagnostic services;
  - (D) Therapeutic services including physical therapy, speech therapy, and occupational therapy;
  - (E) Rehabilitative services;
  - (F) Maintenance services;
  - (G) Personal care services individually designed to assist with an individual's physical dependency needs related to bathing, bladder and bowel requirements, dressing, eating, personal hygiene, medications, mobility, incidental housekeeping, laundry, and shopping for personal

maintenance items;

(H) Transportation services;

(I) Day care services;

(J) Respite care services; and

(K) Services provided by chiropractors, podiatrists, and optometrists.

20-77-1803. Arkansas Long-Term Care Partnership Program — Created.

(a) The Arkansas Long-Term Care Partnership Program is created within the Department of Health and Human Services.

(b) The Department of Health and Human Services in cooperation with the Insurance Commissioner shall submit applications to the United States Department of Health and Human Services necessary to obtain approval to:

(1) Establish a process for precertification of long-term care insurance policies that meets a11 the requirements of the program;

(2) Establish minimum requirements that long-term care insurance policies shall meet in order to qualify for pre-certification, including 27 without limitation:

(A) A conspicuous provision alerting consumers to the availability of consumer information and public education provided by the Department of Health and Human Services;

(B) A guarantee that each insured has an option to cover home and community-based services in addition to nursing facility care;

(C) Inflation protection;

(D) Periodic reporting to include explanations of benefits and a record of insurance payments that count toward Medicaid resource exclusion; and

(E) Reports to the program as the Department of Health and Human Services may require;

(3) Include provisions for reciprocal agreements with other states to extend the Medicaid eligibility protections in subdivision (b)(4) of this section to purchasers of long-term care policies in those states, if at the time the long-term care policies were issued, the policies qualified for pre-certification in this state;

(4) Include provisions that Medicaid eligibility determinations in the long-term care or related waiver categories for individuals who are the beneficiaries of precertified long-term care insurance policies shall include a resource disregard of one dollar (\$1.00) for every dollar of long-term care insurance benefits paid under the individual's prequalified long-

term care insurance policy for long-term care services;

(5) Include an outreach program to educate consumers about the need for long-term care, the availability of long-term care insurance, and the asset protections available under this subsection.

20-77-1804. Applicability.

This subchapter does not supersede the obligations under the Long-Term Care Insurance Act of 2005, § 23-97-301 et seq.

20-77-1805. Continuity of asset protection.

If this law is repealed, any Medicaid asset protection afforded under § 20-77-1803 shall remain effective for the life of the individual receiving long-term care services under this subchapter.

**HOUSE BILL NO. 1312**

---

**BY: REPRESENTATIVE KIDD**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL ASSISTANCE TO ARKANSAS PUBLIC SCHOOL EMPLOYEES IN THE FORM OF INCREASED STATE CONTRIBUTIONS FOR THE PAYMENT OF PREMIUMS FOR HEALTH INSURANCE ADMINISTERED BY THE STATE; 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. 1313**

---

**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES AND FOR GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF WORKFORCE EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; 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. 1314**

---

**BY: REPRESENTATIVE SUMPTER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT PUBLIC USE OF THE WATERS OF THE MISSISSIPPI RIVER AND OF THE LAKES THAT BORDER THIS STATE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1315**

---

**BY: REPRESENTATIVE PICKETT**

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE REVIEW OF TECHNICAL AND GENERAL SERVICES CONTRACTS BY THE ARKANSAS LEGISLATIVE COUNCIL; 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. 1316**

---

**BY: REPRESENTATIVE RAGLAND**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER THE DEPARTMENT OF RURAL SERVICES TO THE ARKANSAS AGRICULTURE DEPARTMENT BY A TYPE 1 TRANSFER; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1317**

---

**BY: REPRESENTATIVES L. SMITH, BURRIS, EDWARDS, GARNER, GEORGE, HYDE, J. JOHNSON, KEY, PATE****BY: SENATORS MADISON, MALONE, WOMACK**

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE COMMEMORATION OF THOMAS PAINE DAY; 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.

**HOUSE BILL NO. 1318**

---

**BY: REPRESENTATIVES SULLIVAN, PETRUS, THYER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE SURPLUS POULTRY LITTER REMOVAL INCENTIVES ACT; TO PROVIDE ECONOMIC DEVELOPMENT INCENTIVES FOR POULTRY LITTER REMOVAL; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1319**

---

**BY: REPRESENTATIVES L. EVANS, GEORGE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO TRANSFER AQUACULTURE BUSINESS ENTERPRISES FROM THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY TO THE ARKANSAS AGRICULTURE DEPARTMENT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1320**

---

**BY: REPRESENTATIVE RAGLAND**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MODERNIZE THE PROCEDURE FOR APPOINTMENT OF A DEPUTY TREASURER; 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 JOINT RESOLUTION NO. 1003

---

BY: REPRESENTATIVE RAGLAND

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AMENDING THE ARKANSAS CONSTITUTION TO ABOLISH THE OFFICE OF CONSTABLE.

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

Upon motion of Representative David Evans, the House adjourned at 11:10 a.m. until 1:30 p.m., Monday, January 29, 2007.

ATTEST:

---

Benny C. Petrus  
Speaker of the House of Representatives

---

Jo Renshaw  
Chief Clerk

