

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

Little Rock, Arkansas
January 28, 2009

The House was called to order at 1:30 p.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, McCary, 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 Reverend Duane Dutka, Pastor, Paragould Christian Church, Paragould, 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 28, 2009
AGRICULTURE, FORESTRY	JERRY BROWN
AND ECONOMIC DEVELOPMENT	VICE-CHAIPERSON
HOUSE CONCURRENT RESOLUTION NO. 1004	DO PASS
BY REPRESENTATIVE RAGLAND	

COMMITTEE REPORT

	January 28, 2009
CITY, COUNTY AND LOCAL AFFAIRS	TOMMY BAKER
	CHAIRPERSON
HOUSE BILL NO. 1043	DO PASS
BY REPRESENTATIVE SHELBY	
HOUSE BILL NO. 1085	DO PASS
BY REPRESENTATIVE L. SMITH	
HOUSE BILL NO. 1144	DO PASS
BY REPRESENTATIVE INGRAM	
HOUSE BILL NO. 1182	DO PASS
BY REPRESENTATIVE WILLIAMS	

COMMITTEE REPORT

	January 28, 2009
STATE AGENCIES	RICK SAUNDERS
AND GOVERNMENTAL AFFAIRS	CHAIRPERSON
HOUSE BILL NO. 1214	DO PASS
BY REPRESENTATIVE ROEBUCK	
SENATE BILL NO. 39	DO PASS
BY SENATOR FARIS	
SENATE BILL NO. 50	DO PASS
BY SENATOR FARIS	

COMMITTEE REPORT

	January 28, 2009
INSURANCE AND COMMERCE	EDDIE HAWKINS
	CHAIRPERSON
HOUSE RESOLUTION NO. 1006	DO PASS
BY REPRESENTATIVE G. SMITH	

COMMITTEE REPORT

	January 28, 2009
RULES	ROBERT MOORE
	CHAIRPERSON
HOUSE BILL NO. 1118	DO PASS
BY REPRESENTATIVE WILLS	
HOUSE BILL NO. 1146	DO PASS
BY REPRESENTATIVE BURRIS	
HOUSE BILL NO. 1147	DO PASS
BY REPRESENTATIVE BURRIS	
HOUSE BILL NO. 1152	DO PASS
BY REPRESENTATIVE BURRIS	
HOUSE RESOLUTION NO. 1004	DO PASS
BY REPRESENTATIVE WILLS	

COMMITTEE REPORT

	January 28, 2009
JOINT BUDGET	BRUCE MALOCH
	CHAIRPERSON
HOUSE BILL NO. 1074	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1102	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1104	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1128	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT, CONTINUED

JOINT BUDGET

HOUSE BILL NO. 1174 DO PASS
 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1176 DO PASS
 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1190 DO PASS
 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1196 DO PASS
 BY JOINT BUDGET COMMITTEE

COMMITTEE REPORT

January 28, 2009

JOINT COMMITTEE ON ENERGY

LANCE REYNOLDS

CHAIRPERSON

HOUSE RESOLUTION NO. 1007

DO PASS

BY REPRESENTATIVE HOYT

Upon motion of Representative Blount, **HOUSE BILL NO. 1132** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1132Amend **HOUSE BILL NO. 1132** as originally introduced:Page 3, line 9, delete "established"

AND

Page 3, line 10, delete "(a)" and substitute "(a)(1)"

AND

Page 3, delete line 13 and substitute the following:

"(2) Subdivision (a)(1) of this section shall not be construed to permit a person teaching in a public early childhood education program to utilize the teaching credential in lieu of a P-4 teaching license issued by the State Board of Education when the license is required.

(b) As used in this subchapter, "public early childhood education"

AND

Page 3, delete lines 26 through 30 and substitute the following:

"(d) Institutions of higher education in this state may submit to the Department of Education proposals for the creation of a birth through prekindergarten endorsement for P-4 teacher licensure."

AND

Page 3, line 33, delete "(a)"

AND

Page 4, delete lines 5 through 8

/s/ Nancy Blount

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Blount, **HOUSE BILL NO. 1133** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1133

Amend **HOUSE BILL NO. 1133** as originally introduced:

Page 2, delete line 13 and substitute the following:

"applicant is subject to a criminal background check under § 6-17-410 upon application."

/s/ Nancy Blount

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. 2 TO HOUSE BILL NO. 1013

Amend **HOUSE BILL NO. 1013** as engrossed,

H1/23/09 (version: 01-23-2009 13:32):

Add the following Representatives as cosponsors of the bill:

Representatives Wills, Allen, Dale, J. Edwards, Glidewell, Hall, Hoyt, Lovell, Patterson, Reep, Reynolds, Rice, Sample, Shelby, Wagner, B. Wilkins, Word

AND

Delete the subtitle in its entirety and substitute:

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

/s/ Ray Kidd

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. 1131** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1131

Amend **HOUSE BILL NO. 1131** as originally introduced:

Page 1, line 11, delete "TO REPEAL THE ARKANSAS"

AND

Page 1, line 12, delete "CLEAN ENERGY DEVELOPMENT ACT;"

AND

Page 1, line 16, delete the subtitle in its entirety and substitute the following:

"AN ACT TO REPEAL THE ENERGY CONSERVATION ENDORSEMENT ACT OF 1977."

AND

Page 3, line 16, delete SECTION 2 in its entirety.

/s/ Roy Ragland

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Overbey, **HOUSE BILL NO. 1232** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1232

Amend **HOUSE BILL NO. 1232** as engrossed,

H1/27/09 (version: 01/27/2009 08:14):

Page 1, delete line 21 and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 10 is amended to add an additional subchapter to read as follows:

20-10-2201. Findings.

(a) The confidentiality of Quality Assurance Committee proceedings and records is key to improving the quality of care in long-term care facilities by promoting thorough and candid discussions for a full review and analysis of care processes.

(b) Quality Assurance is a process used in long-term care facilities to evaluate and improve the quality of health care rendered to residents of the facility.

(c) Quality Assurance is an on-going process in which administration, nursing, or ancillary services meet as a committee to:

(1) Ensure that current practice standards are maintained;

(2) Prevent deviations from care practices to the extent possible;

(3) Track, trend, and identify care concerns; and

(4) Correct inappropriate care processes.

SECTION 2. Arkansas Code Title 20, Chapter 10 is amended to add an"

AND

Page 1, line 23, delete "20-10-2201." and substitute "20-10-2202."

AND

Page 1, line 33, delete "20-10-2202." and substitute "20-10-2203."

AND

Page 2, line 30, delete "20-10-2203." and substitute "20-10-2204."

AND

Page 3, line 4 delete "SECTION 2." and substitute "SECTION 3."

AND

Page 3, line 20, delete "communications" and substitute "communication"

AND

Page 3, delete line 33, and substitute the following:

"statute or regulation is entitled access to the data; or"

/s/ George Overbey

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Overbey, **HOUSE BILL NO. 1177** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1177

Amend **HOUSE BILL NO. 1177** as originally introduced:

Page 2, line 20, delete "seventy-" and substitute "sixty percent (60%) of the health care offset as provided in § 24-5-125(a)(1);"

AND

Page 2, lines 21 and 22, delete in their entirety

AND

Page 2, line 24, delete "one hundred" and substitute "eighty percent (80%) of the health care offset as provided in § 24-5-125(a)(1);"

AND

Page 2, lines 25 and 26, delete in their entirety

AND

Page 2, line 28, delete "one hundred and twenty-five" and substitute "one hundred"

percent (100%) of the health care offset as provided in § 24-5-125(a)(1):

AND

Page 2, lines 29 and 30, delete in their entirety

AND

Page 2, line 36, delete "(c)" and substitute "(e)"

/s/ George Overbey

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative D. Hutchinson, **HOUSE BILL NO. 1011** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1011

Amend **HOUSE BILL NO. 1011** as originally introduced:

Page 2, line 16, delete the word "defendant" and substitute the word "actor"
AND

Page 2, line 19, delete the word "defendant" and substitute the word "actor"

/s/ Donna Hutchinson

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. 1041** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1041

Amend **HOUSE BILL NO. 1041** as originally introduced:

Add Representatives T. Baker, Lea, Martin, Nix, Pyle, Wagner, 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 co-sponsor to the bill.

AND delete Section 1 and substitute

“SECTION 1. Arkansas Code § 5-26-305(b), concerning the penalty classification for the offense of domestic battering in the third degree, is amended to read as follows:

(b)(1) Domestic battering in the third degree is a Class A misdemeanor.

(2) However, domestic battering in the third degree is a Class D felony if:

(A) Committed against a woman the person knew or should have known was pregnant;

(B) For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree, § 5-26-304;

(iii) Domestic battering in the third degree; ~~or~~

(iv) Aggravated assault on a family or household member, § 5-26-306; or

~~(iv)(v)~~ (v) An equivalent penal law of this state or of another state or foreign jurisdiction; ~~or~~

(C) Committed in the presence of a child as defined by § 5-4-701; or

~~(C)~~(D) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction."

/s/ Dawn Creekmore

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. 1130** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1130

Amend **HOUSE BILL NO. 1130** as originally introduced:

Page 1, delete lines 12 through 14 in their entirety and substitute the following:

"PROJECTED TOTAL COST OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) OR MORE; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 20 through 22 in their entirety and substitute the following:

"THAT HAVE A PROJECTED TOTAL COST OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) OR MORE."

AND

Page 1, delete line 34 in its entirety and substitute the following:

"of two hundred fifty thousand dollars (\$250,000) or more."

/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. 1236.

ENGROSSED BILL REPORTS

ROBBIE WILLS, CHAIRMAN

January 28, 2009

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1011 BY REPRESENTATIVE D. HUTCHINSON
 HOUSE BILL NO. 1013 - TITLE - BY REPRESENTATIVE KIDD
 HOUSE BILL NO. 1041 - TITLE - BY REPRESENTATIVE D. CREEKMORE
 HOUSE BILL NO. 1130 - TITLE - BY REPRESENTATIVE RAGLAND
 HOUSE BILL NO. 1131 - TITLE - BY REPRESENTATIVE PYLE
 HOUSE BILL NO. 1132 BY REPRESENTATIVE BLOUNT
 HOUSE BILL NO. 1133 BY REPRESENTATIVE BLOUNT
 HOUSE BILL NO. 1177 BY REPRESENTATIVE OVERBEY
 HOUSE BILL NO. 1232 BY REPRESENTATIVE OVERBEY

HOUSE BILL ENGROSSED AS TITLE AMENDED

HOUSE BILL NO. 1013

BY: REPRESENTATIVES KIDD, BLOUNT, CARROLL, COOK, EVERETT, J. ROGERS, L. SMITH, STEWART, WILLS, ALLEN, DALE, J. EDWARDS, GLIDEWELL, HALL, HOYT, LOVELL, PATTERSON, REEP, REYNOLDS, RICE, SAMPLE, SHELBY, WAGNER, B. WILKINS, WORD

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. 1041

BY: REPRESENTATIVES D. CREEKMORE, *T. BAKER, LEA, M. MARTIN, NIX, PYLE, WAGNER, B. WILKINS*

BY: SENATORS *D. JOHNSON, BROADWAY*

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE PENALTY CLASSIFICATION FOR THE OFFENSE OF DOMESTIC BATTERING IN THE THIRD DEGREE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1130

BY: REPRESENTATIVE RAGLAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE LEGISLATIVE COUNCIL OR THE JOINT BUDGET COMMITTEE TO RECEIVE A MONTHLY REPORT FOR COMMODITIES CONTRACTS THAT HAVE A *PROJECTED TOTAL COST OF TWO HUNDRED FIFTY.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1131

BY: REPRESENTATIVE RAGLAND

BY: SENATOR *T. SMITH*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL THE ENERGY CONSERVATION ENDORSEMENT ACT OF 1977; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO.1005

BY: REPRESENTATIVE L. LEWELLEN

RECOGNIZING JANUARY AS CERVICAL CANCER AWARENESS MONTH.

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

Morning Hour Expired.

HOUSE BILL NO. 1154

BY: REPRESENTATIVE SAMPLE

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, D. Hutchinson, Hyde, Ingram, 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, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hoyt, King, J. Rogers, Wells.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative96

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1005

BY: REPRESENTATIVE ABERNATHY

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, 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, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, 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: Carter, Maloch, J. Rogers.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1109

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, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, 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: Cooper, Hall.	
Total	2
ABSENT OR NOT VOTING: King, M. Martin, J. Rogers.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast.....	97
Total number voting in the affirmative	95
Necessary to the passage of the bill	51

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

HOUSE BILL NO. 1170

BY: REPRESENTATIVE LOWERY

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, Rainey, Reep, Reynolds, Rice, J. Roebuck, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total99

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Rogers.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....99

Total number voting in the affirmative99

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. 1170**, 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, Rainey, Reep, Reynolds, Rice, J. Roebuck, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total99

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Rogers.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....99

Total number voting in the affirmative99

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1119

BY: REPRESENTATIVE KERR

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

AFFIRMATIVE: Adcock, T. Baker, Barnett, Betts, Blount, Breedlove, J. Burris, Carnine, Carroll, Carter, Cash, Clemmer, Cole, L. Cowling, Dale, Davis, J. Dickinson, Dismang, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, Greenberg, Harrelson, Hawkins, Hobbs, Hopper, D. Hutchinson, Hyde, Ingram, Kerr, King, Lea, W. Lewellen, Lowery, Maloch, S. Malone, Maxwell, McCrary, McLean, Nickels, Nix, Perry, Pierce, Reynolds, Rice, J. Roebuck, Sample, Saunders, Shelby, L. Smith, Stewart, Summers, Tyler, Webb, Wells, Williams, Mr. Speaker.

Total62

NEGATIVE: Baird, M. Burris, Cheatham, Cook, Cooper, Dunn, R. Green, Hardy, House, Hoyt, Lindsey, Lovell, M. Martin, Moore, Patterson, Pennartz, Powers, Ragland, Rainey, Reep, T. Rogers, Slinkard, G. Smith, Wagner, B. Wilkins, Woods, Word.

Total27

ABSENT OR NOT VOTING: Abernathy, T. Bradford, J. Brown, Davenport, Hall, Overbey, Pyle, J. Rogers.

Total8

VOTING PRESENT: Allen, D. Creekmore, Kidd.

Total3

Total number of votes cast.....92

Total number voting in the affirmative62

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1171

BY: REPRESENTATIVE MALOCH

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, Rainey, Reep, Reynolds, Rice, J. Roebuck, 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:	
Total	0
ABSENT OR NOT VOTING: J. Rogers.	
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.

There being an Emergency Clause attached to **HOUSE BILL NO. 1171**, 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, Rainey, Reep, Reynolds, Rice, J. Roebuck, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total99

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Rogers.

Total1

VOTING PRESENT:

Total0

Total number of votes cast99

Total number voting in the affirmative99

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

So the Emergency Clause was adopted.

SENATE BILL NO. 77

BY: SENATOR MADISON

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, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, 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, Rainey, Reep, Reynolds, J. Roebuck, T. Rogers, Sample, Saunders, Shelby, Slinkard, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total88

NEGATIVE: Cooper, Dismang, English, Everett, Glidewell, King, Ragland, Rice, Wells.

Total9

ABSENT OR NOT VOTING: Ingram, J. Rogers.

Total2

VOTING PRESENT: Flowers.

Total1

Total number of votes cast.....98

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

Upon motion of Representative Adcock the Clincher motion prevailed.

Representative Maloch moved to re-refer HOUSE BILL NO. 1071 back to the Committee on JOINT BUDGET. Motion carried.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1005	BY REPRESENTATIVE ABERNATHY
HOUSE BILL NO. 1109	BY REPRESENTATIVE HARRELSON
HOUSE BILL NO. 1119	BY REPRESENTATIVE KERR
HOUSE BILL NO. 1154	BY REPRESENTATIVE SAMPLE
HOUSE BILL NO. 1170	BY REPRESENTATIVE LOWERY
HOUSE BILL NO. 1171	BY REPRESENTATIVE MALOCH

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 77	BY SENATOR MADISON
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ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1117	BY REPRESENTATIVE MALOCH
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ARKANSAS SENATE

HOUSE CONCURRENT MEMORIAL RESOLUTIONS CONCURRED IN AND RETURNED TO THE HOUSE

HOUSE CONCURRENT MEMORIAL

RESOLUTION NO. 1001	BY REPRESENTATIVE OVERBEY
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ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 16	BY SENATOR J. JEFFRESS
SENATE BILL NO. 37	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 42	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 44	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 51	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 52	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 53	BY SENATOR T. SMITH
SENATE BILL NO. 57	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 80	BY REPRESENTATIVE D. JOHNSON
SENATE BILL NO. 84	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 92	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 98	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 99	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 109	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 111	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 114	BY JOINT BUDGET COMMITTEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas
January 28, 2009

MR. SPEAKER:

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

HOUSE BILL NO. 1117 BY REPRESENTATIVE MALOCH

HOUSE CONCURRENT

MEMORIAL RESOLUTION NO. 1001 BY REPRESENTATIVE OVERBEY

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 3:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Robbie Wills, Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1117 BY REPRESENTATIVE MALOCH

HOUSE CONCURRENT

MEMORIAL RESOLUTION NO. 1001 BY REPRESENTATIVE OVERBEY

/s/ Mike Beebe - Governor

TIME: 3:00 p.m.

By: J. D. Lowery

HOUSE BILL NO. 1255

BY: REPRESENTATIVE GREENBERG

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE BURDEN OF PROOF REQUIRED TO CORROBORATE A DEFENDANT'S CONFESSION; 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. 1256

BY: REPRESENTATIVE GREENBERG

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING RACING MOTOR VEHICLES ON PUBLIC HIGHWAYS, OBSERVING A RACE AS A SPECTATOR; 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. 1257

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 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. 1258

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 INSURANCE DEPARTMENT 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. 1259

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 MILITARY DEPARTMENT 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. 1260

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 DEPARTMENT OF INFORMATION SYSTEMS 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. 1261

BY: REPRESENTATIVES BREEDLOVE, PENNARTZ, ABERNATHY, ADCOCK, ALLEN, T. BAKER, BLOUNT, T. BRADFORD, J. BROWN, CARNINE, CARROLL, CARTER, CASH, CHEATHAM, CLEMMER, COLE, COOPER, L. COWLING, D. CREEKMORE, DALE, DAVENPORT, DUNN, EVERETT, GASKILL, R. GREEN, HALL, HAWKINS, HOBBS, HOPPER, HOYT, D. HUTCHINSON, HYDE, INGRAM, KIDD, KING, LEA, LINDSEY, LOVELL, LOWERY, M. MARTIN, MCCRARY, MOORE, NICKELS, OVERBEY, PATTERSON, PIERCE, POWERS, RAGLAND, RAINEY, REEP, REYNOLDS, RICE, J. ROGERS, T. ROGERS, SHELBY, SLINKARD, G. SMITH, L. SMITH, STEWART, SUMMERS, WAGNER, B. WILKINS, WILLS, WOODS, WORD

BY: SENATORS WHITAKER, HORN, T. SMITH, CAPPS, B. PRITCHARD, BLEDSOE, G. BAKER, HENDREN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 12-8-214 TO ALLOW THE SPOUSE OF AN ARKANSAS STATE POLICE OFFICER TO PURCHASE THE OFFICER'S SERVICE SHOTGUN; 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. 1262

BY: REPRESENTATIVE L. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE AUTHORITY OF POLITICAL SUBDIVISIONS OF THE STATE TO PLACE TRAFFIC-CONTROL DEVICES ON STREETS AND HIGHWAYS THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM TO IMPROVE SAFETY AND PRESERVE RESIDENTIAL AREAS; AND FOR OTHER PURPOSES.

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

HOUSE BILL NO. 1263

BY: REPRESENTATIVES HOYT, REYNOLDS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE INTERIM FILLING OF VACANCIES FOR THE OFFICE OF COUNTY JUDGE AND SHERIFF DURING TIMES OF EMERGENCY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1264

BY: REPRESENTATIVE WEBB

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT FROM LANDFILL FEES THE LITTER COLLECTED DURING THE KEEP ARKANSAS BEAUTIFUL AND THE KEEP AMERICA BEAUTIFUL CAMPAIGNS; 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. 1265

BY: REPRESENTATIVES HARDY, MALOCH, REEP, G. SMITH

BY: SENATOR G. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO RENAME THE SAU-TECH ENVIRONMENTAL CONTROL CENTER TO THE ARKANSAS ENVIRONMENTAL TRAINING ACADEMY; 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 BILL NO. 1266

BY: REPRESENTATIVES G. SMITH, HARRELSON, WELLS, NIX, GREENBERG,
LEA

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING DEATH AND DISABILITY BENEFITS FOR POLICE OFFICERS KILLED OR INJURED IN THE LINE OF DUTY; TO PLACE AN ASSESSMENT ON ALL CITATIONS ISSUED BY POLICE OFFICERS AND ALL CRIMINAL FINES; TO CREATE THE POLICE OFFICER DEATH BENEFITS TRUST FUND; TO CREATE THE POLICE OFFICER DISABILITY BENEFITS TRUST FUND; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1267

BY: REPRESENTATIVE SHELBY

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS ORTHOTICS, PROSTHETICS, AND PEDORTHICS PRACTICE ACT OF 2007; 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. 1268

BY: REPRESENTATIVE MALOCH

BY: SENATOR G. BAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ACT 3 OF THE REGULAR SESSION OF 2009, THE GENERAL APPROPRIATION ACT FOR THE ORDINARY EXPENSES OF THE EXECUTIVE, JUDICIAL AND LEGISLATIVE BRANCHES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Calendar.

HOUSE RESOLUTION NO. 1009

BY: REPRESENTATIVE D. CREEKMORE

A BILL FOR AN ACT TO BE ENTITLED RECOGNIZING NATIONAL WEAR RED DAY.

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 MEMORIAL RESOLUTION NO. 1001

BY: REPRESENTATIVE REYNOLDS

A BILL FOR AN ACT TO BE ENTITLED IN RESPECTFUL MEMORY OF SERGEANT DARRELL MONTY CARMIKLE.

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.

SENATE BILL NO. 16

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING LETTERS OF CREDIT OR CERTIFICATES OF DEPOSIT FILED WITH THE PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL BAIL BONDSMAN LICENSING BOARD; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 53

BY: SENATOR T. SMITH

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO MAKE THE INSURANCE COMMISSIONER SERVE AT THE PLEASURE OF THE GOVERNOR; AND FOR OTHER PURPOSES.*

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

SENATE BILL NO. 80

BY: SENATOR D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS NONPROFIT CORPORATION ACT OF 1993; AND FOR OTHER PURPOSES.*

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

Upon motion of Representative Curren Everett, the House adjourned at 4:37 p.m. until 1:30 p.m., Thursday, January 29, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

