

FIFTY-EIGHTH DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas  
March 6, 2007

The House was called to order at 1:30 p.m. by Mr. Petrus, the Speaker. The following members answered to the roll call:

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

Total .....99

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

Total .....1

A quorum was present.

Unanimous leave was granted for Representative(s) T. Bradford.

The House stood and was led in prayer by Dr. David Mitchell, Pastor, First Baptist Church, Monticello, 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

March 6, 2007

## EDUCATION

BILL ABERNATHY

VICE-CHAIRPERSON

HOUSE BILL NO. 1508

DO PASS

BY REPRESENTATIVE SAUNDERS

HOUSE BILL NO. 1563

DO PASS

BY REPRESENTATIVE PICKETT

HOUSE BILL NO. 2245

DO PASS

BY REPRESENTATIVE FLOWERS

HOUSE BILL NO. 2299

DO PASS

BY REPRESENTATIVE BREEDLOVE

HOUSE BILL NO. 2398

DO PASS

BY REPRESENTATIVE BURRIS

AS AMENDED #1

HOUSE RESOLUTION NO. 1021

DO PASS

BY REPRESENTATIVE WALTERS

HOUSE CONCURRENT

RESOLUTION NO. 1019

DO PASS

BY REPRESENTATIVE PICKETT

HOUSE CONCURRENT

RESOLUTION NO. 1020

DO PASS

BY REPRESENTATIVE WALTERS

HOUSE CONCURRENT

RESOLUTION NO. 1023

DO PASS

BY REPRESENTATIVE KENNEY

HOUSE CONCURRENT

RESOLUTION NO. 1024

DO PASS

BY REPRESENTATIVE KENNEY

HOUSE CONCURRENT

RESOLUTION NO. 1025

DO PASS

BY REPRESENTATIVE KENNEY

HOUSE CONCURRENT

RESOLUTION NO. 1026

DO PASS

BY REPRESENTATIVE KENNEY

HOUSE CONCURRENT

RESOLUTION NO. 1027

DO PASS

BY REPRESENTATIVE KENNEY

COMMITTEE REPORT CONTINUED

HOUSE CONCURRENT

RESOLUTION NO. 1028

DO PASS

BY REPRESENTATIVE KENNEY

COMMITTEE REPORT

March 6, 2007

JUDICIARY

ROBERT N. JEFFREY

CHAIRPERSON

HOUSE BILL NO. 1130

DO PASS, TO CONCUR IN

BY REPRESENTATIVE HARRELSON

SENATE AMENDMENT #1

HOUSE BILL NO. 2258

DO PASS

BY REPRESENTATIVE E. BROWN

HOUSE BILL NO. 2286

DO PASS

BY REPRESENTATIVE PENNARTZ

HOUSE BILL NO. 2294

DO PASS

BY REPRESENTATIVE OVERBEY

COMMITTEE REPORT

	March 6, 2007
PUBLIC HEALTH, WELFARE AND LABOR	EDDIE COOPER CHAIRPERSON
HOUSE BILL NO. 2026 BY REPRESENTATIVE S. PRATER	DO PASS
HOUSE BILL NO. 2232 BY REPRESENTATIVE S. PRATER	DO PASS
HOUSE BILL NO. 2275 BY REPRESENTATIVE D. EVANS	DO PASS
HOUSE BILL NO. 2305 BY REPRESENTATIVE PACE	DO PASS
HOUSE BILL NO. 2333 BY REPRESENTATIVE ALLEN	DO PASS
HOUSE BILL NO. 2376 BY REPRESENTATIVE E. BROWN	DO PASS
HOUSE CONCURRENT RESOLUTION NO. 1030 BY REPRESENTATIVE RAINEY	DO PASS
SENATE BILL NO. 266 BY SENATOR SALMON	DO PASS AS AMENDED #1
SENATE BILL NO. 331 BY REPRESENTATIVE R. THOMPSON	DO PASS

COMMITTEE REPORT

	March 6, 2007
PUBLIC TRANSPORTATION	ROBBIE WILLS
	CHAIRPERSON
HOUSE BILL NO. 1206	DO PASS, TO CONCUR
BY REPRESENTATIVE DUNN	IN SENATE AMENDMENT #1
HOUSE BILL NO. 2227	DO PASS
BY REPRESENTATIVE J. ROEBUCK	
HOUSE BILL NO. 2240	DO PASS
BY REPRESENTATIVE PIERCE	
HOUSE BILL NO. 2346	DO PASS
BY REPRESENTATIVE WILLS	
HOUSE BILL NO. 2393	DO PASS
BY REPRESENTATIVE PIERCE	

COMMITTEE REPORT

	March 6, 2007
REVENUE AND TAXATION	KEVEN ANDERSON
	CHAIRPERSON
HOUSE BILL NO. 1223	DO PASS
BY REPRESENTATIVE ANDERSON	
HOUSE BILL NO. 2226	DO PASS
BY REPRESENTATIVE ROGERS	
HOUSE BILL NO. 2283	DO PASS
BY REPRESENTATIVE REYNOLDS	
SENATE BILL NO. 308	DO PASS
BY SENATOR CRITCHER	

COMMITTEE REPORT

	March 6, 2007
JOINT BUDGET	CHRIS THYER
	CHAIRPERSON
SENATE BILL NO. 259	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 261	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

	March 6, 2007
JOINT COMMITTEE ON PUBLIC	ERIC HARRIS
RETIREMENT AND SOCIAL	VICE-CHAIRPERSON
SECURITY PROGRAMS	
HOUSE BILL NO. 1188	DO PASS
BY REPRESENTATIVE HARRIS	
HOUSE BILL NO. 1189	DO PASS
BY REPRESENTATIVE HARRIS	
HOUSE BILL NO. 1191	DO PASS
BY REPRESENTATIVE HARRIS	

Upon motion of Representative Pennartz, **HOUSE BILL NO. 2401** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2401

Amend **HOUSE BILL NO. 2401** as originally introduced:

Add Representative Wood as cosponsor

/s/ Tracy Pennartz

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Rosenbaum, **HOUSE BILL NO. 1657** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1657**

Amend **HOUSE BILL NO. 1657** as originally introduced:

Page 1, delete lines 28 and 29 and substitute:

"except a company excluded from the definition of "public utility" under § 23-1-101(9)(B)(ii), a consolidated utility district under § 14-217-101 et seq., and a water or light commission under § 14-201-101 et seq."

/s/ Sid Rosenbaum

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative L. Smith, **HOUSE BILL NO. 2244** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2244**

Amend **HOUSE BILL NO. 2244** as originally introduced:

Page 1, delete lines 32 and 33, and substitute

"(b)(1) This fund shall consist of the proceeds of the stabilization tax as specified in § 11-10-706(f), any interest"

AND

Page 2, delete lines 14 and 15, and substitute

"(b)(1) This fund shall consist of the proceeds of the stabilization tax as specified in § 11-10-706(f), any"

/s/ Lindsley Smith

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Hardwick, **HOUSE BILL NO. 2046** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2046**

Amend **HOUSE BILL NO. 2046** as originally introduced:

Page 1, line 30, delete "\$10,000,000" and substitute "\$12,000,000".

/s/ Horace Hardwick

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Woods, **HOUSE BILL NO. 2120** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2120**

Amend **HOUSE BILL NO. 2120** as originally introduced:

Remove Representatives Breedlove and Reynolds as cosponsors of the bill

/s/ Jon Woods

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Pate, **HOUSE BILL NO. 1714** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1714**

Amend **HOUSE BILL NO. 1714** as originally introduced:

Page 1, line 31, delete "or any incompetent person"

AND

Page 1, line 32, delete "or incompetent person"

AND

Page 1, line 35, delete "or incompetent person"

AND

Page 1, line 36, delete "minor or" and substitute "minor"

AND

Page 2, delete line 1, and substitute "; or"

AND

Page 2, line 7, delete "or incompetent person"

AND

Page 2, line 12, delete "minor or" and substitute "minor"

AND

Page 2, line 13, delete "incompetent person"

AND

Page 2, line 16, delete "or incompetent person"

AND

Page 2, line 19, delete "or incompetent person"

/s/ Mark Pate

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Moore, **HOUSE BILL NO. 1471** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1471**

Amend **HOUSE BILL NO. 1471** as originally introduced:

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code § 20-77-306 is amended to read as follows:

20-77-306. Liability of third parties to Department of Health and Human Services.

~~All parties who were legally liable for any or part of any medical cost of an injury, disease, disability, or condition requiring medical treatment for which the Medicaid program, established by § 20-77-102 has paid, or has assumed liability to pay, shall be liable to the Department of Human Services for the amount of their liability to the extent that the department has paid or agreed to pay.~~

(a) As used in this section:

(1) "Health insurer" means a commercial insurance company offering health or casualty insurance to individuals or groups including without limitation experience-rated insurance contracts and indemnity contracts that offer the following:

(A) Automobile insurance, including casualty, medical payment, uninsured motorist bodily injury coverage, and underinsured benefits except benefits payable for or limited under the terms of the policy to property damage or wrongful death;

(B) A group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq., as it existed on January 1, 2007;

(C) A health care plan as defined in § 23-76-102, or similar laws of another state;

(D) A health maintenance organization;

(E) A liability insurance plan;

(F) A hospital and medical service corporation as defined in § 23-75-101;

(G) A managed care organization;

(H) A company that offers or administers health or casualty insurance to individuals or groups;

(I) A profit or nonprofit prepaid plan offering either medical services or full or partial payment for services that are reimbursed by Medicaid;

(J) An organization administering health or casualty insurance

plans, including self-insured and self-funded plans;

(K) Other parties that are by statute, contract, or agreement, legally responsible for payment of a health care item or service;

(L) A pharmacy benefits manager; and

(M) Workers' compensation;

(2) "Medicaid" means the medical assistance program established under § 20-77-101 et seq.; and

(3) "Third party" means an individual, an entity, or a program that is or may be liable to pay all or part of the expenditures for Medicaid services furnished by the Medicaid.

(b) A third party or health insurer that is legally liable for any medical cost of an injury, disease, disability, or condition requiring medical treatment for which Medicaid has paid, or has assumed liability to pay, shall be liable to reimburse Medicaid the lesser of:

(1) The difference between:

(A) The amount previously paid in good faith by a third party or health insurer to a recipient or health care provider for the medical cost of an injury, a disease, a disability; and

(B) The full amount of the liability of the third party or health insurer; or

(2) The full amount paid by Medicaid for the medical cost of an injury, a disease, or a disability.

(c) Upon request of the Department of Health and Human Services, a health insurer doing business in this state shall provide the department with eligibility and coverage information that will enable the department to determine:

(1) Which Medicaid recipients may be or may have been covered by the third party or health insurer;

(2) The period of the coverage;

(3) The coverage; and

(4) The name, address, and identifying number of the plan.

(d) A health insurer shall:

(1) Accept Medicaid's right of recovery and the assignment to Medicaid of the right of a Medicaid recipient or other entity for payment from the health insurer or a third party for an item or a service for which Medicaid has made payment;

(2) Subject to the time limits imposed under subdivision (d)(3) of this section and subsection (f) of this section, process and, if appropriate, pay Medicaid reimbursement claims to the same extent that the plan would have been liable had it

been properly billed at the point of sale; and

(3) Agree not to deny claims submitted by the department based on a failure to:

(A) Present proper documentation of coverage at the point of sale; or

(B) The date of submission of the claim if the claim is submitted within three (3) years from the date on which the claimed item or service was furnished.

(e) The assignment to Medicaid of the right of a Medicaid recipient or other entity for payment from the third party or health insurer for an item or a service for which Medicaid has made payment occurs at the time the recipient requests an item or a service.

(f)(1) A health insurer shall respond to any inquiry by the department regarding claims submitted within three (3) years after the date on which the item or service was furnished.

(2) The department shall begin an action to enforce Medicaid's rights with respect to a claim within six (6) years of the department's submission of the claim.

(g) Nothing in this subchapter requires a health insurer to reimburse Medicaid for items or services that Medicaid does not or did not cover for the recipient.

(h)(1) The department shall adopt rules necessary to implement this subchapter.

(2)(A) The rules shall:

(i) Conform to the Administrative Procedure Act.

(ii) Include provisions for contractual agreements between the department and health insurers specifying the procedures for data exchanges made under this subchapter."

/s/ Robert Moore

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Petrus, **HOUSE BILL NO. 2384** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 2384**

Amend **HOUSE BILL NO. 2384** as engrossed,

H3/5/07 (version: 03-05-2007 08:58):

Page 1, delete line 12 and substitute the following:

“FROM INITIATED ACT 1 OF 1988, INITIATED ACT 1 OF 1990, AND INITIATED ACT 1”

AND

Page 3, delete lines 28 through 30 and substitute the following:

“(ii) A donation made under subdivision (g)(4)(C)(i) of this section shall not exceed two hundred fifty dollars (\$250).

“(iii) A donation under subdivision (g)(4)(C)(i) of this section shall not count toward the campaign contribution limitations established under subsections (a) and (b) of this section.”

AND

Page 8, line 36, delete “have” and substitute “have direct or indirect”

AND

Page 9, line 36, delete “organization” and substitute “organization or a member of the employee’s immediate family”

AND

Page 10, line 14, delete “denied” and substitute “approved”

AND

Page 16, line 34, delete “funds” and substitute “funds or receiving other funds through a state agency”

AND

Page 17, line 3, delete “funds” and substitute “funds or receiving other funds through a state agency”

AND

Page 20, line 20, delete “public agency.” and substitute “public agency, another related entity.”

/s/ Benny Petrus

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

/s/ Ms. Jo Renshaw

Chief Clerk

ENGROSSED BILL REPORTS

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BENNY C. PETRUS, CHAIRMAN

March 6, 2007

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1471                    BY REPRESENTATIVE MOORE  
 HOUSE BILL NO. 1657                    BY REPRESENTATIVE ROSENBAUM, ET AL  
 HOUSE BILL NO. 1714                    BY REPRESENTATIVE PATE  
 HOUSE BILL NO. 2046                    BY REPRESENTATIVE HARDWICK  
 HOUSE BILL NO. 2120 - TITLE - BY REPRESENTATIVE WOODS, ET AL  
 HOUSE BILL NO. 2244                    BY REPRESENTATIVE L. SMITH  
 HOUSE BILL NO. 2384 - TITLE - BY REPRESENTATIVE PETRUS, ET AL  
 HOUSE BILL NO. 2401 - TITLE - BY REPRESENTATIVE PENNARTZ, ET AL  
 SENATE BILL NO. 390                    BY SENATOR J. TAYLOR

HOUSE BILL ENGROSSED AS TITLE AMENDED  
 HOUSE BILL NO. 2120

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BY: REPRESENTATIVES WOODS, GREENBERG, BURKES, GARNER, R. GREEN, HARRIS, D. HUTCHINSON, KEY, KING, PYLE, WALTERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THAT A VOTER PROVIDE PROOF OF IDENTITY WHEN VOTING; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
 HOUSE BILL NO. 2384

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BY: REPRESENTATIVES PETRUS, THYER

A BILL FOR AN ACT TO BE ENTITLED AN ACT REVISING VARIOUS PROVISIONS OF ARKANSAS LAW PERTAINING TO ETHICS AND CAMPAIGN FINANCE; AMENDING PORTIONS OF ARKANSAS CODE WHICH RESULTED FROM INITIATED ACT 1 OF 1988, INITIATED ACT 1 OF 1990, AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2401

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BY: REPRESENTATIVES PENNARTZ, STEWART, WOOD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW RETIRED MEMBERS OF THE UNITED STATES ARMED FORCES TO OBTAIN A SPECIAL LICENSE PLATE FOR THE FEE REQUIRED BY LAW FOR THE REGISTRATION AND LICENSING OF A MOTOR VEHICLE; AND FOR OTHER PURPOSES.

Upon motion of Representative Rosenbaum, **SENATE BILL NO. 390** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 390**

Amend **SENATE BILL NO. 390** as originally introduced:

Page 2, delete line 5 and substitute:

"(a) The executive heads of each of the educational, charitable,"

AND

Page 2, delete lines 14, 15 and 16

AND

Page 3, line 5, delete the word "certificate" and substitute "~~certificate~~ letter"

AND

Page 3, line 25, delete the word "Executive"

AND

Page 3, line 26, add the words "and Training" immediately following "Standards"

AND

Page 4, line 5, delete "area"

AND

Page 4, line 6, delete "of"

AND

Page 4, line 10, delete "area of"

AND

Page 4, line 19, delete "area of"

/s/ Pam Adcock

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Morning Hour Expired.

HOUSE BILL NO. 2238

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BY: REPRESENTATIVE PYLE

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

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

Total .....91

NEGATIVE: Woods.

Total .....1

ABSENT OR NOT VOTING: Adcock, T. Bradford, Chesterfield, S. Dobbins, Garner, M. Martin, Pace, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....91

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

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

HOUSE BILL NO. 1570

BY: REPRESENTATIVE HALL

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

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

Total .....88

NEGATIVE: Bond, Davenport, Hoyt, W. Lewellen.

Total .....4

ABSENT OR NOT VOTING: T. Bradford, Chesterfield, D. Hutchinson, Pate, Pickett, Sample, Sumpter, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative.....88

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

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

Upon Motion of Representative Thyer **HOUSE BILL NO. 1104** will be recalled from the Senate. Motion carried.

STATE OF ARKANSAS

*House of Representatives*

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

**BENNY C. PETRUS, SPEAKER**

**TIM MASSANELLI, PARLIAMENTARIAN**

**JO RENSHAW, CHIEF CLERK**

March 6, 2007

The Honorable Ann Cornwell  
Secretary of the State  
State Capitol  
Little Rock, AR 72201

Dear Ms. Cornwell:

The House of Representatives respectfully requests the return to the House, of  
**HOUSE BILL NO. 1104.**

Respectfully submitted,

Jo Renshaw  
Chief Clerk, House of Representatives

HOUSE BILL NO. 1232

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BY: REPRESENTATIVE HARRIS

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

AFFIRMATIVE: Anderson, E. Brown, Burkes, Cooper, Cornwell, Davenport, L. Evans, Flowers, Garner, Gaskill, Glidewell, Greenberg, Hall, Hardwick, Harris, Jeffrey, D. Johnson, Kenney, Key, Kidd, King, Lamoureux, Lovell, Maloch, M. Martin, Medley, Pace, Ragland, Rosenbaum, Sample, L. Smith, Sullivan, Thyer, Webb, Wood, Woods, Wyatt.

Total .....37

NEGATIVE: Abernathy, Adcock, Allen, T. Baker, Berry, Blount, Bond, Breedlove, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, D. Creekmore, S. Dobbins, Dunn, Edwards, D. Evans, George, R. Green, Hardy, Harrelson, Hawkins, House, Hoyt, D. Hutchinson, J. Johnson, W. Lewellen, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Schulte, Shelby, Stewart, Sumpter, Wagner, Walters, Wells, Wills.

Total .....48

ABSENT OR NOT VOTING: T. Bradford, L. Cowling, Davis, Dickinson, Everett, Hyde, Maxwell, Norton, Overbey, S. Prater, Rogers, Mr. Speaker.

Total .....12

VOTING PRESENT: Lowery, Moore, Saunders.

Total .....3

Total number of votes cast .....88

Total number voting in the affirmative .....37

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

So the Bill failed.

SENATE BILL NO. 203

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

Total .....84

NEGATIVE: R. Green.

Total .....1

ABSENT OR NOT VOTING: T. Baker, T. Bradford, Cheatham, Cooper, Gaskill, Hall, Hardy, D. Hutchinson, Kenney, Maxwell, Pace, S. Prater, Pyle, Reep, Mr. Speaker.

Total .....15

VOTING PRESENT:

Total .....0

Total number of votes cast .....85

Total number voting in the affirmative .....84

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

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

SENATE BILL NO. 298

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BY: SENATOR BISBEE

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, Anderson, Berry, Blount, Breedlove, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, D. Creekmore, Davis, Dickinson, L. Evans, Garner, Glidewell, R. Green, Greenberg, Hardwick, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Medley, Norton, Pace, Patterson, Pennartz, Pickett, Pierce, Pyle, Ragland, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Shelby, Sullivan, Sumpter, Thyer, Webb, Wood, Woods, Wyatt.

Total .....59

NEGATIVE: Allen, T. Baker, Bond, E. Brown, Cooper, Cornwell, Davenport, Dunn, Edwards, D. Evans, Everett, Hall, Hardy, Harrelson, D. Johnson, Lowery, M. Martin, Moore, Pate, Powers, Reep, L. Smith, Stewart, Wagner, Wills.

Total .....25

ABSENT OR NOT VOTING: T. Bradford, Chesterfield, L. Cowling, S. Dobbins, Gaskill, George, Maloch, Maxwell, Overbey, S. Prater, Saunders, Schulte, Walters, Wells, Mr. Speaker.

Total .....15

VOTING PRESENT: Flowers.

Total .....1

Total number of votes cast.....85

Total number voting in the affirmative .....59

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

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

Upon motion of Representative Medley the Clincher motion prevailed.

Representative Cook moved to re-refer **SENATE BILL NO. 217** back to the Committee on Education. Motion carried.

SENATE BILL NO. 191

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BY: SENATOR STEELE

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

Total .....85

NEGATIVE: Anderson, Berry, Burkes, Garner, Glidewell, Greenberg, Key, King, M. Martin, Pace, Woods.

Total .....11

ABSENT OR NOT VOTING: T. Bradford, Maxwell, Norton, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast.....96

Total number voting in the affirmative .....85

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

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

Upon motion of Representative E. Brown the Clincher motion prevailed.

There being an Emergency Clause attached to **SENATE BILL NO. 191**, 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, Blount, Bond, Breedlove, E. Brown, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Gaskill, George, R. Green, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Kidd, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, Medley, Moore, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Wyatt.

Total .....85

NEGATIVE: Anderson, Berry, Burkes, Garner, Glidewell, Greenberg, Key, King, M. Martin, Pace, Woods.

Total .....11

ABSENT OR NOT VOTING: T. Bradford, Maxwell, Norton, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast .....96

Total number voting in the affirmative .....85

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

So the Emergency Clause was adopted.

Upon motion of Representative E. Brown the Clincher motion prevailed.

Representative Harris moved that the record by which **SENATE BILL NO. 39** passed be expunged from the record, which motion prevailed by more than 67 votes.

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

Total .....85

NEGATIVE: S. Dobbins, Hardy, Hyde, Lowery, Pickett.

Total .....5

ABSENT OR NOT VOTING: Allen, Berry, T. Bradford, Maxwell, Pace, Pate, Rainey, Reynolds, Sumpter, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

Total number voting in the affirmative .....85

Necessary to the adoption of the motion.....67

So the Motion was adopted.

Representative Harris moved to re-refer **SENATE BILL NO. 39** back to the Joint Committee on Public Retirement and Social Security Programs. Motion carried.

Representative Cooper made note to the Assembly that **HOUSE BILL NO. 2300** had been challenged in the Public Health, Welfare, and Labor Committee as improperly introduced by Representative S. Prater. Representative Cooper referred the challenge to Speaker Petrus and Speaker Petrus referred the challenge to the Rules Committee. Representative Dunn, the Chairman of the Rules Committee, announced that the Committee will meet after the adjournment Thursday, March 8, 2007, for a special order of business to make a decision.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1570 BY REPRESENTATIVE HALL  
 HOUSE BILL NO. 2238 BY REPRESENTATIVE PYLE

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

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SENATE BILL NO. 191 BY SENATOR STEELE  
 AS AMENDED #1, 2, & 3  
 SENATE BILL NO. 203 BY SENATOR MADISON  
 AS AMENDED #1  
 SENATE BILL NO. 298 BY SENATOR BISBEE  
 AS AMENDED #1

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

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HOUSE BILL NO. 1128 BY REPRESENTATIVE ROSENBAUM  
 HOUSE BILL NO. 1401 BY REPRESENTATIVE ROSENBAUM  
 HOUSE BILL NO. 1469 BY REPRESENTATIVE STEWART  
 HOUSE BILL NO. 1479 BY REPRESENTATIVE WAGNER  
 AS AMENDED #1  
 HOUSE BILL NO. 1566 BY REPRESENTATIVE KEY  
 HOUSE BILL NO. 1619 BY REPRESENTATIVE BURRIS  
 AS AMENDED #1  
 HOUSE BILL NO. 1620 BY REPRESENTATIVE BURRIS  
 AS AMENDED #1  
 HOUSE BILL NO. 1632 BY REPRESENTATIVE KENNEY  
 AS AMENDED #1, 2, & 3  
 HOUSE BILL NO. 1633 BY REPRESENTATIVE KENNEY  
 AS AMENDED #1 & 2

NOTICE OF RETURN OF HOUSE BILL

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HOUSE BILL NO. 1104 BY REPRESENTATIVE THYER

ARKANSAS SENATE  
SENATE BILLS RECEIVED FROM SENATE

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SENATE BILL NO. 206 BY SEANTOR G. JEFFRESS  
SENATE BILL NO. 261 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 305 BY SENATOR BISBEE  
SENATE BILL NO. 805 BY SENATOR T. SMITH

ARKANSAS SENATE  
HOUSE CONCURRENT RESOLUTIONS CONCURRED IN  
AND RETURNED TO THE HOUSE

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HOUSE CONCURRENT  
RESOLUTION NO. 1018 BY REPRESENTATIVE PETRUS

ARKANSAS SENATE  
SENATE CONCURRENT RESOLUTIONS ADOPTED AND  
TRANSMITTED TO THE HOUSE

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SENATE CONCURRENT  
RESOLUTION NO. 9 BY SENATOR FARIS

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

March 6, 2007

MR. SPEAKER:

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

HOUSE BILL NO. 1362 BY REPRESENTATIVES HARRELSON, WALTERS  
HOUSE BILL NO. 1368 BY REPRESENTATIVE DUNN  
HOUSE BILL NO. 1378 BY REPRESENTATIVE MALOCH  
HOUSE BILL NO. 1423 BY REPRESENTATIVE KEY  
HOUSE BILL NO. 1444 BY REPRESENTATIVE ALLEN  
HOUSE BILL NO. 1460 BY REPRESENTATIVE PICKETT  
HOUSE BILL NO. 1475 BY REPRESENTATIVE POWERS  
HOUSE BILL NO. 1489 BY REPRESENTATIVE COOPER, ET AL  
HOUSE BILL NO. 1492 BY REPRESENTATIVE MALOCH  
HOUSE BILL NO. 1502 BY REPRESENTATIVE PYLE, ET AL  
HOUSE BILL NO. 1523 BY REPRESENTATIVE WALTERS  
HOUSE BILL NO. 1931 BY JOINT BUDGET COMMITTEE

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 10:05 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Benny C. Petrus, Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1362 BY REPRESENTATIVES HARRELSON, WALTERS  
HOUSE BILL NO. 1368 BY REPRESENTATIVE DUNN  
HOUSE BILL NO. 1378 BY REPRESENTATIVE MALOCH  
HOUSE BILL NO. 1423 BY REPRESENTATIVE KEY  
HOUSE BILL NO. 1444 BY REPRESENTATIVE ALLEN  
HOUSE BILL NO. 1460 BY REPRESENTATIVE PICKETT  
HOUSE BILL NO. 1475 BY REPRESENTATIVE POWERS  
HOUSE BILL NO. 1489 BY REPRESENTATIVE COOPER, ET AL  
HOUSE BILL NO. 1492 BY REPRESENTATIVE MALOCH  
HOUSE BILL NO. 1502 BY REPRESENTATIVE PYLE, ET AL  
HOUSE BILL NO. 1523 BY REPRESENTATIVE WALTERS  
HOUSE BILL NO. 1931 BY JOINT BUDGET COMMITTEE

/s/ Mike Beebe - Governor

TIME: 10:05 a.m.

By: Sarah Agee

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

---

Little Rock, Arkansas

March 6, 2007

MR. SPEAKER:

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

HOUSE CONCURRENT

RESOLUTION NO. 1018 BY REPRESENTATIVE PETRUS

HOUSE BILL NO. 1128 BY REPRESENTATIVE ROSENBAUM

HOUSE BILL NO. 1401 BY REPRESENTATIVE ROSENBAUM

HOUSE BILL NO. 1469 BY REPRESENTATIVES STEWART, ROEBUCK

HOUSE BILL NO. 1566 BY REPRESENTATIVE KEY

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 4:20 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Benny C. Petrus, Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE CONCURRENT

RESOLUTION NO. 1018 BY REPRESENTATIVE PETRUS

HOUSE BILL NO. 1128 BY REPRESENTATIVE ROSENBAUM

HOUSE BILL NO. 1401 BY REPRESENTATIVE ROSENBAUM

HOUSE BILL NO. 1469 BY REPRESENTATIVES STEWART, ROEBUCK

HOUSE BILL NO. 1566 BY REPRESENTATIVE KEY

/s/ Mike Beebe - Governor

TIME: 4:20 p.m.

By: Sarah Agee

**STATE OF ARKANSAS**

MIKE BEEBE  
GOVERNOR

March 5, 2007

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on March 5, 2007, I approved the following measures from the Regular Session of the Eighty-sixth General Assembly:

HOUSE BILL NO. 1004 - ACT 200	HOUSE BILL NO. 1448 - ACT 208
HOUSE BILL NO. 1173 - ACT 201	HOUSE BILL NO. 1449 - ACT 209
HOUSE BILL NO. 1197 - ACT 202	HOUSE BILL NO. 1458 - ACT 210
HOUSE BILL NO. 1289 - ACT 203	HOUSE BILL NO. 1486 - ACT 211
HOUSE BILL NO. 1310 - ACT 204	HOUSE BILL NO. 1498 - ACT 212
HOUSE BILL NO. 1434 - ACT 205	HOUSE BILL NO. 1507 - ACT 213
HOUSE BILL NO. 1435 - ACT 206	HOUSE BILL NO. 1510 - ACT 214
HOUSE BILL NO. 1436 - ACT 207	HOUSE BILL NO. 1526 - ACT 215

Sincerely,

/s/ Mike Beebe

**STATE OF ARKANSAS**

MIKE BEEBE  
GOVERNOR

March 6, 2007

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on March 6, 2007, I approved the following measures from the Regular Session of the Eighty-sixth General Assembly:

HOUSE BILL NO 1068 - ACT 217

HOUSE BILL NO. 1484 - ACT 218

Sincerely,

*/s/* Mike Beebe

STATE OF ARKANSAS

*HOUSE OF REPRESENTATIVES*

March 6, 2007

To Whom It May Concern:

I am writing this letter in regards to my Yes Vote on **SENATE BILL NO. 298**. It was my intention to vote No on this Bill and it is my recollection that I incorrectly pressed the Yes button. Let it be known that it was my intention to vote No for **SENATE BILL NO. 298**.

Sincerely,

Betty Pickett  
State Representative

BP:jb

**SENATE BILL NO. 206**

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**BY: SENATOR G. JEFFRESS**

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO REGULATE OIL PRODUCTION; TO LIMIT COMPENSATION FOR SPILL DAMAGES TO THE SURFACE ESTATE; AND FOR OTHER PURPOSES.*

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

**SENATE BILL NO. 261**

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**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

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

**SENATE BILL NO. 305**

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**BY: SENATOR BISBEE****BY: REPRESENTATIVE COOK**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO STREAMLINE THE PROCESS FOR ARKANSAS NONTRADITIONAL LICENSURE CERTIFICATION FOR TEACHERS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 805

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BY: SENATOR T. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURES CONCERNING THE NONCONSENSUAL TOWING OF A VEHICLE; AND FOR OTHER PURPOSES.

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

SENATE CONCURRENT RESOLUTION NO. 9

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BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED COMMENDING MR. FRED JACKSON OF MALVERN, ARKANSAS UPON HIS RETIREMENT.

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.

Upon motion of Representative David Evans, the House adjourned at 2:20 p.m. until 1:30 p.m., Wednesday, March 7, 2007.

ATTEST:

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Benny C. Petrus  
Speaker of the House of Representatives

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Jo Renshaw  
Chief Clerk