

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

Little Rock, Arkansas
January 16, 2009

The House was called to order at 10:00 a.m. by Mr. Wills, the Speaker. The following members answered to the roll call:

Abernathy, Adcock, Allen, Baird, Baker, Barnett, Betts, Blount, Bradford, Breedlove, Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, Cowling, Creekmore, Dale, Davenport, Davis, Dickinson, Dismang, Dunn, Edwards, English, Everett, Flowers, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hutchinson, Hyde, Kerr, Kidd, King, Lea, Lewellen, Lindsey, Lovell, Lowery, Maloch, Malone, Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, Roebuck, J. Rogers ,T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, Wilkins, Williams, Woods, Word, Mr. Speaker.

Total98

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

Total2

A quorum was present.

Unanimous leave was granted for Representative(s) Garner, Ingram.

The House stood and was led in prayer by Representative Otis Davis.

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

AGING, CHILDREN AND YOUTH,
 LEGISLATIVE AND MILITARY AFFAIRS
 HOUSE BILL NO. 1044
 BY REPRESENTATIVE PENNARTZ

January 16, 2009
 DAWN CREEKMORE
 CHAIRPERSON
 DO PASS
 NON-CONTRO

Upon motion of Representative Kerr, HOUSE BILL NO. 1100 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1100

Amend HOUSE BILL NO. 1100 as originally introduced:

Page 2, line 7, delete "(2)(A)" and substitute "(3)(A)"

AND

Page 2, line 23, delete "(3)" and substitute "(4)"

AND

Page 2, line 26, delete "(4)" and substitute "(5)"

/s/ Allen Kerr

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Webb, **HOUSE BILL NO. 1098** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1098

Amend **HOUSE BILL NO. 1100** as originally introduced:

Page 2, delete lines 4 through 8 and substitute the following language:

"(3)(A) Notwithstanding the age requirements in subdivision (a)(1) of this section, a public school or public school district shall allow a child to enroll in kindergarten if the child:

(i) Was enrolled in a state-approved prekindergarten program during the 2008-2009 school year;

(ii) Attended a state-approved prekindergarten program for at least one hundred (100) days during the 2008-2009 school year and each subsequent year in which he or she is enrolled in a state-approved prekindergarten program; and

(iii) Will be at least five (5) years of age no later than September 15 during the year in which he or she enrolls in kindergarten.

(B) As used in this subdivision (a)(3), "state-approved prekindergarten program" means a prekindergarten program that is accredited and quality-approved by the Department of Human Services Division of Child Care and Early Childhood Education."

/s/ Kathy Webb

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative D. Creekmore, **HOUSE BILL NO. 1014** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1014

Amend **HOUSE BILL NO. 1014** as originally introduced:

Add Senator Teague as a cosponsor of the bill

AND

Add Representatives Adcock, Cole, Dunn, Garner, Green, Kerr, Lovell, Nickels, Nix, Overbey, Pennartz, Pyle, and L. Smith, as cosponsors of the bill

/s/ Dawn Creekmore

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative D. Creekmore, **HOUSE BILL NO. 1014** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1014

Amend **HOUSE BILL NO. 1014** as originally introduced:

Page 2, line 3, delete "sixteen (16)" and substitute "seventeen (17)"

AND

Page 2, line 22, delete "Three (3)" and substitute "Four (4)"

AND

Page 2, line 26, delete "and"

AND

Page 2, delete line 29 and substitute the following:

"(D) One (1) member who is a person active in the state chapter of Alzheimer's Arkansas Programs and Services; and

(4) Five (5) members as follows:"

/s/ Dawn Creekmore

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Allen, **HOUSE BILL NO. 1031** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1031

Amend **HOUSE BILL NO. 1031** as originally introduced:

Page 2, delete line 33 and substitute the following:

"by an insurer, health maintenance organization, hospital medical service corporation, or self-insured governmental or church plan in this state."

AND

Page 4, delete lines 9 through 20 and substitute the following:

"(1) The prostate cancer screening shall be performed by a qualified medical professional; and"

/s/ Fred Allen

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Ragland, **HOUSE BILL NO. 1045** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1045

Amend **HOUSE BILL NO. 1045** as originally introduced:

Page 1, line 25, delete "~~developmental~~" and substitute "developmental or a"

AND

Page 1, line 29, delete "~~developmental~~" and substitute "a developmental or"

AND

Page 2, line 1, delete "~~developmental~~" and substitute "a developmental or"

AND

Page 2, line 16, delete "~~developmental~~" and substitute "a developmental or"

/s/ Roy Ragland

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Ingram unanimous leave to withdraw HOUSE BILL NO. 1105.

ENGROSSED BILL REPORTS

ROBBIE WILLS , CHAIRMAN

January 16, 2009

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1014 - TITLE - BY REPRESENTATIVE D.CREEKMORE
 HOUSE BILL NO. 1031 BY REPRESENTATIVE ALLEN
 HOUSE BILL NO. 1045 BY REPRESENTATIVE RAGLAND
 HOUSE BILL NO. 1098 BY REPRESENTATIVE WEBB
 HOUSE BILL NO. 1100 BY REPRESENTATIVE KERR

HOUSE BILL ENGROSSED AS TITLE AMENDED HOUSE BILL NO. 1014

BY: REPRESENTATIVES D. CREEKMORE, ALLEN, M. BURRIS, B. WILKINS, BREEDLOVE, GASKILL, D. HUTCHINSON, MOORE, POWERS, REEP, J. ROEBUCK, SAUNDERS, STEWART, ADCOCK, COLE, DUNN, GARNER, R. GREEN, KERR, LOVELL, NICKELS, NIX, OVERBEY, PENNARTZ, PYLE, L. SMITH

BY: SENATORS HORN, BROADWAY, FARIS, P. MALONE, T. SMITH, TEAGUE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH THE TASK FORCE ON THE EFFECT OF ALZHEIMER'S DISEASE IN ARKANSAS; AND FOR OTHER PURPOSES.

HOUSE BILL NO. 1022

BY: REPRESENTATIVE PENNARTZ

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: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, Breedlove, J. Brown, J. Burris, M. Burris, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Bradford, Carnine, Garner, Hall, Hyde, Ingram, King, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

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 **HOUSE BILL NO. 1022**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, Breedlove, J. Brown, J. Burris, M. Burris, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Bradford, Carnine, Garner, Hall, Hyde, Ingram, King, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative92

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

So the Emergency Clause was adopted.

Morning Hour Expired.

HOUSE BILL NO. 1024

BY: REPRESENTATIVE ABERNATHY

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: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total92

NEGATIVE: English, Kerr.

Total2

ABSENT OR NOT VOTING: Dismang, Garner, Hall, Hardy, Ingram, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative92

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 **HOUSE BILL NO. 1024**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total92

NEGATIVE: English, Kerr.

Total2

ABSENT OR NOT VOTING: Dismang, Garner, Hall, Hardy, Ingram, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative92

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1061

BY: JOINT BUDGET COMMITTEE

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: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Kerr, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total	95
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Garner, Greenberg, Hall, Ingram.	
Total	4
VOTING PRESENT: Baird.	
Total	1
Total number of votes cast.....	96
Total number voting in the affirmative	95
Necessary to the passage of the bill	75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1061**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Kerr, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Garner, Greenberg, Hall, Ingram.

Total4

VOTING PRESENT: Baird.

Total1

Total number of votes cast96

Total number voting in the affirmative95

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

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1024 BY REPRESENTATIVE ABERNATHY

HOUSE BILL NO. 1061 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1112

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; 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. 1113

BY: REPRESENTATIVES D. CREEKMORE, LEA, DISMANG, ENGLISH, GREENBERG, G. SMITH, RICE, J. BURRIS, S. MALONE, CLEMMER, M. MARTIN, RAGLAND, BARNETT, GARNER, BAIRD

BY: SENATORS BLEDSOE, GLOVER, G. BAKER, TRUSTY, J. TAYLOR, ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT PARTIAL-BIRTH ABORTIONS; 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. 1114

BY: REPRESENTATIVE M. MARTIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE INCIDENTAL SALE OF WHOLE MILK THAT IS NOT PASTEURIZED; 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. 1115

BY: REPRESENTATIVE REYNOLDS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

HOUSE BILL NO. 1116

BY: REPRESENTATIVE ADCOCK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS UNLAWFUL TO REPRODUCE, PAINT, OR ALTER A TEMPORARY CARDBOARD BUYER'S TAG; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1117

BY: REPRESENTATIVE MALOCH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH THE 2008 HOUSING ACT VOLUME CAP; 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. 1118

BY: REPRESENTATIVE WILLS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY SELECT A DESIGNEE TO SERVE ON HIS OR HER BEHALF ON THE JOINT COMMITTEE ON LEGISLATIVE PRINTING REQUIREMENTS AND SPECIFICATIONS AND ON THE JOINT INTERIM COMMITTEE ON LEGISLATIVE FACILITIES; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1004

BY: REPRESENTATIVE WILLS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND RULE 51.(d) OF THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY TO PROVIDE THAT THE SPEAKER OF THE HOUSE MAY SELECT A DESIGNEE TO SERVE ON THE SPECIAL COMMITTEES.

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

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001

BY: REPRESENTATIVES OVERBEY, LEA

BY: SENATOR TRUSTY

A BILL FOR AN ACT TO BE ENTITLED IN RESPECTFUL MEMORY OF JUDGE RICHARD MOBLEY AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

Upon motion of Representative Eddie Cooper, the House adjourned at 4:26 p.m. until 1:00 p.m., Wednesday, January 21, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk