

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

Little Rock, Arkansas
January 23, 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, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hutchinson, Hyde, Ingram, 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.

Total100

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

Total0

A quorum was present.

The House stood and was led in prayer by House Chaplain Cornell Maltbia, Pastor, True Holiness Saint's Center, Conway, Arkansas.

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

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

	January 23, 2009
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	DAWN CREEKMORE CHAIRPERSON
HOUSE BILL NO. 1129 BY REPRESENTATIVE RAGLAND	DO PASS
HOUSE RESOLUTION NO. 1002 BY REPRESENTATIVE INGRAM	DO PASS NON-CONTRO

COMMITTEE REPORT

	January 23, 2009
CITY, COUNTY AND LOCAL AFFAIRS	TOMMY BAKER CHAIRPERSON
HOUSE BILL NO. 1009 REPRESENTATIVE GREEN	DO PASS
HOUSE BILL NO. 1028 BY REPRESENTATIVE WOODS	DO PASS
HOUSE BILL NO. 1048 BY REPRESENTATIVE WOODS	DO PASS

Upon motion of Representative Martin, **HOUSE BILL NO. 1114** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1114

Amend **HOUSE BILL NO. 1114** as originally introduced:

Add Representatives Adcock, Breedlove, Clemmer, Cook, Creekmore, Gaskill, Lindsey, Ragland, L. Smith, Wells, and Woods as cosponsors of the bill.

/s/ Mark Martin

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

/s/ Ms. Jo Renshaw
Chief Clerk

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

AMENDMENT NO. 2 TO HOUSE BILL NO. 1005

Amend **HOUSE BILL NO. 1005** as engrossed,

H1/21/09 (version: 01-21-2009 08:58):

Page 1, line 23, delete "11(A)" and substitute "11(A)"

AND

Page 1, delete line 26 and substitute the following:

(i) ~~consisting~~ Consisting of:"

AND

Page 1, delete line 27 and substitute the following:

"(i) (a) Funds received by a school district from federal"

AND

Page 1, delete line 31 and substitute the following:

"(ii) (b) Funds received by the school district in lieu"

AND

Page 1, delete line 35 and substitute the following:

"(ii) Multiplied by the ratio of the uniform rate of tax to"

AND

Page 2, delete lines 1 through 4 and substitute the following:

"(B) If the school district no longer receives funds from a source of funds listed in subdivision (11)(A) of this section, then previous collections from that source of funds shall not be included in the five-year average;"

/s/ Bill Abernathy

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. 1039** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1039

Amend **HOUSE BILL NO. 1039** as originally introduced:

Page 2, delete line 2 and substitute the following:

"defined in subdivisions (a)(1)-~~(3)~~(4) of this section or § 5-26-304 or § 5-26-"

/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. 1040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1040

Amend **HOUSE BILL NO. 1040** as originally introduced:

Add Representatives T. Baker, Lea, Martin, Nix, Pyle, L. Smith, and B. Wilkins as co-sponsors to the bill

AND

Add Senator D. Johnson as lead sponsor to the bill. Senator Broadway should remain as a co-sponsor to the bill

AND

Page 1, line 23, delete "Chapter 13, Subchapter 212" and substitute "Chapter 26, Subchapter 314"

AND

Page 1, line 25, delete "5-13-212." and substitute "5-26-314."

/s/ Dawn Creekmore

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Kerr, **HOUSE BILL NO. 1119** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1119

Amend **HOUSE BILL NO. 1119** as originally introduced:

Add the following Representatives as cosponsors of the bill:

Representatives English, J. Burriss

AND

Page 1, line 9, delete "CELLULAR" and substitute "WIRELESS"

AND

Page 1, line 12, delete "CELLULAR" and substitute "WIRELESS"

AND

Page 1, line 14, delete "CELLULAR" and substitute "WIRELESS"

AND

Delete the subtitle in its entirety and substitute:

"TO IMPROVE THE SAFETY OF THE ROADS AND HIGHWAYS BY LIMITING WIRELESS TELEPHONE USE BY YOUNG DRIVERS."

AND

Page 1, line 27, delete "Cellular" and substitute "Wireless"

AND

Page 1, line 29, delete "Cellular" and substitute "Wireless"

AND

Page 1, line 33, delete "cellular" and substitute "wireless"

AND

Page 1, line 34, delete "cellular" and substitute "wireless"

AND

Page 2, line 1, delete "cellular" and substitute "wireless"

AND

Page 2, delete line 4 and substitute:

"guilty of violating this section commits a violation.

