

**THIRTY-SIXTH DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES**

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Little Rock, Arkansas

February 14, 2011

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

Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total .....93

The following member(s) was absent and did not answer to the roll call:  
Baker, Carter, Hutchinson, King, Lea.

Total .....5

A quorum was present.

Unanimous leave was granted for Representative(s) Baker, Carter, Lea, Hutchinson, King.

The House stood and was led in prayer by John A. Fleming, Pastor, First United Baptist Church, Sheridan, 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

	February 14, 2011
AGRICULTURE, FORESTRY	JERRY R. BROWN
AND ECONOMIC DEVELOPMENT	CHAIRPERSON
HOUSE RESOLUTION NO. 1012	DO PASS
BY REPRESENTATIVE BROWN	

COMMITTEE REPORT

	February 14, 2011
JOINT COMMITTEE ON PUBLIC RETIREMENT	LES CARNINE
AND SOCIAL SECURITY PROGRAMS	CHAIRPERSON
HOUSE BILL NO. 1111	DO PASS
BY REPRESENTATIVE STEWART	

COMMITTEE REPORT

	February 14, 2011
JOINT COMMITTEE ON PUBLIC RETIREMENT	BUTCH WILKINS
AND SOCIAL SECURITY PROGRAMS	VICE-CHAIRPERSON
HOUSE BILL NO. 1212	DO PASS
BY REPRESENTATIVE CARNINE	

Upon motion of Representative Catlett, **HOUSE BILL NO. 1316** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1316

Amend **HOUSE BILL NO. 1316** as originally introduced:

Page 1, delete line 28 and substitute the following "and decoding police department, ~~and fire department,~~ or Department of Health communications that have been"

/s/ John W. Catlett

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

/s/ Mrs. Sherri Stacks  
Chief Clerk

Upon motion of Representative Stewart, **HOUSE BILL NO. 1207** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 4 TO HOUSE BILL NO. 1207**

Amend **HOUSE BILL NO. 1207** as engrossed,  
H2/3/11 (version: 02/03/2011 09:14:21 AM)

Page 1, delete lines 19 and 20 and substitute:

"SECTION 1. Arkansas Code § 5-71-230(a), regarding the definition of "funeral", is amended to read as follows:

(a) As used in this section:

(1)(A) "Funeral" means a ceremony or memorial service held in connection with the burial or cremation of a person who has died in which funeral attendees have a personal stake in memorializing and honoring the dead and desire to be able to mourn in peace during the ceremony or memorial service.

B) "Funeral" does not include a procession related to the funeral on the roads, streets, sidewalks, or other public places that are beyond the distance limit as described in subdivision (b)(3)(A) of this section; and

(2) "Picket" means to engage in the activity of protesting or demonstrating to target a funeral."

SECTION 2. Arkansas Code § 5-71-230(b), regarding the distance from which a person may protest a funeral, is amended to read as follows:"

AND

Immediately following Section 2, add an additional section to read as follows:

"SECTION 3. Arkansas Code § 5-71-230(c), regarding the penalty for violating the protection of the peace for mourning at a funeral, is amended to read as follows:

(c) If available, a law enforcement agency may provide any protester with assistance in locating a protest site that would comply with this section.

~~(c)(1)~~(d)(1) Violation of the protection of the peace for mourning at a funeral is a Class C misdemeanor.

(2) A person commits a separate offense for each funeral that the person pickets in violation of this section."

/s/ Randy Stewart

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

/s/ Mrs. Sherri Stacks  
Chief Clerk

Upon motion of Representative Jean, **HOUSE BILL NO. 1052** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1052**

Amend **HOUSE BILL NO. 1052** as originally introduced:

Add Representatives D. Altes, Baird, Barnett, Bell, Benedict, Biviano, T. Bradford, J. Burris, Carnine, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Dale, Deffenbaugh, J. Dickinson, J. Edwards, English, Eubanks, Fielding, Garner, Gillam, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, D. Hutchinson, Kerr, King, Lampkin, Lea, Linck, Lindsey, Love, S. Malone, Mauch, Mayberry, D. Meeks, S. Meeks, Patterson, Ratliff, Rice, Sanders, Shepherd, Slinkard, G. Smith, Stewart, Stubblefield, Summers, Vines, Wardlaw, Westerman, Woods, Wren, Wright as cosponsors of the bill

AND

Add Senator M. Lamoureux as a cosponsor of the bill

/s/ Lane Jean

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

/s/ Mrs. Sherri Stacks

Chief Clerk

Upon motion of Representative Garner, **HOUSE BILL NO. 1002** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1002**

Amend **HOUSE BILL NO. 1002** as originally introduced:

Add Representatives Sanders, Allen, D. Altes, Baird, Barnett, Bell, Benedict, Biviano, Branscum, J. Burris, Carnine, Carter, Clemmer, Collins, Collins-Smith, Dale, Deffenbaugh, English, Eubanks, Gaskill, Gillam, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, D. Hutchinson, Hyde, Jean, Kerr, King, Lampkin, Lea, Linck, S. Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Patterson, Pennartz, Post, Rice, J. Roebuck, Shepherd, Slinkard, G. Smith, T. Steele, Stewart, Stubblefield, Summers, T. Thompson, Wardlaw, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright as cosponsors of the bill

AND

Add Senators J. Dismang, J. Key, Irvin, Bledsoe, Holland, J. Hutchinson, B. Pritchard, Rapert as cosponsors of the bill

/s/ Ed Garner

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

/s/ Mrs. Sherri Stacks  
Chief Clerk

#### ENGROSSED BILL REPORTS

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DENNY ALTES, CHAIRPERSON

February 14, 2011

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1002 - TITLE - BY REPRESENTATIVE GARNER

HOUSE BILL NO. 1052 - TITLE - BY REPRESENTATIVE JEAN

HOUSE BILL NO. 1207 - TITLE - BY REPRESENTATIVE STEWART

HOUSE BILL NO. 1316 - TITLE - BY REPRESENTATIVE CATLETT

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1002

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BY: REPRESENTATIVES GARNER, SANDERS, ALLEN, D. ALTES, BAIRD, BARNETT, BELL, BENEDICT, BIVIANO, BRANSCUM, J. BURRIS, CARNINE, CARTER, CLEMMER, COLLINS, COLLINS-SMITH, DALE, DEFFENBAUGH, ENGLISH, EUBANKS, GASKILL, GILLAM, HAMMER, HARRIS, HICKERSON, HOBBS, HOPPER, HUBBARD, D. HUTCHINSON, HYDE, JEAN, KERR, KING, LAMPKIN, LEA, LINCK, S. MALONE, MAUCH, MAYBERRY, MCCRARY, MCLEAN, D. MEEKS, S. MEEKS, MURDOCK, PATTERSON, PENNARTZ, POST, RICE, J. ROEBUCK, SHEPHERD, SLINKARD, G. SMITH, T. STEELE, STEWART, STUBBLEFIELD, SUMMERS, T. THOMPSON, WARDLAW, WESTERMAN, B. WILKINS, H. WILKINS, WILLIAMS, WOODS, WORD, WREN, WRIGHT  
BY: SENATORS J. DISMANG, J. KEY, IRVIN, BLEDSOE, HOLLAND, J. HUTCHINSON, B. PRITCHARD, RAPERT

AN ACT TO CREATE THE ARKANSAS CAPITAL GAINS REDUCTION ACT OF 2011; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1052

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BY: REPRESENTATIVES JEAN, D. ALTES, BAIRD, BARNETT, BELL, BENEDICT, BIVIANO, T. BRADFORD, J. BURRIS, CARNINE, CATLETT, CHEATHAM, CLEMMER, COLLINS, COLLINS-SMITH, DALE, DEFFENBAUGH, J. DICKINSON, J. EDWARDS, ENGLISH, EUBANKS, FIELDING, GARNER, GILLAM, HAMMER, HARRIS, HICKERSON, HOBBS, HOPPER, HUBBARD, D. HUTCHINSON, KERR, KING, LAMPKIN, LEA, LINCK, LINDSEY, LOVE, S. MALONE, MAUCH, MAYBERRY, D. MEEKS, S. MEEKS, PATTERSON, RATLIFF, RICE, SANDERS, SHEPHERD, SLINKARD, G. SMITH, STEWART, STUBBLEFIELD, SUMMERS, VINES, WARDLAW, WESTERMAN, WOODS, WREN, WRIGHT  
BY: SENATOR M. LAMOUREUX

AN ACT TO DECREASE THE SALES AND USE TAX ON NATURAL GAS AND ELECTRICITY USED BY MANUFACTURERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1207

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BY: REPRESENTATIVES STEWART, HAMMER, T. THOMPSON, *J. EDWARDS*  
AN ACT TO AMEND THE DISTANCE FROM WHICH A PERSON CAN  
PROTEST A FUNERAL; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1316

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BY: REPRESENTATIVE CATLETT  
AN ACT TO ALLOW THE ARKANSAS DEPARTMENT OF HEALTH TO  
UTILIZE RADIO ENCRYPTION TO PROTECT CONFIDENTIAL PATIENT DATA;  
AND FOR OTHER PURPOSES.

Morning Hour Expired.

Representative Hyde moved to pass over **HOUSE BILL NO. 1302**. Motion carried.

HOUSE BILL NO. 1321

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BY: REPRESENTATIVE TYLER

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

AFFIRMATIVE: Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....90

NEGATIVE: Walker.

Total .....1

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Wardlaw, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast .....91

Total number voting in the affirmative .....90

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

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

Upon motion by Representative Tyler the Clincher motion prevailed.

HOUSE BILL NO. 1323

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**BY: REPRESENTATIVE BENEDICT**

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: Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Baker, Carnine, Carter, English, Hutchinson, King, Lea, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

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

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

Upon motion of Representative Benedict the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1323**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Baker, Carnine, Carter, English, Hutchinson, King, Lea, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

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

So the Emergency Clause was adopted.

Upon motion by Representative Benedict the Clincher motion prevailed.

HOUSE BILL NO. 1385

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**BY: REPRESENTATIVE ALLEN**

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

AFFIRMATIVE: Allen, Biviano, Bradford, Brown, Cheatham, Collins-Smith, Cowling, Dickinson, Edwards, Elliott, Fielding, Gaskill, Hall, Hickerson, Hyde, Ingram, Kerr, Lampkin, Leding, Lenderman, Love, Lovell, Mayberry, McCrary, McLean, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Ratliff, Roebuck, Rogers, G. Smith, Steel, Steele, Stewart, Summers, Thompson, Tyler, Walker, Webb, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....52

NEGATIVE: Altes, Baird, Barnett, Bell, Benedict, Branscum, Burris, Carnine, Catlett, Clemmer, Collins, Dale, Deffenbaugh, English, Eubanks, Garner, Gillam, Hammer, Harris, Hobbs, Hopper, Hubbard, Jean, Johnston, Linck, Lindsey, Malone, Mauch, D. Meeks, S. Meeks, Rice, Sanders, Shepherd, Slinkard, Stubblefield, Vines, Wagner, Wardlaw, Westerman.

Total .....39

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Post, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast .....91

Total number voting in the affirmative .....52

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

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

Upon motion by Representative Allen the Clincher prevailed.

HOUSE BILL NO. 1303

BY: REPRESENTATIVE LENDERMAN

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: Allen, Altes, Baird, Barnett, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, Eubanks, Garner, Gaskill, Gillam, Hall, Hammer, Hickerson, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Lovell, Mayberry, McCrary, McLean, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....79

NEGATIVE: Bell, Collins, English, Fielding, Harris, Hobbs, Love, Malone, Mauch, D. Meeks, S. Meeks.

Total .....11

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Rice, Mr. Speaker.

Total .....7

VOTING PRESENT: Clemmer.

Total .....1

Total number of votes cast.....91

Total number voting in the affirmative .....79

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

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

Upon motion of Representative Lenderman the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1303**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Allen, Altes, Baird, Barnett, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, Eubanks, Garner, Gaskill, Gillam, Hall, Hammer, Hickerson, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Lovell, Mayberry, McCrary, McLean, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....79

NEGATIVE: Bell, Collins, English, Fielding, Harris, Hobbs, Love, Malone, Mauch, D. Meeks, S. Meeks.

Total .....11

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Rice, Mr. Speaker.

Total .....7

VOTING PRESENT: Clemmer.

Total .....1

Total number of votes cast .....91

Total number voting in the affirmative .....79

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

So the Emergency Clause was adopted.

Upon motion by Representative Lenderman the Clincher motion prevailed.

HOUSE BILL NO. 1306

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BY: REPRESENTATIVE WEBB

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

AFFIRMATIVE: Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative.....92

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

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

Representative Carine moved to pass over **SENATE BILL NO. 183**. Motion carried.

SENATE BILL NO. 172

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BY: SENATOR J. KEY

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: Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....92

Total number voting in the affirmative .....92

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 **SENATE BILL NO. 172**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Allen, Altes, Baird, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Carnine, Catlett, Cheatham, Clemmer, Collins, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hopper, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, H. Wilkins, Williams, Woods, Word, Wren, Wright.

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Baker, Carter, Hutchinson, King, Lea, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

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

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1018	BY REPRESENTATIVE KERR
HOUSE BILL NO. 1061	BY REPRESENTATIVE SANDERS
HOUSE BILL NO. 1235	BY REPRESENTATIVE ALLEN
HOUSE BILL NO. 1254	BY REPRESENTATIVE WEBB
HOUSE BILL NO. 1255	BY REPRESENTATIVE JEAN
HOUSE BILL NO. 1280	BY REPRESENTATIVE LEDING
HOUSE BILL NO. 1287	BY REPRESENTATIVE T. BRADFORD
HOUSE BILL NO. 1298	BY REPRESENTATIVE J. ROEBUCK
HOUSE BILL NO. 1299	BY REPRESENTATIVE LOVELL
HOUSE BILL NO. 1301	BY REPRESENTATIVE HYDE
HOUSE BILL NO. 1303	BY REPRESENTATIVE LENDERMAN
HOUSE BILL NO. 1306	BY REPRESENTATIVE WEBB
HOUSE BILL NO. 1313	BY REPRESENTATIVE L. COWLING
HOUSE BILL NO. 1317	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1319	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1320	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1321	BY REPRESENTATIVE TYLER
HOUSE BILL NO. 1323	BY REPRESENTATIVE BENEDICT
HOUSE BILL NO. 1326	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1330	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1331	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1334	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1335	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1336	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1337	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1338	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1339	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1341	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1342	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1343	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1344	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1346	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1349	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1350	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1385	BY REPRESENTATIVE ALLEN

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND  
ORDERED TRANSMITTED TO THE SENATE

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HOUSE CONCURRENT  
RESOLUTION NO. 1005                      BY REPRESENTATIVE INGRAM

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

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SENATE BILL NO. 172                      BY SENATOR J. KEY  
SENATE BILL NO. 194  
AS AMENDED #1                      BY SENATOR BOOKOUT

SENATE CONCURRENT RESOLUTIONS CONCURRED IN  
AND ORDERED RETURNED TO THE SENATE

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SENATE CONCURRENT  
RESOLUTION NO. 1                      BY SENATOR BOOKOUT

ARKANSAS SENATE  
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

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HOUSE BILL NO. 1004                      BY REPRESENTATIVE J. EDWARDS  
HOUSE BILL NO. 1224                      BY REPRESENTATIVE STEWART  
HOUSE BILL NO. 1282  
AS AMENDED #1                      BY REPRESENTATIVE DALE

ARKANSAS SENATE  
SENATE BILLS RECEIVED FROM SENATE

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SENATE BILL NO. 61	BY SENATOR MADISON
SENATE BILL NO. 115	BY SENATOR B. SAMPLE
SENATE BILL NO. 130	BY SENATOR P. MALONE
SENATE BILL NO. 156	BY SENATOR BURNETT
SENATE BILL NO. 168	BY SENATOR D. JOHNSON
SENATE BILL NO. 175	BY SENATOR J. DISMANG
SENATE BILL NO. 176	BY SENATOR J. DISMANG
SENATE BILL NO. 177	BY SENATOR J. DISMANG
SENATE BILL NO. 178	BY SENATOR J. DISMANG
SENATE BILL NO. 182	BY SENATOR B. SAMPLE
SENATE BILL NO. 196	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 215	BY SENATOR HENDREN
SENATE BILL NO. 223	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 224	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 225	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 230	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 231	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 232	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 233	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 235	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 236	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 237	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 238	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 239	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 240	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 241	BY JOINT BUDGET COMMITTEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

February 14, 2011

MR. SPEAKER:

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

HOUSE BILL NO. 1004 BY REPRESENTATIVE EDWARDS

HOUSE BILL NO. 1224 BY REPRESENTATIVE STEWART

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 4:45 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Denny Altes,  
Chairperson

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1004 BY REPRESENTATIVE EDWARDS

HOUSE BILL NO. 1224 BY REPRESENTATIVE STEWART

/s/ Mike Beebe - Governor

TIME: 4:45 p.m.

By: Rebecca Rains

**STATE OF ARKANSAS**

MIKE BEEBE

GOVERNOR

February 11, 2011

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on February 11, 2011, I approved the following measures from the Regular Session of the Eighty-eighth General Assembly:

**HOUSE CONCURRENT RESOLUTION NO. 1003**

HOUSE BILL NO. 1065 - ACT 21

HOUSE BILL NO. 1141 - ACT 29

HOUSE BILL NO. 1069 - ACT 22

HOUSE BILL NO. 1156 - ACT 30

HOUSE BILL NO. 1070 - ACT 23

HOUSE BILL NO. 1269 - ACT 31

HOUSE BILL NO. 1071 - ACT 24

HOUSE BILL NO. 1270 - ACT 32

HOUSE BILL NO. 1074 - ACT 25

HOUSE BILL NO. 1272 - ACT 33

HOUSE BILL NO. 1088 - ACT 26

HOUSE BILL NO. 1273 - ACT 34

HOUSE BILL NO. 1101 - ACT 27

HOUSE BILL NO. 1275 - ACT 35

HOUSE BILL NO. 1104 - ACT 28

Sincerely,

/s/ Mike Beebe

STATE CAPITOL, SUITE 250 • LITTLE ROCK, AR 72201

TELEPHONE (501) 682-2345 • FAX (501) 682-1382

INTERNET WEB SITE • [www.governor.arkansas.gov](http://www.governor.arkansas.gov)

HOUSE BILL NO. 1391

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BY: REPRESENTATIVE HAMMER

BY: SENATOR J. HUTCHINSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENHANCE THE PENALTIES FOR THEFT OF COPPER; 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. 1392

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BY: REPRESENTATIVE WEBB

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A PROGRAM FOR ANNUAL INSPECTION OF GAS WELLS TO ACCOUNT FOR THE USE OF AND EFFECTS OF CHEMICALS USED IN THE DRILLING PROCESS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

HOUSE BILL NO. 1393

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BY: REPRESENTATIVE WEBB

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT ARKANSANS FROM LONG-TERM TOXINS BY REQUIRING BONDS FOR GAS DRILLING OPERATIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1394**

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**BY: REPRESENTATIVE WEBB**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT ARKANSAS' WATER IN AREAS AFFECTED BY GAS DRILLING OPERATIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1395**

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**BY: REPRESENTATIVE WEBB**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT AIR QUALITY IN THE VICINITY OF NATURAL GAS DRILLING FIELDS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1396**

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**BY: REPRESENTATIVE WEBB**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE FULL DISCLOSURE REGARDING NATURAL GAS DRILLING CHEMICALS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

HOUSE BILL NO. 1397

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BY: REPRESENTATIVE INGRAM

BY: SENATOR FILES

A BILL FOR AN ACT TO BE ENTITLED ACT TO PROMOTE ECONOMIC DEVELOPMENT WITHIN THE STATE BY EXEMPTING FROM THE STATE SALES AND USE TAX FUEL AND ENERGY USED OR CONSUMED IN MANUFACTURING; TO DECLARE AND EMERGENCY; 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. 1398

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BY: REPRESENTATIVE B. WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND REQUIREMENTS FOR NOTICE OF CERTAIN INCIDENTS AT LONG-TERM CARE FACILITIES; TO REMOVE FINES FOR VIOLATIONS BY INDIVIDUALS; 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. 1399

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BY: REPRESENTATIVES PIERCE, WEBB

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE RURAL GOOD NEIGHBOR ACT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1400**

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**BY: REPRESENTATIVES PIERCE, WEBB**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE LANDOWNERS' BILL OF RIGHTS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time, and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

**HOUSE BILL NO. 1401**

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**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 CORRECTION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; 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. 1402**

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**BY: REPRESENTATIVE ENGLISH**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO HONOR ARKANSANS WHO HAVE GIVEN THEIR LIVES IN THE WAR ON TERROR; TO RENAME NATURE CENTERS AND STATE PARKS FOR FALLEN SERVICE PERSONNEL; AND FOR OTHER PURPOSES.

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 BILL NO. 1403

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BY: REPRESENTATIVE ENGLISH

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE TIME FOR PAYMENT OF ANNUAL ASSESSMENTS IN FIRE PROTECTION DISTRICTS; 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 RESOLUTION NO. 1013

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BY: REPRESENTATIVES T. STEELE, FIELDING

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO COMMEMORATE DAISY GATSON BATES ON MONDAY, FEBRUARY 21, 2011.

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. 61

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BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING CRIMINAL PENALTIES FOR THE POSSESSION OF CERTAIN PROHIBITED WEAPONS; 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. 115**

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**BY: SENATORS B. SAMPLE, RAPERT, J. TAYLOR, D. WYATT**

**BY: REPRESENTATIVE MAUCH**

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING THE REGULATION OF FIREARMS BY A LOCAL GOVERNMENT; 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.

**SENATE BILL NO. 130**

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**BY: SENATOR P. MALONE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF PHARMACISTS TO PROVIDE VACCINES AND IMMUNIZATIONS AND TO ADMINISTER CERTAIN MEDICATIONS; 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.

**SENATE BILL NO. 156**

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**BY: SENATOR BURNETT**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY WHO IS ELIGIBLE TO ADMINISTER AN OATH OF OFFICE; 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.

SENATE BILL NO. 168

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BY: SENATOR D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT ELIMINATING THE AUTHORIZED PROBATION OFFICER FROM THE FOURTH DIVISION OF THE CIRCUIT COURTS OF THE SIXTH JUDICIAL DISTRICT; 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. 175

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BY: SENATOR J. DISMANG

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING THE CARRYING OF A BAIL BOND LICENSE; 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. 176

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BY: SENATOR J. DISMANG

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING THE NOTICE GIVEN UPON ISSUANCE OF A BAIL BOND LICENSE; 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. 177**

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**BY: SENATOR J. DISMANG**

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING UNPAID BOND FORFEITURE JUDGMENT LIMITS; 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. 178**

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**BY: SENATOR J. DISMANG**

A BILL FOR AN ACT TO BE ENTITLED AN ACT REGARDING THE ADMINISTRATIVE PENALTY ISSUED BY 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 JUDICIARY.

**SENATE BILL NO. 182**

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**BY: SENATOR B. SAMPLE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ARKANSAS STATE POLICE REGARDING USED MOTOR VEHICLE DEALERS; TO CLARIFY THAT A DESIGNATED EMPLOYEE OF THE DEPARTMENT OF ARKANSAS STATE POLICE MAY INSPECT RECORDS OF USED MOTOR VEHICLE DEALERS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 215

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BY: SENATOR HENDREN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE COVERS FOR LOADS OF SAND, GRAVEL, AND ROCK; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Fred Allen, the House adjourned at 4:28 p.m. until 1:30 p.m., Tuesday, February 15, 2011.

ATTEST:

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Robert S. Moore, Jr.  
Speaker of the House of Representatives

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Sherri Stacks  
Chief Clerk