

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

Little Rock, Arkansas
January 30, 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, 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.

Total99

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

Total1

A quorum was present.

Unanimous leave was granted for Representative(s) King.

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 30, 2009
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	DAWN CREEKMORE CHAIRPERSON
HOUSE RESOLUTION NO. 1009 BY REPRESENTATIVE D. CREEKMORE	DO PASS
HOUSE RESOLUTION NO. 1010 BY REPRESENTATIVE NIX	DO PASS
HOUSE MEMORIAL RESOLUTION NO. 1001 BY REPRESENTATIVE REYNOLDS	DO PASS

Upon motion of Representative Adcock, **HOUSE BILL NO. 1116** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1116

Amend **HOUSE BILL NO. 1116** as originally introduced:

Page 1, line 24, delete "plate" and substitute "plate or"

/s/ Pam Adcock

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cook, **HOUSE BILL NO. 1034** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1034

Amend **HOUSE BILL NO. 1034** as originally introduced:

Page 1, line 5, add "Betts, Dale, Perry, G. Smith, Wagner"

AND

Page 1, delete line 11 and substitute the following language:

"EDUCATIONAL LEADERSHIP DEVELOPMENT; AND FOR OTHER PURPOSES."

AND

Page 2, line 21, delete "without limitation"

AND

Page 2, line 22, delete "the state"

AND

Page 2, line 23, delete "and the"

AND

Page 2, delete line 24 and substitute the following language:

"the Arkansas Leadership Academy, and other leadership groups;"

AND

Page 2, line 26, delete "and monitor"

AND

Page 2, delete lines 31 through 33 and substitute the following language:

"(2) Assist the Department of Education, the Department of Higher Education, the Arkansas Leadership Academy, school districts, and other leadership groups in enhancing school leadership and school support efforts; and"

AND

Page 3, delete line 2 and substitute the following language:

"6-1-404. Creation"

AND

Page 3, delete line 5 and substitute the following language:

"(1) The Chair of the Arkansas Association of Colleges for Teacher Education Council of Deans;"

AND

Page 3, line 14 delete "Board" and substitute "Boards"

AND

Page 3, delete line 16 and substitute the following language:

"(9) The Executive Director of the Arkansas Association for Supervision and Curriculum Development;"

(10) The President of the Arkansas Rural Education Association;"

AND

Page 3, line 17, delete "(10)" and substitute "(11)"

AND

Page 3, line 19, delete "(11)" and substitute "(12)"

AND

Page 3, line 21, delete "(12)" and substitute "(13)"

AND

Page 3, delete lines 24 through 25 and substitute the following language:

"(c)(1) The Chair of the School Leadership Coordinating Council is elected by majority vote at the first meeting of the council.

(2) All changes in council chairmanship are decided by majority vote of the council."

AND

Page 4, delete line 15 and substitute the following language:

"expressed in the 2008 Educational Adequacy report or subsequent reports submitted by the House"

AND

Page 4, delete line 21 and substitute the following language:

"the Department of Education and other leadership groups shall identify and provide support to schools or school districts designated by the department as being in target assisted school improvement and"

AND

Page 5, delete line 13 and substitute the following language:

"(2) Any school district that is in target assisted school improvement ~~may be~~"

AND

Page 5, delete line 17 and substitute the following language:

"continue participation in the school support program for no fewer than three (3) consecutive"

AND

Page 5, delete line 23 and substitute the following language:

"participation in the school support program if the Commissioner of Education determines that"

AND

Page 5, delete lines 35 and 36 and substitute the following language:

"of three (3) satellite offices partnered with institutions of higher education that have approved leadership programs and are strategically located in areas of the state identified by the Department of Education as having the greatest need for school

leadership support."

AND

Page 6, delete line 1.

/s/ David Cook

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. 2 TO HOUSE BILL NO. 1133

Amend **HOUSE BILL NO. 1133** as engrossed,

H1/28/09 (version: 01-28-2009 10:40):

Page 1, line 25, delete "employee" and substitute "employee educator"

AND

Page 2, line 27, add the following section:

"SECTION 3. Arkansas Code § 6-17-2605(b), concerning employment of a lifetime teaching license holder by a public school district, is amended to read as follows:

(b) A lifetime teaching license holder who becomes employed as a licensed educator by a school district shall participate in the professional development programs required by the employing school district."

/s/ Nancy Blount

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. 1058** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1058

Amend **HOUSE BILL NO. 1058** as engrossed,

H1/22/09 (version: 01-22-2009 09:36):

Page 1, lines 10-13, delete "AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSES OF RAPE, KIDNAPPING, AND SEXUAL ASSAULT IN THE FIRST DEGREE; AND FOR OTHER PURPOSES." and substitute "AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE; AND FOR OTHER PURPOSES."

AND

Page 1, lines 16-19, delete "AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSES OF RAPE, KIDNAPPING, AND SEXUAL ASSAULT IN THE FIRST DEGREE." and substitute "AN ACT TO REMOVE THE STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE."

AND

Page 1, lines 26-28, delete "(a) A prosecution for murder, rape, § 5-14-103, kidnapping, § 5-11-102, or sexual assault in the first degree, § 5-14-124, may be commenced at any time." and substitute "(a) A prosecution for murder or rape, § 5-14-103, may be commenced at any time."

AND

Page 3, lines 17-36, and Page 4, lines 1-10, delete

- (1) Battery in the first degree, § 5-13-201;
- (2) Battery in the second degree, § 5-13-202;
- (3) Aggravated assault, § 5-13-204;
- (4) Terroristic threatening in the first degree, § 5-13-301;
- ~~(5) Kidnapping, § 5-11-102;~~
- ~~(6)~~(5) False imprisonment in the first degree, § 5-11-103;
- ~~(7)~~(6) Permanent detention or restraint, § 5-11-106;
- ~~(8) Rape, § 5-14-103;~~
- ~~(9) Sexual assault in the first degree, § 5-14-124;~~
- ~~(10)~~(7) Sexual assault in the second degree, § 5-14-125;
- ~~(11)~~(8) Sexual assault in the third degree, § 5-14-126;
- ~~(12)~~(9) Sexual assault in the fourth degree, § 5-14-127;
- ~~(13)~~(10) Incest, § 5-26-202;
- ~~(14)~~(11) Endangering the welfare of a minor in the first degree, § 5-27-

205;

~~(15)~~(12) Permitting abuse of a minor, § 5-27-221~~(a)(1) and (3)~~;
~~(16)~~(13) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;
~~(17)~~(14) Transportation of minors for prohibited sexual conduct, § 5-27-305;
~~(18)~~(15) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;
~~(19)~~(16) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
~~(20)~~(17) Computer child pornography, § 5-27-603;
~~(21)~~(18) Computer exploitation of a child in the first degree, § 5-27-605; and
~~(22)~~(19) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any offense listed in this subsection, §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401."

and substitute

"(1) Battery in the first degree, § 5-13-201;
 (2) Battery in the second degree, § 5-13-202;
 (3) Aggravated assault, § 5-13-204;
 (4) Terroristic threatening in the first degree, § 5-13-301;
 (5) Kidnapping, § 5-11-102;
 (6) False imprisonment in the first degree, § 5-11-103;
 (7) Permanent detention or restraint, § 5-11-106;
~~(8) Rape, § 5-14-103;~~
~~(9)~~(8) Sexual assault in the first degree, § 5-14-124;
~~(10)~~(9) Sexual assault in the second degree, § 5-14-125;
~~(11)~~(10) Sexual assault in the third degree, § 5-14-126;
~~(12)~~(11) Sexual assault in the fourth degree, § 5-14-127;
~~(13)~~(12) Incest, § 5-26-202;
~~(14)~~(13) Endangering the welfare of a minor in the first degree, § 5-27-205;
~~(15)~~(14) Permitting abuse of a minor, § 5-27-221~~(a)(1) and (3)~~;
~~(16)~~(15) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;
~~(17)~~(16) Transportation of minors for prohibited sexual conduct, § 5-27-305;
~~(18)~~(17) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;

~~(19)~~(18) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;

~~(20)~~(19) Computer child pornography, § 5-27-603;

~~(21)~~(20) Computer exploitation of a child in the first degree, § 5-27-605; and

~~(22)~~(21) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any offense listed in this subsection, §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401."

/s/ Dawn Creekmore

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hyde, **HOUSE BILL NO. 1215** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1215

Amend **HOUSE BILL NO. 1215** as originally introduced:

Page 2, lines 3-7, delete "(c) For a violation of an ordinance regulating or forbidding the unsafe discharge of a firearm, a city of the first class may impose penalties consistent with an unclassified misdemeanor under § 5-1-107, including incarceration not exceeding ninety (90) days or a fine not exceeding ten thousand dollars (\$10,000), or both." and substitute

"(c) For a violation of an ordinance regulating or forbidding the unsafe discharge of a firearm, a municipal corporation may impose penalties consistent with an unclassified misdemeanor under § 5-1-107, including incarceration not exceeding ninety (90) days or a fine not exceeding ten thousand dollars (\$10,000), or both."

/s/ Barry Hyde

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hall, **HOUSE BILL NO. 1148** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1148

Amend **HOUSE BILL NO. 1148** as engrossed,

H1/27/09 (version: 01-27-2009 08:35):

Page 1, line 10, delete "HARVEST" entirely

AND

Delete the subtitle in its entirety and substitute:

"TO AUTHORIZE THE STATE HIGHWAY
COMMISSION TO ISSUE A SPECIAL PERMIT
THAT ALLOWS VEHICLES TRANSPORTING
CERTAIN PRODUCTS TO EXCEED MAXIMUM
WEIGHT ALLOWANCES."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 27-35-210, concerning permits for special cargoes, is amended to add an additional subsection to read as follows:

(m)(1) After proper application and the payment of a fee of twenty-five dollars (\$25.00), the State Highway Commission shall issue a one-year special permit to the owner or operator of a five-axle vehicle hauling agricultural cotton seed.

(2)(A) The permit allows the vehicle to operate on state highways at a weight that does not exceed five percent (5%) of its authorized tandem or axle weight under § 27-35-203.

(B) However, the maximum gross vehicle weight of any vehicle operating with the permit shall not exceed eighty-four thousand pounds (84,000 lbs.)."

/s/ Clark Hall

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cole, HOUSE BILL NO. 1239 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1239

Amend HOUSE BILL NO. 1239 as originally introduced:

Page 1, line 36, delete "and other" and substitute "and for the noncommercial hauling of other"

AND

Page 3, line 27, delete "and other" and substitute "and for the noncommercial hauling of other"

/s/ Steve Cole

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

WILHELMINA LEWELLEN, CHAIRMAN

January 30, 2009

The following bill(s) reported correctly engrossed:

- HOUSE BILL NO. 1034 - TITLE - BY REPRESENTATIVE COOK
- HOUSE BILL NO. 1058 - TITLE - BY REPRESENTATIVE D. CREEKMORE
- HOUSE BILL NO. 1116 BY REPRESENTATIVE ADCOCK
- HOUSE BILL NO. 1133 BY REPRESENTATIVE BLOUNT
- HOUSE BILL NO. 1148 - TITLE - BY REPRESENTATIVE HALL
- HOUSE BILL NO. 1215 BY REPRESENTATIVE HYDE
- HOUSE BILL NO. 1239 BY REPRESENTATIVE COLE

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1034

BY: REPRESENTATIVES COOK, ABERNATHY, M. BURRIS, GEORGE, RAINEY,
J. ROEBUCK, *BETTS, DALE, PERRY, G. SMITH, WAGNER*

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO STRENGTHEN THE
SYSTEM OF ARKANSAS EDUCATIONAL LEADERSHIP DEVELOPMENT; AND
FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1058

BY: REPRESENTATIVE D. CREEKMORE

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO REMOVE THE
STATUTE OF LIMITATIONS FOR THE OFFENSE OF RAPE; AND FOR OTHER
PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1148

BY: REPRESENTATIVE HALL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE
STATE HIGHWAY COMMISSION TO ISSUE A SPECIAL PERMIT THAT ALLOWS
VEHICLES TRANSPORTING CERTAIN PRODUCTS TO EXCEED MAXIMUM
WEIGHT ALLOWANCES; AND FOR OTHER PURPOSES.

Morning Hour Expired.

HOUSE BILL NO. 1250

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, 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, 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	99
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: King.	
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 BILL NO. 1033

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, Cooper, 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, 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: Hall, King.	
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 BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1033 BY REPRESENTATIVE HARRELSON
HOUSE BILL NO. 1250 BY REPRESENTATIVE ABERNATHY

HOUSE BILL NO. 1277

BY: REPRESENTATIVE INGRAM

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF THE ARKANSAS TAX PROCEDURE ACT TO ALLOW DISCLOSURE TO THE OFFICE OF A STANDING CHAPTER 13 BANKRUPTCY TRUSTEE WHETHER OR NOT A TAXPAYER FILED STATE TAX RETURNS FOR THE FOUR YEARS PRIOR TO THE DATE OF THE FILING OF THE CHAPTER 13 BANKRUPTCY PETITION; 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. 1278

BY: REPRESENTATIVE RAGLAND

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE ARKANSAS PUBLIC SERVICE COMMISSION TO CONSIDER, DEVELOP, SOLICIT, MEASURES BY PUBLIC UTILITIES THAT ENCOURAGE AND CONSERVE ENERGY; 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 Speaker Robbie Wills, the House adjourned at 10:13 a.m. until 1:30 p.m., Monday, February 2, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