(e) This section supersedes and preempts all county or municipal ordinances regarding wireless telephone use by a minor who is operating a motor vehicle."

AND

Page 2, line 6, delete "cellular" and substitute "wireless"

AND

Page 2, line 9, delete "cellular" and substitute "wireless"

AND

Page 2, delete lines 10 through 12 and substitute:

"interactive communication device with which a user engages in a call or text-based communication using at least one hand."

AND

Page 2, line 13, delete "cellular" and substitute "wireless"

AND

Page 2, delete lines 14 through 16 and substitute:

"(i) A hands-free wireless telephone or device;"

AND

Page 2, delete line 18 and substitute:

"(iii) Citizens band radio hybrid; and

(2)(A) "Hands-free wireless telephone or device" means a wireless

telephone or other wireless communication device that allows a user to engage in text-based communication without the use of either hand with:

(i) An internal feature or function; or

(ii) An attachment or additional device.

(B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device.

(C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device;"

AND

Page 2, line 19, delete "(2)" and substitute "(3)"

AND

Page 2, line 21, delete "cellular" and substitute "wireless"

AND

Page 2, line 24, delete "cellular" and substitute "wireless"

AND

Page 2, line 27, delete "cellular" and substitute "wireless"

AND

Page 2, delete line 30 and substitute:

"guilty of violating this section commits a violation.

(e) This section supersedes and preempts all county or municipal ordinances regarding the use of a handheld wireless telephone by a driver who is eighteen (18) to twenty (20) years of age."

/s/ Allen Kerr

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Kidd, **HOUSE BILL NO. 1013** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1013

Amend **HOUSE BILL NO. 1013** as originally introduced:

Add the following Representatives as cosponsors of the bill:

Representatives Blount, Carroll, Cook, Everett, J. Rogers, L. Smith, Stewart

AND

Add the following Senators as cosponsors of the bill:

Senators Laverty, D. Wyatt

AND

Page 1, line 11, delete "CELLULAR" and substitute "WIRELESS"

AND

Page 1, line 12, delete "TELEPHONES;" and substitute "TELEPHONES TO ENGAGE IN TEXT MESSAGING;"

AND

Delete the subtitle in its entirety and substitute:

"PAUL'S LAW: TO PROHIBIT DRIVERS OF MOTOR VEHICLES FROM USING HANDHELD WIRELESS TELEPHONES."

AND

Page 1, line 26, delete "Cellular Telephones" and substitute "Wireless Telephones to Engage in Text Messaging"

AND

Page 1, line 31, delete "using handheld" and substitute "engaging in text messaging;"

AND

Page 1, delete line 32

AND

Page 1, delete lines 33 through 34 and substitute:

"(2) Prevent accidents caused by the distractive practice of text messaging while operating a motor vehicle;"

AND

Page 1, line 36, delete "reducing" and substitute "taking steps to reduce"

AND

Page 2, line 3, delete "reducing" and substitute "attempting to reduce"

AND

Page 2, delete line 7 and substitute:

"caused by drivers who are distracted by sending or reading text messages."

AND

Page 2, line 11, delete "cellular" and substitute "wireless"

AND

Page 2, delete lines 12 through 14 and substitute:

"interactive communication device with which a user can engage in a text-based communication using at least one hand or by reading a text-based communication."

AND

Page 2, line 15, delete "cellular" and substitute "wireless"

AND

Page 2, delete lines 16 through 18 and substitute:

"(i) A hands-free wireless telephone or device;

AND

Page 2, delete line 20 and substitute:

"(iii) Citizens band radio hybrid; and

(2)(A) "Hands-free wireless telephone or device" means a wireless telephone or other wireless communication device that allows a user to engage in text-based communication without the use of either hand either with:

(i) An internal feature or function; or

(ii) An attachment or additional device.

(B) A hands-free wireless telephone or device may be a permanent or temporary part of the wireless telephone or other wireless communication device.

(C) A hands-free wireless telephone or device may require the use of either hand to activate, deactivate, or initiate a function of the wireless telephone or other communication device;"

AND

Page 2, line 21, delete "(2)" and substitute "(3)"

AND

Page 2, line 21, delete "talking," entirely

AND

Page 2, line 23, delete "cellular" and substitute "wireless"

AND

Page 2, line 25, delete "cellular" and substitute "wireless"

AND

Page 2, line 27, delete "cellular" and substitute "wireless"

AND

Page 2, delete line 28 and substitute:

"interactive communication while operating a motor vehicle."

AND

Page 2, line 29, delete "cellular" and substitute "wireless"

AND

Page 2, delete line 33 and substitute:

"technician is exempt from the requirements of this section.

27-51-1505. Preemption.

This subchapter supersedes and preempts all county or municipal ordinances regarding the use of a handheld wireless telephone for wireless interactive communication while operating a motor vehicle."

AND

Page 2, line 35, delete "27-51-1505" and substitute "27-51-1506"

/s/ Ray Kidd

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

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE CONCURRENT RESOLUTION NO.1003

BY: REPRESENTATIVE INGRAM

COMMENDING SUSAN WAGGENER ON HER SELECTION AS ARKANSAS'S 2009 TEACHER OF THE YEAR.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES.

ENGROSSED BILL REPORTS

ROBBIE WILLS, CHAIRMAN

January 23, 2009

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1005 BY REPRESENTATIVE ABERNATHY
 HOUSE BILL NO. 1013 - TITLE - BY REPRESENTATIVE KIDD
 HOUSE BILL NO. 1039 BY REPRESENTATIVE D. CREEKMORE
 HOUSE BILL NO. 1040 - TITLE - BY REPRESENTATIVE D. CREEKMORE
 HOUSE BILL NO. 1114 - TITLE - BY REPRESENTATIVE MARTIN
 HOUSE BILL NO. 1119 - TITLE - BY REPRESENTATIVE KERR

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1013

BY: REPRESENTATIVES KIDD, *BLOUNT, CARROLL, COOK, EVERETT, J. ROGERS, L. SMITH, STEWART*
 BY: SENATORS *LAVERTY, D. WYATT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE THE SAFETY OF ROADS FOR ALL DRIVERS AND PASSENGERS BY PROHIBITING DRIVERS OF MOTOR VEHICLES FROM USING HANDHELD *WIRELESS*

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1040

BY: REPRESENTATIVES D. CREEKMORE, *T. BAKER, LEA, M. MARTIN, NIX, PYLE, L. SMITH, B. WILKINS*
 BY: SENATORS *D. JOHNSON, BROADWAY*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF SMOTHERING OR STRANGULATION; PROVIDING FOR PENALTIES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1114

BY: REPRESENTATIVES M. MARTIN, *ADCOCK, BREEDLOVE, CLEMMER, COOK, D. CREEKMORE, GASKILL, LINDSEY, RAGLAND, L. SMITH, WELLS, WOODS*

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.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1119

BY: REPRESENTATIVES KERR, *ENGLISH, J.BURRIS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT *WIRELESS* TELEPHONE USE BY DRIVERS WHO ARE UNDER EIGHTEEN YEARS OF AGE; TO REQUIRE DRIVERS WHO ARE EIGHTEEN TO TWENTY YEARS OF AGE TO USE HANDS-FREE *WIRELESS* TELEPHONES; TO PROHIBIT DRIVERS WHO ARE EIGHTEEN TO TWENTY YEARS OF AGE FROM USING HANDHELD *WIRELESS* TELEPHONES; AND FOR OTHER PURPOSES.

Representative Overbey moved that **HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001** be read in its entirety. Motion carried.

HOUSE CONCURRENT RESOLUTION NO. 1001

BY: REPRESENTATIVE OVERBEY

IN RESPECTFUL MEMORY OF JUDGE RICHARD MOBLEY AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

THE RESOLUTION WAS ADOPTED UNANIMOUSLY.

Morning Hour Expired.

The Chair requested that **SENATE BILL NO. 77** be moved from the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT to the JUDICIARY Committee.

HOUSE BILL NO. 1018

BY: REPRESENTATIVE GREENBERG

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

AFFIRMATIVE: Adcock, Allen, Baird, T. Baker, Barnett, Betts, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, 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, Ragland, Rainey, Reep, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total93

NEGATIVE: T. Bradford, Davenport.

Total2

ABSENT OR NOT VOTING: Abernathy, Blount, Pyle, Reynolds, Sample.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative.....93

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

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

HOUSE BILL NO. 1035

BY: REPRESENTATIVE NICKELS

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, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, 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, 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	99
NEGATIVE: Rainey.	
Total	1
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	100
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.

There being an Emergency Clause attached to **HOUSE BILL NO. 1035**, 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, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, 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, 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	99
NEGATIVE: Rainey.	
Total	1
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	100
Total number voting in the affirmative	99
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

NOTICE OF RECONSIDERATION

Representative Cooper served notice that he will, within the time prescribed by law, move to reconsider the vote by which **HOUSE BILL NO. 1050** failed to pass.

HOUSE BILL NO. 1057

BY: REPRESENTATIVE HOBBS

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, 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, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Kerr, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, 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	98
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Ingram, Maloch.	
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. 1038

BY: REPRESENTATIVE D. CREEKMORE

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, 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, Dismang, Dunn, J. Edwards, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, King, Lea, W. Lewellen, Lindsey, Lovell, Lowery, 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.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Allen, Flowers, Maloch.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

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. 1018	BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 1023	BY REPRESENTATIVE PENNARTZ
HOUSE BILL NO. 1035	BY REPRESENTATIVE NICKELS
HOUSE BILL NO. 1038	BY REPRESENTATIVE D. CREEKMORE
HOUSE BILL NO. 1057	BY REPRESENTATIVE HOBBS

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1003	BY REPRESENTATIVE INGRAM
---	--------------------------

HOUSE CONCURRENT MEMORIAL RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001	BY REPRESENTATIVE OVERBEY
--	---------------------------

HOUSE BILL NO. 1163

BY: REPRESENTATIVES COOK, RAINEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - MANAGEMENT SERVICES DIVISION FOR ACHIEVING PARITY BETWEEN NON-MEDICARE ELIGIBLE STATE AND PUBLIC SCHOOL EMPLOYEE RETIREE HEALTH INSURANCE CONTRIBUTIONS 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. 1164

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE RETIREMENT OR DISABILITY BENEFITS INCOME TAX EXEMPTION; 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. 1165

BY: REPRESENTATIVE STEWART

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE RETIREMENT OR DISABILITY BENEFITS INCOME TAX EXEMPTION; 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. 1166

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 COURT OF APPEALS 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. 1167

BY: REPRESENTATIVES COOPER, DUNN, EVERETT, GEORGE, WELLS

BY: SENATORS P. MALONE, MILLER, WILKINSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW TIPPED FOOD SERVICE EMPLOYEES OF THE DEPARTMENT OF PARKS AND TOURISM TO BE CONSIDERED SUBSTANTIALLY GAINFULLY EMPLOYED FOR PURPOSES OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; 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. 1168

BY: REPRESENTATIVE COOK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EQUALIZE RETIREE GROUP HEALTH INSURANCE PREMIUM COSTS FOR RETIRED PUBLIC SCHOOL EMPLOYEES AND RETIRED STATE EMPLOYEES AND; TO PERMIT STATE CONTRIBUTIONS TO GROUP HEALTH INSURANCE PREMIUM COSTS FOR PARTICIPANTS IN THE ARKANSAS TEACHER RETIREMENT SYSTEM WHO ARE NOT STATE EMPLOYEES; 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. 1169

BY: REPRESENTATIVE COOK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL CONTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS UNDER THE PUBLIC SCHOOL EMPLOYEES' HEALTH INSURANCE PROGRAM; 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. 1170

BY: REPRESENTATIVES LOWERY, MALOCH, REYNOLDS, HAWKINS, HOYT
BY: SENATORS TRUSTY, B. JOHNSON, MILLER, CAPPS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW FLEXIBILITY IN THE REPORTING OF SEVERED NATURAL GAS; 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. 1171

BY: REPRESENTATIVE MALOCH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE THE PROSECUTING ATTORNEY OF THE THIRTEENTH JUDICIAL DISTRICT A DIVISION A PROSECUTOR; AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION NO. 1007

BY: REPRESENTATIVE HOYT

A BILL FOR AN ACT TO BE ENTITLED COMMENDING SOUTHWESTERN ENERGY COMPANY FOR THOMAS 09-17 #1-09, THE FIRST PRODUCING WELL IN THE FAYETTEVILLE SHALE PLAY FOR ITS IMPACT ON THE ARKANSAS ECONOMY.

Was read the first time, rules suspended, read the second time and referred to the JOINT COMMITTEE ON ENERGY.

Upon motion of Representative Curren Everett, the House adjourned at 10:34 a.m. until 1:30 p.m., Monday, January 26, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk